

**APPEAL BY MR I SNAITH AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A NEW DETACHED DWELLING, DOUBLE GARAGE, ALTERATION TO VEHICULAR SITE ACCESS, FORMATION OF NEW DRIVEWAY AT RED GATES, HADDON LANE, CHAPEL CHORLTON**

<b><u>Application Number</u></b>	<b>15/00878/FUL</b>
<b><u>Recommendation</u></b>	<b>Refusal</b>
<b><u>LPA's Decision</u></b>	<b>Refused by Planning Committee 10<sup>th</sup> November 2016</b>
<b><u>Appeal Decision</u></b>	<b>Allowed</b>
<b><u>Date of Appeal Decision</u></b>	<b>19<sup>th</sup> July 2016</b>

In allowing the appeal, the Inspector found the main issue to be the effect of the proposed dwelling on the character and appearance of the area. The Borough Council had refused the application on the grounds that the design of the proposed dwelling, by reason of its scale, would have a harmful impact on the character of the area and the quality of the landscape.

Her reasoning is as follows

- The site is the large side garden of Red Gates which is a bungalow situated within a long ribbon development of other dwellings in an area designated in the Local Development Framework Proposals Map as an Area of Landscape Maintenance. Outline planning permission for a dwelling on the site was granted in 2015.
- Dwellings along Haddon Lane are of mixed age, size, design and height and the Lane is therefore characterised by a wide variety of dwellings with no architectural uniformity. The site contains a mature copper beech tree which is subject to a Tree Preservation Order (TPO) and the proposed house would be sited away from the tree to avoid harm to it.
- Although set at a slightly lower level than the dwellings on either side, the proposed dwelling would have a similar ridge height to that of the adjacent two-storey house. It would be larger than its immediate neighbours but as nearby dwellings are of mixed sizes, this difference would not look out of place.
- The main 2-storey part of the dwelling would be set back from the front elevations of the adjacent dwellings. Policy R5 of Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document indicates that buildings should define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area. However, the street does not have a strong building line and therefore, the proposed siting would not be out of character with the surrounding development pattern. The proposed double garage would be set roughly mid-way between the building lines of the neighbouring dwellings and would be some distance from the road and therefore it would not be dominant against other development. Overall, the proposed development would not look out of keeping or dominant within the street-scene.
- In conclusion the proposed dwelling would not harm the character and appearance of the area. Consequently, she finds conflict with Local Plan Policies N17 and N19 which jointly indicate that development should be sympathetic to landscape character and maintain the high quality and characteristic landscapes in Landscape Maintenance Areas; and CSP1 of the Core Spatial Strategy which seeks to ensure that new development should respect the character, identity and context of the townscape and landscape. Neither is there conflict with the National Planning Policy Framework which promotes good design and reinforces local distinctiveness

In considering what conditions the permission should be subject to the Inspector rejects a suggestion from the Council that permitted development rights should be removed noting that the Planning Practice Guidance (PPG) advises against such conditions except in exceptional circumstances and no such circumstances had been advanced. She notes that the extant outline permission is subject to an occupancy condition to ensure that the existing bungalow would continue to be occupied by the mother of the appellant. The Council's position was that the personal needs of the appellant outweighed the unsustainable location of the site, hence the imposition of this condition. In response to the Council's suggestion that the condition

should be re-imposed on this new permission the Inspector noting that the suggested condition is worded so that its requirements would last for the life of Mrs Snaith indicates that there are 2 main reasons why she considers that she cannot impose such a condition. The first is that she says that she has no substantive evidence that the site is in an unsustainable location and therefore she has insufficient evidence that the condition is necessary. The second is that the condition would serve no planning purpose because after Mrs Snaith dies, the bungalow could be occupied by anyone.

#### **Your Officer's comments**

This appeal was not about the principle of a house on the site, that point having been accepted by the Authority in its decision in 2015 on the outline application. The Inspector took a different view from the Authority on the design of the house and gives reasons for that view. The appeal demonstrates well how at every stage it is necessary for a Local Planning Authority to justify conditions. Whilst the Inspector does refer to "circumstances not having been advanced", and a lack of "substantive evidence" as to the unsustainable nature of the location, which could be perceived as an observation on the content of the Authority's statement of case, her refusal to include the two conditions is also based upon the advice in the Planning Practice Guidance. Any members who may have been supportive of the principle of a house here on the assumption that it would be possible to restrict the use of the existing house to the use which the applicant said at the time it would be put (and which may of course continue to be the case) may wish to note that this position could not be sustained at appeal.

#### **Recommendation**

**That the decision be noted.**