

**APPEAL BY MR JONES AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISISON FOR A TWO-STOREY, THREE BEDROOMED DETACHED HOUSE**

<b><u>Application Number</u></b>	<b>15/00579/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused by delegated authority on 14<sup>th</sup> September 2015</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Costs Decision</u></b>	<b>Refused</b>
<b><u>Date of Decisions</u></b>	<b>28<sup>th</sup> January 2016</b>

**The Appeal Decision**

The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the street scene and the wider Area of Landscape Restoration (ALR).

In dismissing the planning appeal the Inspector made the following comments:

- Dales Green is a ribbon of predominantly residential development extending northwards until it joins the settlement of Mow Cop. There is no overall cohesive character with the dwellings varying in age and design, though for the most part they are modest detached and semi-detached houses and bungalows. The front building alignment varies and the proposed dwelling would be set on a similar line to the adjoining bungalows at 16A and 16B.
- However, the bulk and mass of the proposed house would be much greater than the single storey buildings to either side. Although the view of the site in the street scene is partially obscured in the approach northwards up Dales Green Road by the adjoining single storey agricultural buildings, once in view it would appear to dominate the adjoining bungalows. Similarly, looking down Dales Green Road, the proposed dwelling would appear to overwhelm the smaller neighbouring dwellings. The Inspector considered that it would be an obtrusive feature which would not sit comfortably in the street scene.
- The visual harm would be compounded by the fact that the proposed house would be built right up to the boundary with the farm access so that there would be nothing to alleviate the imposing flank wall on this side of the house. To the other side there would be a timber sleeper retaining wall and a path only 1m wide so that, with the bulk and mass of the dwelling, it would appear cramped on the plot.
- The Inspector agreed that there would be harm to the street scene, but did not agree there would be harm to the wider landscape. The Council has not objected to the principle of an infill house on this plot, or identified longer views in which the proposed house would have an adverse visual effect.
- The Inspector concluded that the proposed development would be detrimental to the character and appearance of the street scene in Dales Green Road. As such it would not accord with policy CSP1 of the Core Spatial Strategy 2006-2026 (adopted 2009) which, among other things, requires that new development should be well designed to respect the character, identity and context of the townscape, or policy R3 of the Newcastle under Lyme and Stoke on Trent Urban Design Supplementary Planning Document 2010 (SPD) which states that new housing must relate well to its surroundings.

**Costs Decision**

In refusing the costs appeal, the Inspector made the following comments:

- The Planning Practice Guidance (Practice Guidance) advises that parties in an appeal normally meet their own expenses, but where a party has behaved

unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.

- The appellant claims that the only discussion with the Council during the application process was one exchange of emails. The Council emailed the agent on 17 August 2015 with an explanation of why the submitted scheme was considered to be unacceptable and likely to be refused. The agent responded on 1 September 2015 with a detailed response to the points raised, but the scheme was not amended. The Council subsequently refused the application on 14 September 2015.
- The appellant claimed it unreasonable for the Case Officer to not have a direct dial number. The Inspector did not consider that it was unreasonable of the Council not to provide a direct dial number for the case officer. It seems to be the established system at the planning department that few officers have direct dial numbers and that all calls are routed through the customer service advisers. There is no evidence which shows that the appellant was treated differently from other applicants or was unable to speak to the case officer prior to the application being determined or the appeal submitted as a result of not having a direct number.
- The Council accepted several of the appellant's arguments regarding its objections to the scheme as, for example, the application was not refused on Green Belt grounds, the proximity to the agricultural buildings or because of the size of the private amenity space. Although some of the comments from the Council appeared to question the principle of development, contrary to the appellant's assertion it was made plain that it was considered that a bungalow may be more appropriate.
- The Council's email states that *'The 2001 permission, whilst expired and made 5 years ago under a different development plan and national policies, was for outline permission for a bungalow, which would be more appropriate given the context of the site'*. However the reply to the Council's concerns about the size of the dwelling and its visual impact indicated that the appellant did not agree with the Council's assessment of the scheme in this regard.
- While the fact that the Council did not respond to the offer of further discussion about the scheme may have been frustrating for the appellant, LPA's are required to try to deal with applications in a timely manner. The Inspector did not consider that it was unreasonable of the Council to have proceeded to determine the application having given the appellant an opportunity to amend the scheme, but receiving a response that the appellant did not agree with the concerns.
- Following refusal of the application, there is no evidence that the appellant tried, unsuccessfully, to have further discussion with Council about an amended scheme before the appeal was submitted. Therefore, the Inspector does not consider that it can be said that the Council *'has denied us the opportunity to establish the extent of the issues dividing on this proposal'* or unreasonably delayed the development.
- The Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated and that an award of costs is not justified.

### **Recommendation**

That the decisions be noted.