



Civic Centre, Riverside, Stafford

Contact Andrew Bailey
Direct Dial 01785 619212

Email abailey@staffordbc.gov.uk

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 28 September 2022** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A handwritten signature in black ink, appearing to read "I. Curran".

Head of Law and Administration

PLANNING COMMITTEE - 28 SEPTEMBER 2022

Chairman - Councillor E G R Jones

Vice-Chairman - Councillor P W Jones

AGENDA

- 1 Minutes
- 2 Apologies
- 3 Declaration of Member's Interests/Lobbying
- 4 Delegated Applications

Details of Delegated applications will be circulated separately to Members.

	Page Nos
5 Planning Applications	3 - 13
6 Planning Appeals	14 - 29
7 Enforcement Matters	30 - 32

MEMBERSHIP

Chairman - Councillor E G R Jones

F Beatty	P W Jones
A G Cooper	B McKeown
A P Edgeller	A Nixon
A D Hobbs	G P K Pardesi
J Hood	C V Trowbridge
E G R Jones	

PLANNING COMMITTEE – 28 SEPTEMBER 2022

Ward Interest - Nil

Planning Applications

Report of Head of Development

Purpose of Report

To consider the following planning applications, the reports for which are set out in the attached **APPENDIX**:-

		Page Nos
21/34965/HOU	11 Trinity Gorse, Trinity Fields, Stafford, ST16 1SL	4 - 13
	The application was called in by Councillor J K Price	
	Officer Contact - (<i>Lead Officer, Sian Wright</i>) <i>Telephone 01785 619528</i>	

Previous Consideration

Nil

Background Papers

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.

Application: 21/34965/HOU

Case Officer: Steven Owen

Date Registered: 27 October 2021

Target Decision Date: 22 December 2021

Extended To: n/a

Address: 11 Trinity Gorse, Trinity Fields, Stafford, ST16 1SL

Ward: Holmcroft

Parish: Stafford MB

Proposal: Proposed single-storey side/rear extension with canopies and chimney. A front and rear dormer extension.

Applicant: Mr N Hodgkinson

Recommendation: Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

The application has been called in by Councillor J K Price for the following reason;

“I would like to call the application 21/34965/HOU in for Massing and for not being in keeping with the Street Scene.”

CONTEXT

The Application Site

11 Trinity Gorse is a semi-detached dwelling located within a residential area inside the Stafford Settlement Boundary.

The development site comprises the host dwelling, a detached garage, and the residential curtilage. The site is accessed via an existing driveway and garage to the side and rear of the dwelling.

A shipping container has been added to the rear garden. A covered wooden structure has also been built around the shipping container. A wooden fence has also been added along the north-eastern boundary. These additions require planning permission but do not form part of this application. They are therefore not material considerations when assessing this application.

Since the Case Officer has visited the site, it has come to the planning authority's attention that a chimney has been partially constructed to the rear of 11 Trinity Gorse.

Proposed Development

The proposal is for the following:

- A new front dormer. The flat-roof dormer would be added to the front roof-slope. It would match the height of the existing front dormer but would project 2.6m from the roof and measure 3.3m wide.
- A rear dormer extension. The half of the existing rear dormer would be extended and project a further 1.6m. The other half by 0.6m. The height and width of the rear dormer would remain unchanged.
- A single-storey side extension with two rear canopies. The side extension would project 4m from the side elevation, 4m from the rear elevation and have a maximum depth of 10.3m. The extension would be set back 4m from the front elevation. One of the proposed canopies would adjoin the rear portion of the side extension. The open-sided canopy would have a total depth and width of 4m. Its height would match the extension. The second canopy would infill the area behind the dwelling between the rear elevation, proposed extension, and the neighbour's extension. Forming a covered patio this canopy would measure 5.3m wide and would project 4m from the rear elevation. The height would match the proposed side extension.
- The removal and replacement of the existing chimney. The replacement chimney would be relocated to the rear elevation and adjoin the proposed rear dormer extension. The chimney would reach 7.5m high- 0.7m higher than the existing chimney.

Planning policy framework

Section 38(6) of the 2004 Planning and Compulsory Purchase Act and section 70 of the Town and Country Planning Act 1990, as amended, require decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2 (TPSB).

OFFICER ASSESSMENT – KEY CONSIDERATIONS

2.0 PRINCIPLE OF DEVELOPMENT

The application site is located within Stafford which is listed as one of the settlements in the Sustainable Settlement Hierarchy under Spatial Principle 3 of TPSB and its defined settlement boundary under Policy SB1 and as shown on the associated Inset map for Stafford.

The principle of development is therefore considered to be acceptable given that the property is located within a sustainable location in the Stafford settlement boundary, but subject to other material considerations being satisfied, including: -

- Impact upon the character and appearance of the host dwelling and the surrounding area;
- Residential amenity;
- Car parking provision.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Paragraphs 8 and 11

The Plan for Stafford Borough 2011-2031 (TPSB)

Part 1 - Spatial Principle 1 (Presumption in Favour of Sustainable Development, Spatial Principle 3 (Sustainable Settlement Hierarchy), Spatial Principle 7 (Supporting the Location of New Development)

Part 2 - SB1 (Settlement Boundaries)

CHARACTER AND APPEARANCE

Policy N1 of the TPSB sets out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area. Section 8 of the Supplementary Planning Document on Design (SPD) then provides further detailed guidance on extensions and alterations to dwellings.

The SPD states that proposed extensions should be designed in relation to the whole street or group of buildings. Where there is scope to extend, paragraph 8.11 of the SPD states, that the roof should harmonise with the host dwelling and care should be taken to ensure the architectural style of the extension fully integrates with the form of the main dwelling. Paragraph 8.18 also states that all extensions and alterations, particularly those incorporating modern design approaches, should be considered holistically with the original dwelling to avoid awkward jarring of materials and forms.

Consideration has therefore been given to the extension impact upon the character and appearance of the host dwelling and the wider area in terms of its scale, form, and use of external materials.

11 Trinity Gorse is a semi-detached dwelling located on an end plot within a residential setting. The street scene is characterised by a mixture of single-storey and two-storey dwellings. 11 Trinity Gorse is end house of the row of similarly designed dormer bungalows. Both its front and side elevations are visible from public vantages, and due to the position of the turning head, some portions of its rear elevation and garden are also visible.

Within the street scene, existing single-storey side and front extensions are a common feature. A neighbouring dwelling, No. 1 Trinity Gorse has added a second dormer to its front roof-slope. The dormer is both wider than the original and projects further forward. This neighbouring dormer extension has not however resulted in adverse visual harm to No. 1 or the wider street scene.

Front Dormer

The current proposal also seeks to add a new dormer to the front of the dwelling. Like the second dormer at No. 1, the proposal would be larger and wider than the existing dormer and project further forward.

Like No. 1, the proposed dormer would appear proportionate to the host dwelling in terms of scale. In the context of the second dormer at No.1, the proposed dormer would appear in keeping with dwellings along Trinity Gorse. Viewed together, the two additional dormers positioned at the start and end of the street would act as 'book ends' and create some visual balance. It is therefore concluded that the proposed front dormer would not result in adverse visual harm.

Rear Dormer Extension

11 Trinity Gorse has an existing dormer across the width of the rear roof-slope. The proposal seeks to extend it in two parts.

The portion closest to the neighbouring dwelling which covers Bedroom 3 would increase its projection by 0.6m. The other half of the dormer, which covers Bedroom 2, would have its projection increased 1.6m the height and width of the dormer would remain the same.

Located to the rear of the dwelling, this dormer extension would be obscured from most public vantages. However, due to the shape of the road, portions of the rear garden, including the dormer are visible from the street scene.

Considering the proposals form, and its limited impact upon the street scene it is considered, on balance, that the dormer would not cause visual harm. The dormer would maintain the height and width of the existing dormer and would leave the pitched roof unaltered. The additional 1.6m of massing is considered proportionate considering the scale of the host dwelling.

The Side Extension and Canopies

11 Trinity Gorse is as original built and has no existing extensions. It has been previously mentioned within this report that the street scene around the development site is characterised by dwellings which have been extended to the front and side. The immediate neighbour, No. 9 has had a single-storey rear extension added.

Within this context, the proposal seeks to add a single-storey extension with a hipped roof. The extension would adjoin the side of the dwelling and project past the rear elevation. The side extension would be set back from the front elevation by 4m.

The extension would be joined by two open-sided canopies. One would attach onto the rear of the extension. The other would be built between the rear elevation, the extension, and the neighbours rear extension. This canopy would be obscured from public vantages due to its position behind both the dwelling and the extension.

Taken together, it is considered that the form and size of the extension and canopies would appear proportionate to the site and subservient to the host dwelling. The use of external materials which match the host dwelling would further ensure its integration into the host dwelling.

The Replacement Chimney

Like its neighbouring dwellings, 11 Trinity Gorse has an existing chimney. The proposal would remove and replace the existing chimney. The replacement would be relocated to the rear elevation and would increase 0.7m in height. The chimney would be built on the outside of the dormer extension and project above.

To the front of the dwelling, the top of the chimney would be partially visible from the street, as is the existing. To the side, and from neighbouring gardens the new chimney would be more visible. However, considering the chimney and dormer extension together, it concluded on balance that the relocated chimney would not cause adverse visual harm.

External Materials

To ensure that the proposed development would successfully integrate into the host dwelling, if approved, a condition should be added to the decision notice which states that notwithstanding the details on the approved drawings, the external finishing materials to be used on the development shall match the colour and type of their equivalent on the existing dwelling, unless otherwise agreed in writing by the local planning authority

The submitted plans state that the chimney would be finished with 'brick kale' feature wall tiles. To aid the chimneys integration into the host dwelling a condition should be added to the decision notice, if approved, requiring the use of bricks which match the type and colour of the existing dwelling.

Conclusion

Subject to the materials condition, it is considered on balance, that the proposed development would not cause adverse harm to the character or appearance of the host dwelling or wider setting. The proposal details are sufficient to meet the requirements of policy N1 (design) of TPSB, as well as the provisions of the Design SPD and NPPF.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)
Section 12 - Achieving well-designed places
The Plan for Stafford Borough 2011-2031 (TPSB)
N1 (Design)
Supplementary Planning Document - Design (SPD)

RESIDENTIAL AMENITY

Criteria (e) of Policy N1 of the TPSB and the SPD require design and layout to take account of adjacent residential areas and existing activities.

Paragraph 8.23 of the SPD states that in urban/built up areas a degree of overlooking may be inevitable and should be expected. However, every effort should be made to avoid overlooking of rear facing living room windows and garden 'siting out' areas such as patios and decking areas.

Paragraph 8.35 states that extensions should not be designed with windows near the boundaries that directly overlook neighbouring properties or gardens.

Paragraph 8.27 states the size and location of the extension should ensure that an adequate amount of amenity space is retained that is commensurate with the size of the principal dwelling. Furthermore, extensions that are close to, or abut the boundary of a neighbouring property must be limited in height so as not to impinge on neighbouring outlook.

Consideration has therefore been given to the proposals impact upon the neighbouring amenity in terms of its effect on sources of natural light into principal windows, any overbearing nature, and privacy.

The proposal involves extending the dwelling to the side and rear. Considering the position of neighbouring windows, in addition to the distances between them and the extension, it has been concluded that the proposal would not fall within the 45 degree-sightline of a neighbouring principal window, or adversely block any source of natural light.

The proposal would also add new and replacement windows to the front and rear elevations. As stated in Paragraph 8.23 of the design SPD, in urban/built up areas a degree of overlooking may be inevitable. The new dormer window to the rear of the dwelling would project 1.6m closer to rear neighbours. However, considering the 36m separation distance between it and rear elevation of the rear neighbour, it is considered that the proposed rear window would not lead to an adverse loss of privacy.

Similarly, the proposed front dormer would add another first floor bedroom window facing towards No. 10. However, it is considered that the 21m separation distance would maintain a reasonable degree of privacy for both occupiers and neighbours.

Consideration has also been given to the amount of private garden space that would be retained following the development. As the canopies are openside they have been added to the total amount of garden space left following development of the proposal. In total the garden would retain 168sqm, which more than meets the Design SPD standard.

Taking the above commentary into consideration it is concluded that the proposed development would not result in adverse harm to residential amenity. As a result, the proposal is found to meet local amenity standards and is compliant with policy N1 (Design) of TPSB, as well as the provisions of the NPPD and Design SPD.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Paragraph 130

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document - Design (SPD)

HIGHWAYS AND PARKING

Appendix B of the TPSB require three car parking spaces (2.4m x 4.8m) to be provided for a four bedroomed dwelling. Policy T2 of TPSB also requires all new development have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport.

Consideration has therefore been given to the proposals effect upon parking provision, vehicle access, and highway safety.

Currently, 11 Trinity Gorse has three existing bedrooms. Its two required parking spaces are provided by its existing garage and driveway. The driveway measures 13.4m in length. The driveway is therefore long enough to provide the additional parking space required for the fourth bedroom.

The Highway Authority has been consulted on the proposed parking arrangement and has raised no objection, subject to a condition requiring the retention of the existing driveway. This condition is considered reasonable and necessary and should be added to the decision notice if approved.

Subject to this condition, it is concluded on balance that the existing driveway already provides the required number of parking spaces. The proposal therefore meets the requirements of policy T2 of TPSB as well as the provisions of the NPPF.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Paragraphs 108 and 109

The Plan for Stafford Borough 2011-2031 (TPSB)

Policies T1 (Transport), T2 (Parking and Manoeuvring Facilities), Appendix B - Car Parking Standards

CONCLUSION AND PLANNING BALANCE

On balance, it is concluded that proposal would not adversely harm the character and appearance of the host dwelling or the wider area. It would avoid adversely impacting visual amenity or neighbour amenity and does not adversely impact parking requirements and provision. The proposal is therefore compliant with policies N1, T1, T2, and Appendix B of TPSB, as well as the provisions of the NPPF, and Design SPD.

It is therefore recommended that the planning permission is granted.

CONSULTATIONS

Highway Authority:

Comments 16.06.2022 - 'I would require a condition to retain the garage and existing parking on the driveway for the lifetime of the development then I would not have any objection to the proposal.'

Comments (summarised) 05.04.2022 - 'There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:

- 1) Notwithstanding any details shown in writing or on the approved plans no development shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:

- A revised drawing showing x3 car parking spaces either fronting the property and the removal of the existing side access and parking arrangements or a drawing showing the existing garage and driveway parking arrangements only. A parking space consists of a minimum width of 2.4m and a minimum length of 4.8m per car should the frontage parking be taken forward and this shall also include the distance required for a new vehicle access crossing and confirm the surface material to be used on any new frontage driveway.

- Details of the purpose and access arrangements of the 20ft ISO container located within the rear garden of the dwelling, is this to remain. The layout and parking areas shall thereafter be carried out in accordance with the approved plans and shall thereafter be retained as such for the lifetime of the development'

Neighbours:

(10 consulted): 8 representations received raising the following material considerations (summarised): -

- The building will result in a reduction in privacy.
- The proposed chimney is incongruous.
- Rainwater flooding concerns.
- Proposed development out of character.
- Development would harm the character and appearance of the street scene.
- The garden structure is being used for a building company.
- Planting within the site has been removed.
- Concerns over the permanence of the shipping container.
- The fence is very oppressive and upsetting.
- No other dwellings like the proposed development.
- The proposed development would increase the density of development in the neighbourhood.
- The proposed development would remove the current provision of parking at the property.
- The development would make it harder to remove the container.

Relevant Planning History

None.

Recommendation:

Approve, subject to the following conditions:

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this permission, in which case the condition shall take precedence: -
 - Location Plan, Site Plan, Proposed Elevations and Floor Plans (Scale 1:1250, 1:500, and 1:100) Drawing No. 2021-283-01 Revision G
3. The development shall be constructed from external facing materials which match the colour and type of their equivalent on the existing dwelling, unless otherwise agreed in writing by the Local Planning Authority
4. The existing driveway shall be retained.
5. The approved chimneys external materials shall match the type and colour of the surface bricks on the existing dwelling.

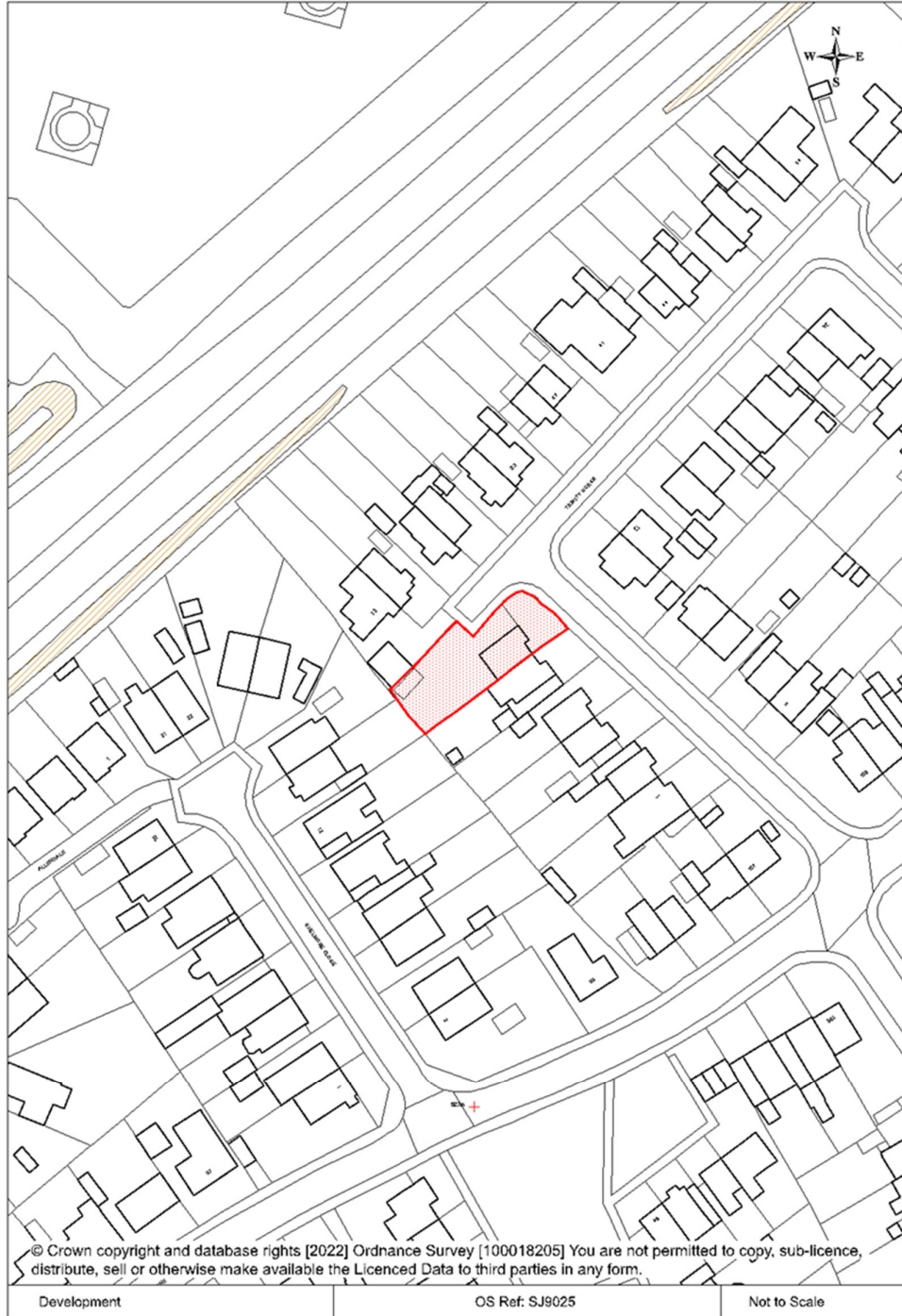
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
5. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).

INFORMATIVE

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

21/34965/HOU
11 Trinity Gorse
Trinity Fields
Stafford



 PLANNING COMMITTEE – 28 SEPTEMBER 2022

Ward Interest - Nil

Planning Appeals

Report of Head of Development

Purpose of Report

Notification of new appeals and consideration of appeal decisions. Copies of any decision letters are attached as an **APPENDIX**.

Notified Appeals

Application Reference	Location	Proposal
21/34793/FUL Delegated Refusal	Jodiwell Church Lane Croxton	Proposed replacement of existing two bay implement, equipment and hay barn store with a new three bay implement, equipment and hay barn store building.
21/34220/OUT Delegated Refusal	Land Adjacent The Cottage Church Eaton Road Haughton	Outline Permission sought for the principle of a constructing a new dwelling with all matters reserved

Decided Appeals

Application Reference	Location	Proposal
21/35006/HOU Appeal Dismissed	Waterstone Barn, Lower Heamies Farm	Aluminium veranda with glass roof panels (11m wide x 3.5m deep) attach to side of house
21/34026/HOU Appeal Allowed	23 Burton Manor Road Stafford ST17 9QJ	Upgrade of conservatory using existing base
21/34152/ANX Appeal Dismissed	Grange Barn Broad Hill Beffcote	Demolish existing timber double garage, replace with new double garage and granny annexe
21/35123/HOU Appeal Dismissed	55 Porlock Avenue Weeping Cross Stafford	Proposed two storey side and single storey rear domestic extension with extended dropped kerb.

V1 16/09/22 13.22

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302

Appeal Decision

Site visit made on 28 June 2022 by G Sibley MPLAN MRTPI

Decision by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2022

Appeal Ref: APP/Y3425/D/22/3297582

Waterstone Barn, Lower Heamies Farm, Chebsey, Stafford ST21 6ND

- 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 Dr Louis Lotter against the decision of Stafford Borough Council.
 - The application Ref 21/35006/HOU, dated 11 August 2021, was refused by notice dated 22 March 2022.
 - The development proposed is aluminium veranda with glass roof panels (11m wide x 3.5m deep) attached to side of house.
-

Decision

1. The appeal is dismissed

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of the development proposed on the application form included the reasons for the works proposed and in the interest of clarity I have taken the description from the appeal form, which was also, for the most part, repeated on the Decision Notice. This replicated what was written on the application form but omitted the reasoning and as such I am satisfied that no party would be prejudiced by this.

Main Issue

4. The effect of the proposal upon the character and appearance of the host building and the surrounding area.

Reasons for the Recommendation

5. The barn is situated at the end of a group of conjoined agricultural buildings that have been converted into residential dwellings and are built around a central courtyard. The former agricultural buildings have retained many of the original features. The buildings have a narrow linear form, although there are single storey additions that extend out from the main bulk of the buildings. Where these additions are not brick built, they are typically a brown colour similar to the windows and doors across the converted buildings. Overall, whilst clearly in residential use, the converted former agricultural buildings have retained their agrarian character and appearance.

6. Policy E2 of the Plan for Stafford Borough (PSB) (Adopted 2014) has a number of requirements and those alongside and Policy N1 of the PSB require development to ensure that the form, bulk and general design is in keeping with its surroundings and not harm the historic fabric or character of any traditional buildings or historic farmsteads. As noted above the converted farmstead buildings have retained their agrarian character and appearance.
7. The veranda would be constructed from aluminium and the appellant has suggested a condition that would require this to be powder coated with brown paint to replicate the colour of the patio doors on this flank wall. The veranda would have a slim frame and would be open to the elements with glass roof panels. It would also extend out from the flank wall of the dwelling and as a result, it would not detract from the linear form of the building. Given the limited size of the proposal it would not appear as a disproportionate addition to the dwelling or the associated plot.
8. The buildings are clearly in residential use and small concessions to this use are evident across the wider historic farmstead. Consequently, minor domestic additions that do not detract from the overall agrarian character and appearance of these buildings would not necessarily appear alien in this context. Nevertheless, the proposed aluminium frame would be an intrusively urban material and even if painted brown, this material would contrast poorly with the tradition brick-built barn. Where a modern metal addition has been added to another of the converted barns, it was much smaller in scale than the proposal and thus its impact more localised. Moreover, that appeal was determined prior to the adoption of the PSB and as such was determined in a different policy context.
9. While the veranda would be relatively well screened by the existing building, surrounding boundary treatment and the closeboard timber fence, it would still be visible, and its alien appearance and specifically the proposed materials, would jar awkwardly with the traditional farm building. This would ultimately fail to respect the historic fabric and interest of the wider farmstead. Given the very limited scale of the proposal in relation to the landscape designation as a whole, any harmful impact upon the wider landscape and the associated landscape designation would be very limited.
10. Therefore, whilst the scale of the proposal would be proportionate, the design and materials proposed would add an overly domesticated addition to the host dwelling which harm the character and appearance of the host building and the surrounding area. Consequently, it would not comply with PSB Policy E2 or N1. The proposal would also not accord with the Design Supplementary Planning Document (2018) which states that extensions and alterations should be considered holistically with the original/main building to avoid awkward jarring of materials and forms. Finally, the proposal would conflict with the general design policies of the National Planning Policy Framework (Framework) and the intention to create high quality, beautiful and sustainable buildings.

Other Matters

11. The proposal would provide cover for the patio doors which the appellant notes are prone to leaking which could lead to the frames being damaged. However, there is no substantive evidence that the proposal as devised would be the only scheme that could achieve this benefit. Moreover, whilst the proposal would

provide a covered outdoor space for the enjoyment of the property this would be a private benefit for the appellant.

12. There are several appeal decisions that have permitted extensions to the other buildings within the wider farmstead; however, those appeals were determined prior to the most recent revision to the Framework and in one instance prior to the adoption of the PSB. Therefore, there has been a change in the policy context which has led to a different decision in this instance.
13. Given that the Dutch Barn identified in Figures 8 and 9 of the appellant's Statement of Case has been demolished its relevance to the proposed scheme is effectively null and void. It no longer has any effect upon the landscape or the rural setting of this site for the proposal to be compared against.
14. The size and location of the proposed veranda would not harm the living conditions of the neighbouring occupants and the Council came to the same conclusion. Nevertheless, this would not overcome the identified harm.
15. The proposed veranda would be located a significant distance from the Public Right of Way (PRoW) and would not hinder or block the public from exercising their public rights safely.

Conclusion and Recommendation

16. The proposal would not accord with the development plan with respect of the character and appearance of the host building and the surrounding area and there are no material considerations that indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Louise Nurser

INSPECTOR



Appeal Decision

Site visit made on 26 July 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/Y3425/D/22/3300267 23 Burton Manor Road, Stafford ST17 9QJ

- 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 Mrs Fiona Russell against the decision of Stafford Borough Council.
 - The application Ref 21/34026/HOU, dated 14 March 2021, was refused by notice dated 16 March 2022.
 - The development proposed is described as being the upgrade of a conservatory using the existing base.
-

Decision

1. The appeal is allowed and planning permission is granted to upgrade of a conservatory using the existing base at 23 Burton Manor Road, Stafford ST17 9QJ in accordance with the terms of the application, Ref 21/34026/HOU, dated 14 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 2021:44:01A; 2021:44:02A; Detail View of Double Doors; Detail View of Opening and Non Opening (Fixed Window); 60mm Window Frame – Fixed; 60mm Window Frame – Opening and 75mm Door Frame – Opening.
 - 3) The materials to be used in the construction of the external surfaces of the walls of the development hereby permitted shall match those used in the existing building.

Application for Costs

2. An application for costs was made by Mrs Fiona Russell against Stafford Borough Council. This application is the subject of a separate Decision.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal property is a semi-detached dwelling constructed in the mid-1920s situated within the Burton Manor Village Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or

- enhancing the character or appearance of that area. This duty is echoed in Policies N1 and N9 of The Plan for Stafford Borough (LP), including that the design of development must have regard to the local context, including heritage assets. Further, the potential loss of, or harm to, the significance of a heritage asset, including its setting, will require clear justification taking into account, amongst other matters, materials.
5. The Council's *Burton Manor Village Conservation Area Character Appraisal* (the Appraisal) identifies that the area's heritage significance is principally associated with it being an example of a model housing scheme adopting 'Garden City' ideals. There is a formal layout pattern book of house or bungalow types with a uniformity of materials and Arts and Crafts details. The streetscene includes large front gardens usually with front walls, which together with street trees and green spaces, provide a spacious and verdant character and appearance. The landscape gardens also positively contribute to this character and appearance.
 6. The appeal property is a semi-detached dwelling sited at a road junction and faces towards an area of formal open space. By reason of siting and scale, this pair of semi-detached dwellings is a prominent feature within the streetscene. From Burton Manor Road, the rear elevations of these dwellings can be glimpsed, including parts of the existing single storey uPVC conservatories.
 7. When standing in the property's garden, there are other rear additions to the neighbouring dwellings, including uPVC conservatories of varying designs and sizes. The planning histories of some of these additions have been provided. However, this appeal has been determined on its own circumstances rather than reliance being placed upon other approved or refused similar proposals within the Conservation Area.
 8. The proposed development includes the replacement, on the same footprint, of the property's existing uPVC conservatory by a new uPVC conservatory of a different design. The existing conservatory was erected as permitted development prior to the designation of the Conservation Area and its existence attracts substantial weight in the determination of this appeal. The evidence indicates that the Article 4 Direction limiting some permitted development rights does not apply to the rear of dwellings.
 9. By reason of planning permission being required, it is necessary to assess the appeal scheme against the policies of the development plan, including LP Policies N1 and N9, and the statutory duty associated with proposals in Conservation Areas. In making such an assessment it is also appropriate to consider the effect of the existing and proposed conservatories on the character and appearance of the Conservation Area.
 10. Within the Appraisal, there is no specific guidance concerning the design of conservatories. There is reference to changes to windows and doors but this section is focused on the openings within the dwellings rather than being specifically concerned with the design and appearance of conservatories. The Council's *Design Supplementary Planning Document* (SPD) includes a section about design within conservation areas but this also does not specifically refer to conservatories.
 11. In this case, the appeal scheme would replace a conservatory of a similar scale which, although erected under permitted development, exists and existed when

the Conservation Area was designated. Although the profile of uPVC windows would be wider than timber frames and there is an absence of glazing bars, the proposed design includes windows which would be smaller in size than the existing glazed panels. This change to the fenestration would represent an improvement in the design and appearance of the current conservatory. The appearance of the appeal scheme, whether the glimpsed views from Burton Manor Road or those from neighbouring dwellings, would not be materially different from those that currently exist. Further, the siting and scale of the proposed conservatory would not detract from the verdant and spacious character and appearance of the Conservation Area

12. The proposed fenestration would not be a sufficient reason to assess that the appeal scheme would enhance the character and appearance of the Conservation Area. However, by reason of what currently exists, the proposed conservatory would have a neutral effect on the heritage significance of the Conservation Area, in particular it would preserve the 'Garden City' ideals.
13. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with LP Policies N1 and N9. Further, the planning circumstances of this appeal would not lead to an unwelcome precedent being established for the erection of other conservatories within the Conservation Area.

Conditions

14. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is required that the proposed development is erected in accordance with the submitted drawings, including the design and appearance of the fenestration.
15. A condition has been suggested that the appeal scheme is erected in materials which match those of the host property but this should be limited to the walls rather than including the uPVC frame which is the subject of detailed drawings. This approach would remove the need for the approval of the facing brickwork suggested as a condition by the Conservation Officer.

Conclusion

16. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR

Appeal Decision

Site visit made on 12 July 2022 by Mr Sibley

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/Y3425/D/22/3300565

Grange Barn, Broadhill, Gnosall, Stafford ST20 0ED

- 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 Mrs E Murray against the decision of Stafford Borough Council.
 - The application Ref 21/34152/ANX, dated 26 March 2021, was refused by notice dated 16 March 2022.
 - The development proposed is demolish existing timber double garage, replace with new double garage and granny annexe.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal upon the character and appearance of the host dwelling and the former farmstead; and whether the personal circumstances of the appellant would outweigh any harm in respect of the proposed development.

Reasons for the Recommendation

Character and appearance

4. Grange Barn is one of a pair of conjoined agricultural buildings that have been converted into residential dwellings. The two dwellings form an 'L' shape, and each dwelling has a narrow linear form. The buildings have retained their original form and many of their features, including the decorative brick detailing below the eaves of the roof and above some of the windows and doors. Whilst clearly in residential use, the converted buildings retain much of their traditional agrarian character and appearance.
5. Lindore Farm is located to the south of these barns and is built from similar materials but is substantially larger than the barns, indicating its historical role as the principal building on the former farmstead. There are smaller outbuildings located around the farmstead, and these are generally brick built. A modern timber garage has been erected on the site of the proposed

- garage/annexe building (hereafter referred to as the annexe), but the Council indicates that planning permission was not granted for this.
6. The Council refers to section (h) of Policy E2 of the Plan for Stafford Borough (PSB) (Adopted 2014) which seeks to ensure that a building is large enough to be converted without the need for additional buildings, new extensions or significant alteration. Grange Barn has already been converted to a residential dwelling and the proposal is for an ancillary building and does not seek to make the host building capable of conversion. Accordingly, subsection (h) of the policy is not directly relevant to this proposal.
 7. Grange Barn and the attached barn are physically connected and as a result, the scale of the two buildings is intrinsically linked. Accordingly, the scale of any associated outbuilding would be viewed alongside the pair of converted barns. The proposed annexe would be similar in width to the host dwelling, but shorter in length. Grange Barn is a two-storey building with windows located on the first floor alongside sky lights within the roof. In comparison, the proposed annexe would only have openings on the ground floor of the building as well as sky lights within the roof. This would emphasise the smaller scale of the annexe in comparison to the host dwelling.
 8. The building would consequently be subordinate in scale to the host dwelling and would be a limited addition to the overall amount of built form associated with the wider group of buildings. Accordingly, the scale of the proposal would not appear out of character with the host dwelling or the former farmstead group.
 9. The annexe would be built using similar materials to the host dwelling and would include decorative brick detailing below the eaves and a brick soldier course above the doors. These elements would visually link the annexe with the dwelling. This, alongside the siting of the annexe to the rear of Grange Barn as well as using a shared vehicular access, would highlight the ancillary use of the annexe in relation to Grange Barn as the principal dwelling.
 10. The openings in Grange Barn are generally white painted timber windows and doors and whilst there are large areas of glazing in place of what would have been the original barn doors, these are within timber casements. In comparison, the utilitarian design and scale of the roller shutter garage door on the proposed annexe would appear alien within this group of former farm buildings. Moreover, the large number of windows and other openings and the porch canopy would give the building a domestic and suburban appearance, that would fail to respect the traditional and agrarian character of the surrounding buildings.
 11. Given the siting of the proposal, the garage door, porch canopy and other openings would be clearly visible when viewing the annexe alongside the converted buildings. The building would also be visible from the public right of way that passes near to the site and would appear incongruous alongside this group of converted traditional buildings.
 12. Therefore, whilst the scale and siting of the proposal would not appear out of character with the host dwelling, the annexe would fail to respect the traditional and agrarian character and appearance of the converted buildings. Consequently, the proposal would be contrary to Policy E2 of the PSB insofar as it states that development within the rural areas must be of a high-quality

design and should not harm the historic fabric or character of any traditional building or historic farmstead.

13. Moreover, the proposal would conflict with Policy N1 which states that designs must have regard to the local context. Whilst not referred to in the reasons for refusal, the Gnosall Neighbourhood Plan (made 2015) forms part of the development plan. Policy 6 of the NP expects new development proposals to be well designed and to respond to local context and the form of surrounding buildings. Moreover, the proposal also would not accord with the aim of the National Planning Policy Framework (The Framework) to ensure development creates high quality, beautiful and sustainable buildings and places and is sympathetic to local character and history.

Personal circumstances

14. I have had due regard to the Human Rights Act 1998 (HRA) and to the Public Sector Equality Duty (PSED) under the Equality Act 2010. Age is a relevant protected characteristic to which the PSED applies. Article 8 of the HRA requires that decisions ensure respect for a person's private and family life, their home and their correspondence. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where it is in the public interest. The concept of proportionality is key.
15. The proposal would provide living accommodation for the appellant's parents to live close to the appellant's home to allow them to provide care without having to travel a long distance to the parents' current residence. No information has been submitted with regard to the level of care required, but it is noted that a level of assistance is required. The proposal would therefore address the appellant's parents' needs now and in the future. If the appeal is dismissed, the appellant's parents may have to move into Grange Barn itself or the appellant may have to move closer to their parents' current home. This would not be ideal for their parents evolving health concerns and this would result in some harm to someone with a protected characteristic.
16. It is appreciated that the appellant's parents' needs are likely to continue to evolve. However, whilst the appellant has said that Grange Barn would not be capable of providing living accommodation for their parents, no specialist accommodation is sought in the annexe that could not reasonably be integrated into a residential building, with living accommodation proposed over two floors. It has not, therefore, been demonstrated that this proposal, and the resulting harm, are necessary to meet the current or potential future needs of the appellant's parents. Whilst this reduces the weight that I can give to the personal circumstances of the appellant, those circumstances carry moderate weight in favour of the proposal.
17. Dismissing the appeal would interfere with the appellant's and their family's right to peaceful enjoyment of their possessions, and to a private and family life and home under Article 1 of the First Protocol and Article 8 of the HRA. However, these are qualified rights; interference with them in this instance would be in accordance with the law and in pursuance of a well-established and legitimate aim of the need for development to achieve high quality design to protect and enhance local character and distinctiveness.

18. Given the importance placed upon the need for development to achieve high-quality design to protect and enhance local character and distinctiveness in both the development plan and the Framework, in this case, the appellant's personal circumstances and the benefits to them and their parents would not outweigh the harm to character and appearance and the conflict with the development plan identified above. To ensure that the development would not harm character and appearance, I conclude that it would be proportionate and necessary to dismiss the appeal.

Other Matters

19. Lindore Farm is a large, detached building and its appearance is significantly different from Grange Barn. Whilst an extension was granted for that dwelling, given the differences between the scale, appearance, and character of that building and the appeal property, the circumstances of the two sites are not directly comparable. Similarly, the circumstances of annexes or extensions permitted elsewhere would not necessarily be comparable with the appeal scheme, which I have assessed based on the specific circumstances of the appeal site and the details of the proposal before me.
20. The proposal would reduce the travelling distance for the appellant to provide care for their parents, and the annexe would incorporate sustainable construction and technologies which would be a limited benefit of the scheme. Additionally, the construction of the annexe would lead to benefits to the local economy, but given the scale of the proposal, I give this consideration very limited weight.
21. The proposal would allow the appellant's parents to move out of their current house which would potentially deliver an additional house onto the market. This would boost the supply of homes in accordance with the Government's aim set out in the Framework. I have not been made aware that the Council cannot identify a 5-year housing land supply and because this would only deliver a single dwelling, this would be a very limited benefit of the scheme.
22. Insofar as the site is within the garden of a dwelling outside of the built-up area, the proposal would be on previously developed land. However, as the extent to which the annexe would be within garden or agricultural land is disputed by the parties, this limits the weight I give in favour of the appeal arising from the use of previously developed land. Moreover, there is some uncertainty about the lawfulness of the existing timber garage on the site which limits the weight I give in favour of the appeal arising from the replacement of that building.

Conclusion and Recommendation

23. I have had regard to the appellant's personal circumstances and the impact on them of my recommendation. Taken alongside the other considerations forwarded by the appellant, the PSED considerations would not outweigh the harm that the proposal would cause to the character and appearance of the host dwelling and the former farmstead and the conflict with the development plan in that regard. Therefore, having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Sarah Housden

INSPECTOR



Appeal Decision

Site visit made on 26 July 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 17 August 2022.

Appeal Ref: APP/Y3425/D/22/3300128

55 Porlock Avenue, Weeping Cross, Stafford ST17 0HS

- 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 Peter Harman against the decision of Stafford Borough Council.
 - The application Ref 21/35123/HOU, dated 21 October 2021, was refused by notice dated 10 March 2022.
 - The development proposed is the erection of a two storey side domestic extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the streetscene.

Reasons

3. The proposed development includes the erection of a 2-storey side extension to a 2-storey semi-detached dwelling located within a primarily residential area. The streetscene along Porlock Avenue is predominantly pairs of 2-storey semi-detached dwellings which are set back from the footways to the rear of front gardens which are landscaped and used for off-street parking. This siting of the pairs of semi-detached dwellings provides a distinctive rhythm to the character and appearance of the streetscene.
4. Originally, there would have been gaps between the 2-storey side elevations of the pairs of semi-detached dwellings. However, some of these gaps have been eroded whether by single storey garages at ground floor level or by 2-storey side extensions. This situation applies between the appeal property and the 2-storey extension erected to the side of No. 57. However, a physical gap is generally still retained, even if it is only at first floor level, between the pairs of semi-detached dwellings. These full or partial gaps contribute positively to the character and appearance of the streetscene.
5. As identified by the appellant, an exception is the absence of a gap between Nos. 27 and 29 where 2-storey side extensions abut one another. No detailed planning history of these side extensions has been provided. However, the lack of a physical and visual gap causes a physical and visual terracing effect between these 2 pairs of semi-detached dwellings. This terracing effect has a detrimental impact on the character and appearance of the streetscene of the

type referred to in the Council's *Design Supplementary Planning Document* (SPD).

6. The proposed development includes the erection of a 2-storey side extension which would occupy the remaining gap between the property and No. 57. Although its height would be lower than the ridge of the host property and the front elevation at first floor level would be set back from the host property's front elevation, in combination with the side addition to No. 57 the appeal scheme would result in a harmful terracing effect contrary to the SPD's design guidance contained.
7. This terracing effect would not be sufficiently mitigated by the proposed extension's ground floor front elevation being set back from the front elevation of the 2-storey addition to the side of No. 57 which projects forward of this neighbouring property's original elevation. Accordingly, the appeal scheme would not make a positive contribution to the rhythm, character and appearance of the streetscene.
8. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with Policy N1(g) and (h) of The Plan for Stafford Borough. Amongst other matters, these policy criteria require development to be of high design quality which respects local context and character. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR

PLANNING COMMITTEE – 28 SEPTEMBER 2022

Ward Interest - Nil

Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following reports.

	Page Nos
7(a) COND/00184/EN21 Location Of Slurry Lagoon, Land Between Ponds, Newport Road, Swan Pit	29 - 32

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302

WARD - Gnosall and Woodseaves

COND/00184/EN21 - LOCATION OF SLURRY LAGOON, LAND BETWEEN PONDS, NEWPORT ROAD, SWAN PIT

Report of Head Development and Head of Law and Administration

Purpose of Report

To consider the expediency of enforcement action against the Slurry Lagoon not constructed in accordance with the planning permission granted on land between ponds, Newport Road, Swan Pit.

1 Detail

- 1.1 A complaint was received about a slurry lagoon being incorrectly built, south of the A518 Newport Road, near Swan Pit. The site is in an entirely rural area where there are no residential properties within sight of the slurry lagoon.
- 1.2 The site was visited on 26 October 2021 with the site owner present. This site visit included taking measurements of the Slurry Lagoon, which was not in use. The measurements taken on site did not comply with the approved plans.
- 1.3 Planning Permission 17/26085/FUL approved plan 'Proposed Slurry Lagoon, Cross section drawing' show the slurry lagoon should be 62m in length and 24m wide. When measured on site the Slurry Lagoon measured 39.7m long by 39m wide. In effect the lagoon constructed is approximately square rather than rectangular.
- 1.4 A Letter was sent out to the owner on the 14 December 2021 requesting a planning application be submitted within 21 days of this letter.
- 1.5 A response from an appointed agent was received on 28 January 2022 saying that the owner was considering submitting a planning application but had his own investigation to do first to establish whether the Slurry Lagoon could be brought back into use. It is understood that this investigation involved liaison with the Environment Agency. However, no application was received.
- 1.6 Another letter was sent out to the owner stating that planning permission would need to be sought on 28 April 2022 giving 21 days to come back with a plan of action. No response was received to this letter.

2 Policies

- 2.1 The Plan for Stafford Borough - Policy E2 Sustainable Rural Development.
- 2.2 National Planning Policy Framework (NPPF); Section 4; Decision Making - Paragraph 59 (enforcement),

3 Conclusion

- 3.1 The Slurry Lagoon has not been built in accordance with the planning permission. However, it is not readily viewable from any public vantage point, it is far away from the nearest residential property and is not in use.
- 3.2 As such the unused Slurry Lagoon is not detrimental to visual or residential amenity and it is difficult to see what harm it causes. It is therefore clearly not expedient to take enforcement action.

4 Recommendations

- 4.1 That it is not expedient to take enforcement action and no further action is taken in respect of the Slurry Lagoon as currently constructed.

Background Papers and History (relevant to case only)

17/26085/FUL - Construction of slurry lagoon.

Contact Officer

John Holmes - Development Manager - Direct No 01785 619302

COND/00184/EN21
Land Between Ponds
Newport Road
Swan Pit
Stafford

