

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

15th August 2019

TITLE:	PERFORMANCE ON PLANNING APPEALS
CONTACT:	DEVELOPMENT MANAGEMENT TEAM
WARDS INVOLVED:	ALL

Appendices Attached - None

1. **Reason for the Report:** To inform members of appeals lodged and decided since the last update to the Planning Applications Committee.

2. **Recommendation**

2.1 That the report be noted.

3. **APPEALS LODGED**

None received

4. **APPEAL DECISIONS RECEIVED**

Application No. SMD/2018/0082 & SMD/2018/0780

Location: 9 Hillswood Lodge, The Close, Leek Road, Endon:
Proposal Two Storey side extension

Level and Date of Decision: Committee. 31st August 2018 & 15th February 2019

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 12th June 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: David Fitzsimon

Costs awarded: No

Main Issues:

- The main issues are the effect of the proposal on the living conditions of the occupiers of the nearest dwellings of Hillside Avenue with particular regard to outlook (both cases), along with the effect of the proposal on the character and appearance of the local area (Appeal A).

Conclusions:

The Inspector concluded:

- The extensions proposed in the two cases before me would sit just 3 metres or so from the rear boundary of the appeal site. Even accounting for the flat roof section of the Appeal A proposal, both would be tall two storey structures. Each would span well beyond the full width of the rear garden of No. 3 Hillside Avenue and a large proportion of that of No. 5.
- I am satisfied that the depth of the rear gardens of these dwellings would ensure the proposed extension in each case would not be unduly overbearing when seen from within the bungalows themselves. However, when seen alongside the existing two storey care home and due to their overall scale and proximity to the shared boundary, I consider that the extension in each case would be unduly dominant for occupiers when enjoying their rear gardens.
- the large expanse of flat roof would not materially reduce the dominance of the overall structure, but it would give it a cumbersome appearance, relating poorly to the more traditional design of the host building. Whilst this element of the extension would not be widely visible from the public domain, glimpses of this unsympathetic addition would be possible through the gaps between the bungalows of Hillside Avenue. It would also be clearly visible from the rear gardens of the bungalows themselves.
- the flat roof design of the Appeal A scheme would not respond well to its surroundings and it would harm the well ordered character and appearance of the local area

Officer Comment:

It is very encouraging to see that the Inspector has supported the committee in its decision on both these cases where Members sought to protect the amenity of neighbouring properties and the character and appearance of the area.

Application No. SMD/2018/0325

Location: 2 3 Market Place, Leek, Staffordshire, ST13 5HH.

Proposal: Retrospective permission for the change of the shop frontage at 2 3 Market Place, Leek, Staffordshire, ST13 5HH

Level and Date of Decision: Delegated. 14th August 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 12th June 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: M Savage BSc (hons) MCD MRTPI

Costs awarded: No

Main Issues:

The main issue is whether the proposal would preserve or enhance the character or appearance of the Leek Conservation Area (LCA) and the setting of nearby listed buildings...

Conclusions:

The Inspector concluded:

- Whilst the boards would naturally weather, their position over the black timber painted frontage makes them appear as a temporary feature and lack of detailing is entirely out of keeping with more refined finishes of the surrounding shop fronts. I acknowledge that the appeal building is not listed and itself is not of architectural or historical interest. I also acknowledge that the shop frontage the appeal scheme replaced was not an original Victorian feature. Nevertheless, the shop frontage forms an important part of the overall character and appearance of the area which, prior to the erection of the scaffolding boards, made a positive contribution to the LCA and setting of listed buildings.
- Given the prominent location of the appeal building, the scaffold boards, which are an uncharacteristic and thereby visually discordant, dominant feature in the street scene, unacceptably

diminish the setting of the listed buildings and the historical character of this part of the LCA and fail to accord with The Staffordshire Moorlands Design Guide and Local Plan policy.

Officer Comment:

The Council are committed to being “open for business” and we encourage and welcome new businesses to our town centres but we are equally committed to preserving and enhancing the unique and special character and appearance of our town centres and conservation areas which help to make the Staffordshire Moorlands a great place to live, visit, shop and invest. The Councils planning policies have been carefully drafted to achieve this balance and it is good to see the Planning Inspector acknowledging and supporting these aims and giving weight to our newly adopted Design Guide.

UPDATE: It is noted that the boards have now been removed from the front of the premises.

Application No. SMD/2018/0747

Location: Luzlow Nursery, Luzlow Lane, Bagnall, ST9 9JZ.

Proposal erection of a single storey side extension to create a garage/store

Level and Date of Decision: Delegated. 28th January 2019

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Allowed 16th May 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Jan Hebblethwaite MA Solicitor (non-practising)

Costs awarded: No

Main Issues:

- whether the proposed development is inappropriate development in the Green Belt having regard to the Framework¹ and development plan policies; and
- the relationship of the proposed garage with the existing house by reason of its height, scale and design.

Conclusions:

The Inspector concluded:

- Under the Framework, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework advises that the construction of new buildings should be regarded as inappropriate development but also provides exceptions. One of these is an extension to a building provided that it does not result in a disproportionate addition over and above the size of the original building (Paragraph 145(c)).
- The Framework does not provide a definition of a “disproportionate addition” to a building for the obvious reason that any addition must be compared to the original and each case will be different.
- the increase in volume is around 39% of the original building which is within the tolerance given by the Council in its email of 21 September 2018. On volume alone, I do not consider that the extension is disproportionate
- In terms of the relationship between the proposed garage and the house, I note that it would be set back from the front elevation of the house. Although the garage would have a steep dual pitched roof with a ridge height of 6.1m, it would be over a metre lower than the ridge height of the house which has a similarly steeply sloping roof. On that basis the garage would be subservient to the house and therefore not disproportionate.

Officer Comment:

Whilst it is disappointing that the Inspector did not concur with officers that the addition to the dwelling was “disproportionate” but she is clear that each case must be judged on its own merits.

Application No. SMD/2018/0349

Location: The Ramshorn Estate, Ramshorn Road, Oakamoor, ST10 3B.

Proposal erection of four holiday chalets, the conversion of the redundant building into a holiday let and the relocation of the utility building

Level and Date of Decision: Delegated. 9th November 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 19th June 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: B Bowker Mplan MRTPI

Costs awarded: No

Main Issues:

- The effect of the proposal on the character and appearance of the area
- Whether sufficient information has been provided on biodiversity.

Conclusions:

The Inspector concluded:

- Three of the proposed lodges to the south east would be close to Ramshorn Road and a site access. No lodges exist here (nor have any been permitted) and as such a woodland character prevails
- From Ramshorn Road the proposed lodges would be an incongruous feature, resulting in the clearance of a noticeable area of woodland, including for parking areas and access. Despite the retention of a number of trees and the design and construction materials proposed, the siting and scale of the lodges would be significantly harmful to the woodland character prevalent along this section of Ramshorn Road.
- it has not been demonstrated that that the facility building and associated engineering operations could be undertaken without undue harm to the woodland character of the area.
- The overall scale of the proposed 14-person lodge would be greater than the permitted utility building. In addition, the three lodges proposed to the south east would allow views of it and of the other nearby permitted lodges. This would be to the detriment of the local woodland character.
- Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area.

Officer Comment:

It is pleasing to see that the Inspector has supported the firm line which the Council takes in protecting the character and appearance of the Staffordshire Moorlands.

Application No. SMD/2018/0282

Location: 67 Shaw Park Road, Kingsley Holt, ST10 2DJ.

Proposal erection of 4 detached dwellings

Level and Date of Decision: Delegated. 10th July 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 19th June 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: B Bowker MPlan MRTPI

Costs awarded: No

Main Issues:

- The effect of the proposal on the character and appearance of the surrounding area; and,
- Whether sufficient information has been submitted in respect of biodiversity.

Conclusions:

The Inspector concluded:

- The two storey scale, siting and combined mass of the dwellings would be a visually intrusive feature in the open countryside. Furthermore, the downward slope of land away from Kingsley Holt and the vehicular use associated with the proposal at the site frontage would further add to the prominence of the development.
- Consequently the proposal would harmfully affect the predominant rural character of the site and its surroundings, which would be noticeable from Shawe Park Road. Owing to the scale and mass of the development and the associated site activity, existing and proposed landscaping measures would not fully prevent this harm.
- As highlighted by the Council, no habitat assessment has been undertaken for invertebrates, the site habitats have the potential to be a Local Wildlife Site and the submitted Preliminary Ecological Appraisal advises the need for further bat survey work. No compelling case has been made in response to the Council's concerns. Drawing the above together, based on the submitted evidence, I cannot conclude with certainty that the proposal has demonstrated that it would not have a harmful effect on biodiversity.

Officer Comment:

This is another pleasing decision where the Inspector has supported the Council's efforts in protecting the character and appearance of the area and biodiversity interests.

Application No. SMD/2017/0635

Location: Highfield, Macclesfield Rd, Leek

Proposal outline permission with all matters reserved (except access) for the erection of dwellings

Level and Date of Decision: Committee 6th July 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 11th June 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Richard Duggan BSc (hons) DipTP MRPTI

Costs awarded: No

Main Issues:

- the effect of the proposed development on the character and appearance of the area, including its effect on protected trees; and
- whether, having regard to the planning balance and to the provisions of paragraph 11 of the National Planning Policy Framework, if there is not a 5-year supply of housing land, should the proposal trigger a presumption in favour of this development or do any of the listed exceptions to that presumption apply here

Conclusions:

The Inspector concluded:

- I noted on my site visit that upon leaving the town, the character and appearance of Macclesfield Road changed dramatically from being urban in nature to a verdant and rural landscape characterised by farmland and tree lined hedgerows. Although the site is only separated from the edge of the town by the adjoining cricket ground, the character of the area is distinctly rural and the open fields on the edge of the settlement make a significant contribution to the rural setting of the town and form a distinctive edge to this part of Leek.
- The appeal site has a greater affinity with a field on the outer fringe of the settlement than the built form of the town. This is because it has a rural and verdant setting which is set apart from the built-up edge of the settlement, and the development of the site would be seen as an obvious encroachment in this context, and not viewed as a logical extension. Despite the site's relatively small size and its partial containment by mature trees, it contributes to the form and character of the surrounding landscape.

- It therefore follows that the proposed development would represent an uncharacteristic and detached form of development which would be harmful to the character and appearance of the area,
- access to the development from Macclesfield Road would necessitate a new opening with associated visibility splays to the south of the existing substandard private road. The newly formed access would lead to a short length of road to be located at the bottom of the cricket ground which would re-join the private access drive via a new opening. The access into the appeal site would then be formed by another new opening along the northern side of the private access drive. This would necessitate felling a number of trees in three locations which are protected as Groups and Woodlands under a Tree Preservation Order reflecting their significant contribution to the character and landscape structure of the historic former Highfield Hall estate.
- The two new openings onto the private access drive would result in the removal of individual specimens that form part of an uninterrupted avenue of trees located either side of the road. Although the Appellant states that these would comprise of lower quality trees, I am of the opinion, that their loss would have a harmful impact on this attractive avenue.
- The application site lies adjacent to the formal drive to the Highfield Estate which is a non-designated heritage asset. Although the Hall has been demolished, I saw that several characteristics of it remain, including the wrought iron, hooped roadside railings, the historic entrance lodge, gates and railings, and the tree-lined avenue.
- There would clearly be some harm caused by the development, and specifically to the historic driveway and the setting of the historic gates by the introduction of the new access road bypassing the historic gateway. Harm would also occur from the opening of access points on the driveway itself.
- the slight residual harm to the non-designated asset would fall to be included in the planning balance.
- Notwithstanding the benefits that would flow from the proposed development there would also be substantial harm. In this case the conflict with the development plan and the harm that would ensue to the character and appearance of the area, including protected trees, is of compelling importance and outweighs the advantages of the scheme. In the terms of paragraph 11(d)(ii) of the Framework the significant adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole

Application No. SMD/2017/0028

Location: The Moorings, Birchall Lane, Leek, Staffordshire, ST13 5RA
Proposal outline permission with all matters reserved for the erection of 4 dwellings

Level and Date of Decision: Committee 19th July 2017

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 26th June 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: B Bowker Mplan MRTPI

Costs awarded: No

Main Issues:

- the effect of the proposal on the character and appearance of the surrounding area

Conclusions:

The Inspector concluded:

- Based on the indicative layout submitted, the combined built form of the two dwellings indicated to the eastern side of the site would significantly reduce the open appearance of the site. Furthermore, the dwellings indicated to the north west and south east of The Moorings would result in a harmful loss of openness at the site. The combined extent of openness lost would undermine the positive contribution that the site makes to the spacious character of the area.
- Owing to the topography of the site, the openness lost would be noticeable from vantage points along Rivendell Lane and Birchall Lane. Consequently the proposal would have a significantly harmful effect on the spacious character of the area. This harm would not be fully prevented by the trees and vegetation retained at the site or by designing the houses to look like those in the vicinity, with views of the houses detracting from the open verdant character of the area. Furthermore, the likely site level changes required, and associated engineering activity, would further reduce the verdant appearance of the site, to the detriment of local character.

Officer Comment:

It is pleasing to see that the Inspector has supported the view taken by Officers and committee in respect of the impact on the spacious character and appearance of the Birchall Area.