

**APPEAL BY MR N LEESE AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR THE ERECTION OF TWO DETACHED DWELLINGS AT SMITHY COTTAGES, BAR HILL, MADELEY**

<b><u>Application Number</u></b>	<b>16/00226/FUL</b>
<b><u>Recommendation</u></b>	<b>Approval</b>
<b><u>LPA's Decision</u></b>	<b>Refused by Planning Committee 21<sup>st</sup> July 2016</b>
<b><u>Appeal Decision</u></b>	<b>Appeal allowed and planning permission granted</b>
<b><u>Date of Decision</u></b>	<b>12<sup>th</sup> May 2017</b>

The full text of the appeal decision is available to view via the following link  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/16/00226/FUL>

The Inspector found that the main issues were;

- whether the development would preserve or enhance the character or appearance of the Madeley Conservation Area;
- the effect of the development on the setting of the adjacent listed building, Ye Olde House; and
- the effect of the development on the living conditions of the occupants of the neighbouring residential properties, with regard to privacy, sunlight and outlook..

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

*Character and Appearance of the Madeley Conservation Area*

- The Conservation Area (CA) is characterised by its attractive setting around the Pool. The historic centre of Madeley is a single street that borders the Pool and the cluster of lanes and cottages around the church, a Grade I listed building, retains its original character and is described in the Madeley Conservation Area Appraisal and Management Plan (CAAMP) as a high quality environment. The CAAMP goes on to identify a number of key issues in Madeley. One such issue is the protection of the rural landscape around the village especially to the east and south.
- The site represents a significant gap in what is otherwise a well built-up frontage and as such makes a positive contribution to the CA, making a visual transition between the built-form and the nearby fields.
- It is noted that the CAAMP identifies that modern infill developments tend to be detached bungalows or individual houses and whilst they are not architecturally significant, they do not dominate or compete with the historic modest cottages. The proposed two-storey dwellings would be located to the rear of the site, well behind the building lines of Smithy Cottages and Ye Olde House. They would be to the side rather than directly behind Smithy Cottages and therefore would have their own site frontage with the road, albeit it would include a shared access with Smithy Cottages.
- The significant setback position of the dwellings from the road frontage and the trees and planting throughout the site would ensure that they are not prominent in the streetscene. Whilst the height and overall size of the dwellings would be greater than that of Smithy Cottages and Smithy House, enhanced by the difference in ground levels, given their separation from the road they would not detract from the contribution these properties have on the significance of the streetscene and the CA as a whole. Whilst there would be public views of them throughout the CA, including from the nearby Grade I listed church to the north east, these would be only glimpsed views of them behind the more prominent neighbouring properties and existing vegetation. Such limited additional views of the properties from Bar Hill would not have any significant adverse effect on the streetscene.

- The rear of the site is well screened from public views, particularly from the road frontage. Therefore, its contribution to the significance of the CA is limited. As the development would be to the rear of the site, the visual gap between Smithy Cottages and Ye Olde House and the positive contribution it has on the openness of the area would be retained.
- The development of large plots in such sensitive locations can adversely affect the character of an area. However, in this instance, the two plots would be similar in size to others in the locality. Furthermore, the space between the dwellings and the neighbouring plots is also similar to the relationship other dwellings in the locality have with each other, in particularly those to the west, and would not represent overdevelopment of the site.
- The Inspector found therefore that the proposed development would have a neutral effect on, and therefore preserve the character and appearance of the CA.

#### *Setting of Ye Olde House*

- The proposal would be located in the vicinity of Ye Olde House and Bridge Cottage, a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. This is also reflected in paragraph 132 of the Framework.
- The listed building is the oldest residential property in the village. The property was extensively remodelled in the 17th Century and has had a number of additions and alterations.
- As a result of trees, the separation distance between the properties and in part the detached garage, there would be limited intervisibility between Ye Olde House and the two dwellings. Whilst the dwellings would be located close to the boundary, the retained openness of the front section of the site and the extensive garden area to the rear of Ye Olde House would ensure that the spacious setting of the listed building is not over-dominated.
- The Inspector found therefore that the development would preserve the setting of the neighbouring listed building.

#### *Living Conditions*

- The dwellings would be close to the boundaries with the neighbouring properties Smithy House and Ye Olde House. Given the orientation of the dwellings and the window positioning, with the majority of the windows facing north or south, there would not be any significantly harmful overlooking of these properties. Whilst views of the neighbouring gardens could be possible from these windows, such views would be at such an oblique angle that it would not adversely affect the privacy of these gardens. There would be windows on the side elevations however, the Inspector was satisfied that an appropriately worded condition would ensure that these windows are obscure glazed, negating any potential overlooking from them.
- With regard to outlook, the dwellings would be within proximity of the neighbouring gardens. The eastern element of Plot 2 has a lower ridge height than the main element resulting in it being one and a half storey in height. The gable would rise above the boundary, which would be further enhanced by the difference in ground levels between the properties. As a result it would clearly be visible when viewed from the rear garden of Smithy House. However, given the size of the garden, it was not considered that it would have such a significantly harmful overbearing effect that it would materially harm its usability. For the same reason, the Inspector did not find that it would have any significantly harmful effect on the rear garden of Ye Olde House. Furthermore, given the height of the proposed garage and its position in relation to Smithy House and Smithy Cottages, it would not have any significantly harmful overbearing effect.
- Whilst it would also have a shadowing effect on the garden of Smithy House, particularly during late afternoon, given its size, sufficient sunlight would serve the majority of the garden throughout the remainder of the day.

- The Inspector was satisfied that there would be adequate separation distances between the proposed dwellings and Smithy Cottages to ensure that there would not be any adverse overlooking of the amenity space associated with Smithy Cottages.
- The Inspector also had regard to the effect of the development on the living conditions of the occupants of Bridge Cottage, however, given the distance between the properties and the positioning of the dwellings to the north east of Bridge Cottage, did not consider that there would be any significant loss of light into the conservatory.
- It was found therefore that the proposal would not significantly harm the living conditions of the occupants of the neighbouring residential properties, with regard to privacy, sunlight and outlook.

#### **Recommendation**

**That the decision be noted.**