

**Application No: CH/17/377**

**Received: 26-Sep-2017**

**Location: 17, Southgate, CANNOCK, WS11 1PS**

**Parish: Non Parish Area**

**Ward: Cannock South Ward**

**Description: Residential development:- Erection of 1no one bed detached bungalow**

**Application Type: Full**

**Recommendation: That the report be noted.**

In November 2017 Planning Committee resolved to refuse the above application on the following grounds:-

“The proposal, by virtue of the building to plot ratio would appear as a cramped form of development and hence constitute an overdevelopment of the site to the detriment of the character and appearance of the area and the residential amenity of the occupiers of the neighbouring residential properties. As such the proposal would not be well-related to existing buildings and their surroundings to contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and constitute poor design which should be refused in accordance with paragraphs 17(4) and 64 of the National Planning Policy Framework.”

The applicant subsequently appealed the decision and the appeal decision has now been received. The appeal has been dismissed and planning permission has been refused.

The appeal decision is attached for information.

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## Appeal Decision

Site visit made on 3 July 2018

**by R A Exton Dip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> July 2018**

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**Appeal Ref: APP/X3405/W/18/3198360**

**17 Southgate, Cannock WS11 1PS**

- 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 Richard Elson against the decision of Cannock Chase District Council.
  - The application Ref CH/17/377, dated 21 September 2017, was refused by notice dated 15 November 2017.
  - The development proposed is described as 1 no 1 bed detached bungalow.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the appeal proposal on: i) the appearance of the area; and, ii) living conditions of nearby residents with particular regard to an overbearing or overshadowing effect.

### Reasons

#### *Appearance*

3. No 17 Southgate is a semi-detached property situated on the northern side of the road. Although the appeal site forms part of its rear garden area it is more closely related to and visible from Skipton Place. Skipton Place is a residential area comprised of a variety of different types of property. On the southern side are bungalows and on the northern side are 2 blocks of flats and 3 detached properties. A common feature to both sides of the road is the set back position of properties relative to it. This arrangement frames a view towards the appeal site at the head of the road. Other than a boundary wall, the absence of development on the appeal site provides a degree of openness. This provides some visual relief from the enclosing effect of properties lining either side of the road and considerably contributes to the appearance of the area.
4. When viewed from Skipton Place the appeal proposal would be highly visible and substantially fill the appeal site. Although it would be single storey in height and result in a density similar to other development in the area it would nevertheless be dominant due to its position. The resulting appearance would not integrate into the area or re-inforce local distinctiveness but would remove the visual relief currently created by the appeal site. As a result it would have a harmful effect on the appearance of the area.

5. In light of the above I conclude that the appeal proposal would conflict with Policy CP3 of the Local Plan<sup>1</sup>. This requires high standards of design of buildings and spaces. It would also conflict with the Framework<sup>2</sup> insofar as it requires good design.

#### *Living conditions*

6. The properties most likely to be affected by the appeal proposal would be Nos 11, 20 and 22 Skipton Place. The side elevation of the proposed dwelling would approximately align with the front elevation of No 22 which would be the closest property. There would be a separation distance of around 10m with an intervening single garage. The Councils SPD<sup>3</sup> does not specifically relate to this situation. The 10.7m separation distance referred to by the Council appears to relate to a situation involving a single storey extension where the blank side elevation of a 2 storey dwelling faces the rear of a neighbouring property.
7. Taking account of the height of the proposed bungalow compared to a house and the presence of the intervening single garage I consider that the separation distance is acceptable in this case. The proposed dwelling would therefore not result in an unacceptable overbearing effect on the occupiers of No 22. As Nos 11 and 20 would have a greater separation distance from the proposed bungalow, occupiers would not be subject to an unacceptable overbearing effect either.
8. On the matter of living conditions I conclude that the appeal proposal would accord with Policy CP3 of the Local Plan. This requires development proposals to protect the amenity enjoyed by existing properties. It would also accord with the Framework insofar as it requires a good standard of living conditions for all existing occupiers of buildings.

#### *Other matters*

9. I note the generally suitable location of the appeal site for residential development, the adequacy of amenity space, preservation of privacy for nearby residents, absence of technical objections and the submission of a draft planning obligation. However, these matters do not outweigh the harm to the appearance of the area I have identified.
10. The appellant refers to the positive nature of pre-application advice and planning officer's recommendation for approval of the planning application. However, I have considered the appeal proposal on its own merits based on the policies and evidence before me. These matters do not lead me to a different conclusion.
11. I also note interested parties other objections to the appeal proposal. Given my conclusion I do not need to consider these further.

#### **Conclusion**

12. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

*Richard Exton* INSPECTOR

<sup>1</sup> The Cannock Chase Local Plan (Part 1) adopted in 2014.

<sup>2</sup> The National Planning Policy Framework.

<sup>3</sup> The Cannock Chase Council Design Supplementary Planning Document adopted in 2016.