



Appeal Decision

Site visit made on 11 April 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Appeal Ref: APP/C3430/W/22/3309251

Hollyhurst, Holly Lane, Cheslyn Hay, Staffordshire WS6 7AR

- 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 & Mrs L James against the decision of South Staffordshire District Council.
 - The application Ref 22/00317/FUL, dated 22 March 2022, was refused by notice dated 4 July 2022.
 - The development proposed is the 'Erection of pair of semi-detached two storey dwellings'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was accompanied by a unilateral undertaking as a planning obligation under s106 of the Town and Country Planning Act 1990. This is a matter I return to below.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the locality.

Reasons

4. The site consists of the further part of the rear garden of Hollyhurst, a detached dwelling within a row of development along the northern side of Holly Lane. The rear boundary fence faces on to The Hollies, a modern development of purposely varied residential houses and flats set behind front gardens and parking spaces.
5. The mixed 2 and 3 storey buildings are set on the outside of the cul-de-sac roadway which skirts the earlier line of housing fronting Holly Lane. On the opposite side of the road, the line of the consecutive rear garden boundary fencing lies behind a grassed verge forming a consistent feature along the southern side of The Hollies streetscene.
6. Beyond the fencing are various established trees and other vegetation which are visible above the height of the fencing. These provide a verdant backdrop to the streetscape and a sense of openness compared to the closely sited buildings set in various plot sizes along the northern side of the roadway.

7. The size of the proposed building would be within the scope of the various sized buildings along The Hollies. It would incorporate design elements found locally and could be constructed utilising a similar palette of external finishes. It would be set behind a parking area in a manner similar to other houses along the northern side of the road.
8. However, between the principal elevation of the building, the entirely paved forecourt with wide dropped kerb crossing, and the enclosing boundary fences along the flanking boundaries, the proposal would introduce a significant amount of additional hard surfacing. This would be in a part of the cul-de-sac where contributory soft landscaping in the streetscene is limited.
9. Notwithstanding the presence of vegetation within the neighbouring gardens, which lies outside of the appellant's control, or that the scheme would introduce a more active frontage, the removal of the existing verge and lack of opportunity to mitigate the stark appearance would not be a positive factor in The Hollies streetscape.
10. I acknowledge that there are examples of ancillary building elements visible within some of the Holly Lane properties. An annex to a restaurant backing on to the head of the cul-de-sac is also visible. However, as subordinate elements to the principal buildings fronting Holly Lane, these enclosed structures are partially screened by the fencing and landscaping within existing plots. They are therefore less imposing compared to the proposed scale and open position of the proposal.
11. In support of the scheme the appellant draws my attention to findings in a previous appeal decision¹ relating to the site. Whilst this principally focussed on the scale of the then proposed dwelling, it nevertheless identified that the proposal would contrast with the arrangement and appearance of development on the southern side of The Hollies, as I have.
12. Additionally, reference is made to a previous approval for development within the neighbouring plot at Woodcroft. However, limited detail of the scheme or the circumstances under which that permission was granted have been provided. I am therefore unable to draw comparisons, or otherwise, to the scheme before me. Accordingly, I do not consider the referenced cases provide a justification for overcoming the harm I have identified.
13. I note the appellant's contention that the dwelling at 3 The Hollies appears as backland development. However, it is integrated with a consistent planned layout to the cul-de-sac development. It is set in a landscaped plot at the head of a shared driveway some distance from the main carriageway. In contrast to the proposal, it therefore appears recessive and has a very limited effect on The Hollies streetscene.
14. For the above reasons, I find that the development would cause significant harm to the character and appearance of the locality. It would conflict with Policy EQ11 in the South Staffordshire Council Core Strategy [2012] as it requires proposals to achieve sustainable designs that take into account local character and distinctiveness and contribute positively to the streetscene.

¹ APP/C3430/W/21/3268918

Other Matters

15. The parking area to the proposed site frontage would provide 2 vehicle spaces for each unit. This would provide sufficient off-street parking to meet current policy requirements. The necessity for a wide vehicular crossing would reduce opportunities to park along the southern side of The Hollies. However, there is little to demonstrate that this would give rise to any notable effects on parking or highway capacity and safety in the locality. This is a view shared by the Council's highway advisor. I note the contention that the crossing would be over third-party land. However, this is a matter between the relevant parties.
16. The appeal site lies close to a European designated site at Cannock Chase Special Area of Conservation and the Cannock Chase Site of Special Scientific Interest. The proposal would have provided for local population increases that, in combination with other new residential development in the area, would likely lead to a significant effect on qualifying features of the designated sites through increased recreational use. Ordinarily a competent authority such as myself would potentially need to carry out an Appropriate Assessment. I also note that the appellant has submitted a legal agreement to address matters of mitigation in that regard. However, as I have found against the appellant on the main issue, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Conclusion

17. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR