

APPEAL BY MR D CAPODICCI AGAINST THE DECISION OF THE COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE FORMATION OF 9 NEW (NET) DWELLINGS INVOLVING CLEARANCE OF EXISTING SINGLE BUNGALOW AND ERECTION OF BUILDING TO CONTAIN UP TO 10 APARTMENTS ALONG WITH ON SITE PARKING AND SITE ACCESS AT 10 POPLAR AVENUE, CROSS HEATH, NEWCASTLE-UNDER-LYME

<u>Application Number</u>	18/00692/OUT
<u>LPA's Decision</u>	Refused by Planning Committee on 29th January 2019
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	21st November 2019

The Inspector identified the main issues to be;

- the effect of the proposed development on the character and appearance of the appeal site and surrounding area;
- the effect of the proposed development on existing trees; and,
- the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to privacy, outlook and disturbance.

The conclusions of the Inspector are summarised as follows:

- The proposed development would have a materially harmful and unacceptable effect on the character and appearance of the surrounding area. As such, it would be contrary to the design, character and appearance aims Policies of the Local Plan, the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning Document (2010), and the Framework.
- The development would have a harmful effect on existing trees and the proposal thus fails to accord with the amenity and environmental aims of Local Plan Policy N12 and paragraph 170 of the Framework.
- Taking into account the likely size of the proposed development, the anticipated 2-storey construction, the plot size of the site and the adjacent neighbouring properties, the proposal would appear as being unacceptably overbearing, resulting in a loss of privacy to existing neighbouring occupiers.
- The Council raise issues with regards to disturbance through refuse and recycling collection, but on this matter, there is little in the way of evidence to substantiate this assertion.
- The proposed development would significantly harm the living conditions of neighbouring occupiers, with particular regard to privacy and outlook. Consequently, there would be conflict with the living conditions aims of CSS Policy CSP1 and the Framework.
- The social and economic benefits to the area are acknowledged however these are minor factors in favour of the development and do not outweigh the harm identified.

The planning decision setting out the reasons for refusal and the Appeal Decision in full can be viewed via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00692/OUT>

Recommendation

That the appeal decision be noted.