

Appeal Decision

Site visit made on 1 August 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2023

Appeal Ref: APP/C3430/W/23/3317081

1 Filance Lane, Penkridge, Stafford, Staffordshire ST19 5HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Garratt against the decision of South Staffordshire Council.
 - The application Ref 22/01076/FUL, dated 4 April 2022, was refused by notice dated 24 January 2023.
 - The development proposed is for a new dormer bungalow.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located on a prominent corner plot to the side of 1 Filance Lane (No 1). No 1 is a detached dormer bungalow at the end of a row of detached bungalows of similar architectural style. The surrounding area is predominantly residential, consisting mainly of detached and semi-detached bungalows that are set back from the road within established building lines.
4. Whilst plot sizes vary, the end corner plots typically enjoy more generous surrounding space compared to the other dwellings. These spacious corner plots, combined with the existing dwellings being set back from the road, contribute positively to an overall sense of openness in the area.
5. The proposed dormer bungalow would be located significantly closer to the road than the side elevation of No 1 and the front elevation of the neighbouring dwelling at 10 Haling Close. As such, it would project beyond the established building line, and it would uncharacteristically protrude towards the road. This deviation from the established building line would create an abrupt visual interruption, undermining the consistent set back and building line pattern that contributes to the cohesive character of the area.
6. Furthermore, the proposal's side elevation would exhibit a predominantly plain brick appearance, and this sense of blandness would be further accentuated by the inclusion of the proposal's closeboard fencing that would abut the footpath along Haling Close.
7. When observed from Haling Close and from the junction of Filance Road and Haling Close, this additional building would stand out as an incongruous

- structure, disrupting the visual balance and harmony of the existing built form. Additionally, due to the plot's irregular shape, its corner location, and the scale of the development, the proposed development would seem cramped and inconsistent with the existing patterns of development in the surrounding area.
8. Consequently, the presence and massing of the proposed dwelling would be out of keeping with the prevailing pattern of the existing development and would significantly erode the sense of openness of this prominent corner plot.
 9. I acknowledge that the proposed dwelling would be of similar height to the neighbouring bungalow and would include sympathetic detailing and matching materials that could be reasonably secured through the imposition of planning conditions. However, these acceptable aspects would not outweigh the harm identified above.
 10. Although the appellant has submitted visualisations of the proposal, these visualisations only show the alignment of the proposed dwelling with No 1. Thus, it fails to clearly show the proposal's alignment with the neighbouring dwelling at 10 Haling Close and the wider street scene.
 11. While the proposed landscape planting could provide some degree of screening and could be secured by condition, the proposal would nonetheless be highly visible from the surrounding area. This is due to the proposal's positioning on a prominent corner plot and its proximity to the highway. In addition, the proposed planting could not be guaranteed to survive or be maintained in the longer term.
 12. My attention has been drawn to an existing property at 21 Filance Lane. Whilst this property does occupy a corner plot, the side of the property that extends towards the road is a garage that is set back from the main building's front elevation and set down from its ridge height. Therefore, the garage appears subservient to the main building and its footprint is likely to be smaller than the proposal before me. Thus, it is not directly comparable to the current appeal. Its relevance is therefore limited for the purposes of my determination of this appeal.
 13. Though there are some exceptions where development has been constructed deviating from the established building line, the overriding character in the immediate vicinity of the appeal site is predominantly of linear form, set back and fronting the road. Furthermore, I am not fully aware of all the circumstances relating to these other developments. In any event, I have determined this appeal on its own merits and its site-specific characteristics.
 14. For the reasons given, the proposal would have a detrimental effect on the character and appearance of the area. As such, it would fail to accord with Policy EQ11 of the South Staffordshire Core Strategy (2012). Amongst other things, this policy seeks to ensure developments are of high quality that respect the local character and distinctiveness of the area and contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area. The proposal would also conflict with the design objectives of the National Planning Policy Framework, which seeks to ensure developments are sympathetic to local character.
 15. In reaching this conclusion I have had regard to the guidance contained within the Council's South Staffordshire Design Guide (2018), which sets out

principles for good design and seeks to ensure new development respects local character and distinctiveness. For the reasons above, the proposal would be contrary to the Council's Design Guide.

Other Matters

16. The appellant has submitted a signed Unilateral Undertaking dated 21 February 2023 to address the issue of recreation activities on the Cannock Chase Special Area of Conservation. However, given my findings in respect of the character and appearance of the area, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.
17. The proposal would make a small windfall contribution to the delivery of housing for the area on a site that is accessible to local services and facilities. However, these modest benefits would not be sufficient to outweigh the harm I have identified.
18. I acknowledge the representations submitted in support of the proposal, which included the tidying up of the site that is currently unmaintained and considered to be an eyesore. However, none of the evidence before me leads me to a different view.
19. The lack of objections from consultees and the absence of harm in respect of the living conditions of neighbours are neutral factors which do not weigh in favour or against the proposal.

Conclusion

20. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR