



Appeal Decision

Site visit made on 5 September 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023.

Appeal Ref: APP/M3455/D/23/3325874

24 Stanley Street, Tunstall, Stoke on Trent, ST6 6BW

- 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 Nazaqat Hussain against the decision of Stoke on Trent City Council.
 - The application Ref 69044 dated 5 April 2023, was refused by notice dated 9 June 2023.
 - The development proposed is a 2-storey side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey side extension at 24 Stanley Street, Tunstall, Stoke on Trent, ST6 6BW in accordance with the terms of the application ref 69044 dated 5 April 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2252/01 Rev A;
 - 3) No development above finished floor level shall commence until such time as samples of the facing materials to be used on the external elevations have been submitted to and approved in writing by the Local Planning Authority. Only materials approved in writing by the Local Planning Authority shall be used in carrying out the development and shall be maintained for the lifetime of the proposal.

Procedural Matters

2. Since the determination of the application, and the submission of this appeal, a revised National Planning Policy Framework 2023 (the Framework) was adopted on 5 September 2023. It is not considered that this impacts upon the determination of this appeal as whilst the refusal reason references the Framework the wording within paragraph 130 remains unchanged.

Main Issue

3. The main issue is the impact of the proposal upon the host dwelling, street scene and conservation area.

Reasons

4. The appeal site is a two-storey residential property which is located within the Park Terrace Conservation Area (CA). Section 72 of the Planning (Listed

- Buildings in Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the CA. In this case, preserving can be taken as doing no harm.
5. The proposal seeks permission for a two-storey side extension which would project from the host dwelling by a maximum width of around 4.8 metres with a depth of around 6.6 metres. The total height of the proposal would be 5.5 metres. The appeal proposal would replace the current single-storey side extension and outbuilding. I find that the existing elements to the side of the host property do not encompass any positive design characteristics and that they actually have a negative impact upon the character of the CA as a whole, as well as being detrimental to the visual amenity of the locality. A replacement scheme does therefore provide an opportunity to improve the existing built form on the appeal site.
 6. I find that the Council's assessment of the proposal is overall limited and whilst concerns regarding materials are noted, I find that these could be sufficiently dealt with via an appropriately worded condition to ensure appropriate materials are agreed prior to their installation on site. The parapet finish would, visually, appear as a flat roof from the principal elevation but, based upon the evidence before me and my site visit, I do not find that this would result in negative impacts arising from the proposal. The extension would benefit from a notable set-back from the front elevation and would, overall, present as a subservient addition to the host dwelling whilst improving the current level and design of the existing structures to the side of the host dwelling. Views within the street scene would be more limited as a result of the aforementioned set back and use of appropriate materials.
 7. In this case I find that it is key, and a strong consideration, that the proposal would ultimately represent a more concise and improved design than the existing side extension and outbuilding which I find currently is detrimental to the CA. The proposal, by contrast, would (with appropriate materials) respond more positively to the features of the site itself and the surrounding context and would not be detrimental to visual amenity of the locality nor obtrusive on the street scene. Each case should be considered on its own merits, and I do not find fear of a precedent sufficient to warrant refusal in this case.
 8. The Council's delegated report does not, itself, quantify harm in relation to the Framework. As noted previously, preserving can be taken as doing no harm, and in this case, for the reasons I have outlined, I find that the proposal would have a neutral impact upon the character and appearance of the CA as well as the character and appearance of the host building and locality themselves. I find that overall, the proposal would replace an existing arrangement which is of notably poor design and that the proposal would represent an improvement to this situation which, with a condition controlling materials, would be appropriate for the street scene and the CA.
 9. I also note that no significant objections were raised by the Council's design and conservation officer, subject to conditions, and that officers are, of course, entitled to draw their own conclusions in determining proposals. Despite this, I have no strong evidence before me to justify why officers have recommended refusal in light of the design and conservation consultee comments, which confirmed basic factors which could have been secured by condition to ensure the proposal was acceptable in relation to certain matters.

10. The proposal would be consistent with Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance 2010 (SPD), which requires extensions to dwellings should be well designed and contribute positively to town scape character. The Council have sited conflict with Policy HE1 of the SPD, however, no copies of this part of the SPD have been provided with copies only having been provided of the front page and page 101 of the SPD document.
11. The proposal would also be consistent with Part C1 of the National Design Guide 2021, which requires that proposals are well designed and respond positively to the features of the site itself and the surrounding context beyond the site boundary. Proposals should enhance positive qualities and improve negative ones and enhance physical features such as appearance, details, and materials as well as local heritage and local character.
12. The proposal would also be consistent with Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2009 Policy CPS1, which requires new development to be well designed, to respect the character, identity and context of the town scape and the built heritage and its historic environment. The proposal would also be consistent with paragraph 130 of The Framework, which requires that developments are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change.

Other Matters

13. I note the comments/questions from the Heritage and Design Consultee in their e-mail response of 10 May 2023 (the revised plan, however, was received by the Council on 30 May 2023 and introduced the suggested low front parapet wall as per these comments). I see no reason for key measurements to be on the drawings at this stage as the drawings are to scale. I have applied a condition requiring approval of materials prior to works commencing above finished floor level to ensure an appropriate finish. With regard to rainwater goods, the proposal has a parapet to the front elevation. Given the design and site constraints it is likely rainwater goods would naturally be placed to the rear of the extension, however, even if they were to the front - materials can be controlled to match the rainwater goods to the front elevation of the host property as part of the materials condition applied to the consent granted.
14. I note, from the Council's report, that the appeal site (due to being within the CA) is subject to an Article 4 direction which removes permitted development rights relating to the extension of dwellings within the CA. The Article 4 direction is stated, by the Council, to relate to extensions to properties. It does not differentiate between types of extension (such as a side extension). Based upon the evidence before me, there would be no fall-back position for the appellant, and I therefore do not place weight upon such a possibility within the consideration of this proposal.

Conditions

15. As part of their questionnaire the Council have suggested a number of conditions. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. Conditions relating to approval of materials are required to ensure the proposal is appropriately finished within the context both the CA and the host dwelling.

16. The timing of the condition, relating to finished floor level, is designed to allow implementation of the proposal to commence without delay but ensure that appropriate materials are approved prior to above ground works on site. I have amended this condition from walls, to elevations, to ensure that all materials including that of the garage door, windows and any rainwater goods (not just walls for the avoidance of doubt) are approved as appropriate prior to their use on site.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR