



## **Grounds of Appeal**

**Little Acre, Fulford**

**May 2019**

**Site Address:**

Little Acre, Fulford Road, Fulford, Stoke-on-Trent, ST11 9QT

**Appellant:**

Mr J. Meigh

**Proposal:**

Proposed ground and first-floor extensions to existing domestic house, and proposed garage.

**Grounds of Appeal:**

Date Issued: 08/05/19

Job Reference: SPS180219JM2

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## 1. Introduction

- 1.1. Scott Planning Services has been instructed by Mr J. Meigh to lodge an appeal under s78 of the Town and Country Planning Act 1990 (As Amended) against the decision of Stafford Borough Council (SBC) to refuse planning permission for ground and first floor extensions to the existing domestic house, and proposed garage at Little Acre, Fulford (LPA Reference:19/29930/HOU).
- 1.2. The appellant submits that they have acted reasonably in the submission of this appeal. Several revisions to the design of the proposals were submitted SBC before the determination of the application in an attempt to address the concerns of the local authority. Furthermore, all of the material considerations referenced in these grounds of appeal were brought to the attention of SBC before the determination of the application.
- 1.3. The proposed extensions were predominantly to the rear of the existing dwelling, along with a side facing dormer. The final submitted drawings maintained the eaves and ridge height of the existing dwelling. The proposed extension would increase the ground floor area of the existing dwelling by 23.23m<sup>2</sup> and add 24.06m<sup>2</sup> to the first floor. The proposals were to improve the appellants existing living accommodation.
- 1.4. The application was refused under delegated authority for the following reason:
  - *The proposed extension by reason of its scale and massing would form an over-dominant and disproportionate addition which is unsympathetic to the existing property style, and together with the previous extensions would result in an extended dwelling of disproportionate dimensions which would harm the character of the property. The proposal is therefore contrary to Policy C5 (C) and Policy N1 (g) and (h) of the Plan for Stafford Borough.*
- 1.5. This document sets out the appellant's Grounds of Appeal having regard to the stated reason for the refusal.

## 2. Site and Surroundings

2.1. Little Acre is a detached dormer bungalow dwelling located in Fulford, Stoke-On-Trent. The site borders the North Staffordshire Greenbelt, with only a small proportion of the lower garden within the Greenbelt. Little Acre is positioned opposite Fulford Village Hall, with Fulford Primary School a few hundred meters to the West along Fulford Road. Little Acre is significantly screened from the public highway by a large Sycamore and large Beach tree. SBC has recently allocated the large Beach a Tree Protection Order due to its high amenity value. Within the locality, there is a mixture of architectural styles including detached dormer bungalows with interspersed two storey properties.

## 3. Planning Policy

3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises The Plan for Stafford Borough (TPSB) (2011-2031) of which the following policies are considered to be of relevance:

3.2. **SPATIAL PRINCIPLE 3 (SP3) – STAFFORD BOROUGH SUSTAINABLE SETTLEMENT HIERARCHY.** A change in settlement boundaries was introduced when TPSB was adopted. Prior to 2011, Fulford was considered to be a key service village, however when TPSB was introduced it was changed to be considered as open countryside. Therefore, the proposal for Little Acre was determined under Policy C5.

3.3. **Policy C5: Residential Proposals outside the Settlement Hierarchy.** Under Policy C5 the criteria below are pertinent to the proposals at Little Acre.

- *C. Extensions or Alterations*
- *In areas outside the settlements identified in Spatial Principle SP3, extension or alteration of an existing building should not result in additions of more than 70% to the dwelling as originally built unless:*

- (ii) *The design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area.*

### 3.4. Policy N1 Design

- *g. Include high design standards that make efficient use of land, promote activity and takes into account the local character, context, density and landscape, as well as complementing the biodiversity of the surrounding area;*
- *h. Designs must have regard to the local context, including heritage assets, historic views and sight lines, and should preserve and enhance the character of the area including the use of locally distinctive materials;*

## 4. Other Material Considerations

4.1. **National Planning Policy Framework:** The recently revised National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, and provides guidance in respect of various matters, including inter-alia, securing high-quality design. The content of this document has been taken into account in the preparation of this appeal and is a relevant material consideration.

4.2. **Stafford Borough Design Guide (SPD):** This document sets out guidance in respect of securing good design, including guidance on extensions. This guidance is considered in more detail within the Statement of Case below.

4.3. **Appendix A:** Appeal Ref: APP/Y3425/D/16/3165234 (January 2017), 375 Sandon Road, Meir Heath, Stoke-on-Trent, Staffordshire, ST3 7LJ. Appeal allowed for extensions resulting in a 192% increase in floor area to a bungalow lying outside of the settlement boundary. The proposals were found to “*accord with Policy C5 of the PSB and be consistent with the development plan as a whole*”.

4.4. LPA Decision (**15/21728/HOU**), March 2015. This application was for an Orangery to the rear of The Willows on Fulford Road, located two doors to the North East of Little Acre. The existing property was deemed to have been previously

'substantially' extended resulting in 212.6% increase in floor area over the original and a final approved position of 244.2%.

4.5. LPA Decision (**19/29869/FUL**), March 2019. Within this application for an approved new dwelling, a prominent side elevation dormer was approved as part of the design. An extract of the approved plans is included in the Statement of Case below.

## 5. Main Issues

5.1. Having regard to the stated reason for refusal it is considered that the main issues to be determined in this appeal are whether the proposed extension by virtue of its size, scale and design would result in significant harm to the character and appearance of the street scene. Furthermore, are the proposals in accord with Policy C5 and consistent with the development plan as a whole.

## 6. Statement of Case

6.1. The delegated report accompanying the application makes contradictory declarations and unsubstantiated statements. Firstly, by describing Little Acre as being '*significantly and unsympathetically extended*', the facts being that the previous extensions were completed under extant planning permissions. Furthermore, to contradict the above statement the report then goes on to describe the existing dwelling at Little Acre as being of '*modest size*'.

6.2. The report also states at point 5 that the residential curtilage of the property '*may*' have been extended into the Green Belt. While the report notes this does not affect the consideration of these proposals, it is still an unsubstantiated claim which should not have been made. If anything, the oldest OS maps showing Little Acre from 1957 show the planning unit of Little Acre to be even larger than that which currently exists.

6.3. **Original Dwelling Size:** The appellant does not agree with SBC on the size of the original dwelling as 104.47m<sup>2</sup>. SBC provided the appellant with a photo (Figure 1) of the oldest OS map available to the council showing Little Acre. Using measurements from the submitted drawings to generate a scale for the photo, the original dwelling measures closer to 110m<sup>2</sup>. SBC contends that the ground floor front bedroom projection not shown on the OS map is a later addition. However, there is no evidence to support this position. Furthermore, measurements from the submitted plans (Figure 2) for the application support the original dwelling being closer to 110m<sup>2</sup>. The appellant submits that the difference in the shape of the front elevation is an omission in the drafting of the OS map, similar to how the distance between the dwelling and detached garage (at that time) do not match the actual measurements on site.

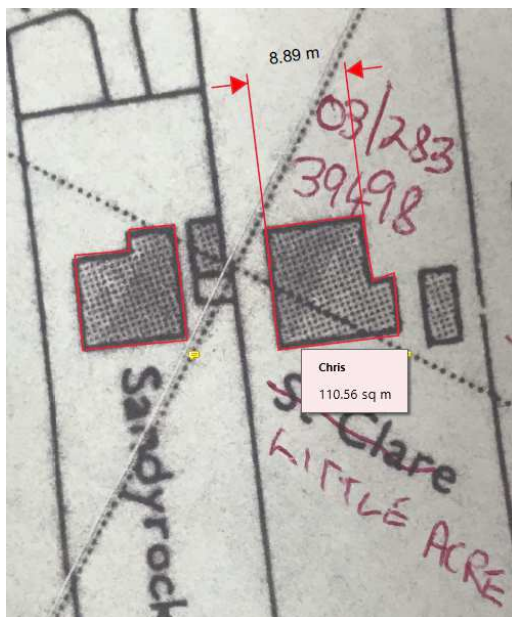


Figure 1: OS image provided to the appellant via SBC

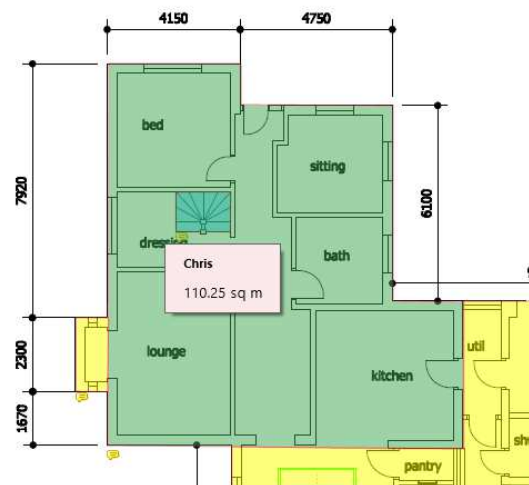


Figure 2: Measurements taken from the submitted floor plans

6.4. **Floor Area Calculations:** Therefore, the appellant also disagrees with SBC's interpretation of the existing dwelling at Little Acre being a 157.47% increase in floor area over the original dwelling, and the proposals resulting in the cumulative position of a 202.74% increase over the original dwelling. The appellant submits with an original floor area for the dwelling of 110m<sup>2</sup> the existing dwelling is a 134.34% increase over the original and the proposals result in a cumulative extension increase of 179.68%.

6.5. **Compliance with Policy C5:** As noted above, compliance with Policy C5 can be achieved with extensions above 70% of the dwelling as originally built provided the “*The design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area.*” A pertinent appeal decision for the proper interpretation of Policy C5 can be reviewed in Appendix A (APP/Y3425/D/16/3165234). SBC refused the application on the basis that the 192% cumulative increase in floor area would result in over-dominant and disproportionate additions which would harm the original character of the dwelling. However, the Inspector concluded the following:

*“6. However, I note that the Council accepts that the building is of no architectural merit, and from my site visit I do not consider that in this particular instance, given the **generally suburban nature of the neighbouring properties** that the proposed extension would have an adverse impact on the character of the surrounding area. Moreover, **the extended property would still retain its character as a bungalow and the scale of the extension would not appear disproportionate within the context of the site and surrounding developments.**”* (My emphasis for Little Acre)

*“7. Consequently, I conclude that the proposed development **would accord with Policy C5 of the PSB and be consistent with the development plan as a whole.**”* (My emphasis for Little Acre)

Furthermore, the LPA approval of 15/21728/HOU in March 2015 for an extension to The Willows which is a neighbouring property to Little Acre needs to be acknowledged in reference to Policy C5. SBC considered the existing property had been previously ‘substantially’ extended resulting in a 212.6% increase in floor area over the original and approved a final position of 244.2%.

6.6. **Side Elevation Roof Dormer:** Within the delegated report for Little Acre it was stated that “*The dormer window that projects out from the side elevation creates bulk and massing that the local planning authority considers to be unacceptable.*” However, this position on side elevation dormers is not consistent with other delegated decisions recently approved. In March 2019



approval was granted (19/29869/FUL) for a replacement dormer bungalow with a prominent side elevation roof dormer (Figure 3).



Figure 3: Extract of Approved Elevations for (19/29869/FUL)

It must be reasonably determined that the approved side elevation dormer in Figure 3 is a dominant presence within the street scene. Within the delegated report for 19/29869/FUL it is also worth noting the officer's comments on sites outside of the settlement boundary:

*“Meir Heath does not have a Settlement Boundary under The Plan for Stafford Borough (TPSB) and it is not part of the Sustainable Settlement Hierarchy as defined in Spatial Principle (SP) 3 of TPSB. **Under planning policy, the site is presumed to lie within open countryside although clearly this is not the case given the residential character of the surroundings and the accessibility and sustainability of the location.**”* (My emphasis with Little Acre)

Little Acre is significantly screened from the public highway with large trees, one of which is now protected under a TPO. Therefore, the side elevation dormer as part of the proposals should not be determined to have a significant impact on the character of the area. Furthermore, it needs to be acknowledged that Little Acre still holds permitted development rights, under which a side dormer on the West facing elevation of the original dwelling could lawfully be constructed.

Side elevation dormers are currently present on other dwellings along Fulford Rd. Two doors to the North East of Little Acre at The Willows, and three doors to the West of Little Acre. Therefore, side elevation dormers cannot be regarded as an alien design feature within the locality.

The Stafford Borough Design SPD while referencing how roof dormers should be sympathetic in scale to the existing roof makes no reference to side elevations roof dormers as being an inappropriate design feature.

**6.7. Two Storey Rear Gable:** Within the delegated report it is stated that *“The two-storey gable end to the rear of the property is not in keeping with the character or the style of the existing dwelling.”* The appellant did discuss this design feature with the officer during the consultation and before revised designs were submitted. It was stated to the appellant that the two-storey gable design feature was not considered to be of concern. The appellant submits that this rear design feature has no negative impact on the street scene. Furthermore, as no properties are located to the rear of Little Acre and being on the fringe of the Green Belt, it is unlikely it would impact on the character of the area moving forward. It should be noted that two storey gables are present at two doors to the North East of Little Acre at The Willows and four doors to the West along Fulford Rd.

**6.8. Larger Home Extension:** Little Acre still holds its permitted development rights and as such the property can be further extended under the 2015 GDPO. Under Class A (g) a Larger Home Extension up to 8m beyond the rear wall of the original dwelling and up to 4m in height is permissible, provided completion of the Prior Approval process with the LPA. The appellant has completed this process for such an extension (19/30375/NHPD). No neighbour objections were received. Therefore, prior approval was deemed not to be required. However, the appellant has not started any of the associated works. The proposed Large Home Extension would provide roughly an additional 48m<sup>2</sup> over the existing dwelling, more than the total of 47.29m<sup>2</sup> as proposed under this appeal. The current 2015 GDPO states the works must be completed by May 30<sup>th</sup>, 2019. However, on March 13<sup>th</sup>, 2019 the Secretary of State publicly declared that the Larger Home Extension will be made a permanent right (HCWS1408).

## 7. Conditions

7.1. The appellant is agreeable to the removal of Schedule 2, Class A and B permitted development rights if this appeal was approved. This position would

be consistent with Policy E2 Sustainable Rural Development which states "*b. in the case of alterations and replacements of residential properties, it accords with Policy C5. Permitted development rights may be removed from dwellings;*".

7.2. To meet the concerns of the tree officer as stated in the delegated report the appellant is happy to agree to a further condition with regards to the root webbing protection system for the extension to the driveway.

## **8. Conclusions**

- 8.1. For the reasons stated above, the appellant submits that the proposed extension is not poorly designed and is consistent with the scale and character of the existing dwelling. The proposal has been designed to be subservient to the existing dwelling and is not an overly intrusive or dominant form of development.
- 8.2. The appellant believes the proposals accord with Policy C5 of The Plan for Stafford Borough (TPSB) (2011-2031) and is consistent with the development plan as a whole. Furthermore, with reference to the Stafford Borough Design SPD and the local approval of 19/29869/FUL the design of the side elevation dormer does not result in an unacceptable level of harm to the character and appearance of the surrounding area. Notably, the side elevation dormer is significantly screened from the public highway by mature trees, one of which is now protected under a TPO.
- 8.3. The planning officer did not state any objections to the detached garage forward of the dwelling's principle elevation included in the proposals. Therefore, it can be reasonably concluded that the LPA believes the property is well screened from the public highway.
- 8.4. It should be noted that the application received no objections from neighbours or the Parish Council during the determination of the planning application or the prior notification for Large Home Extension (19/30375/NHPD). Furthermore, no neighbour amenity issues were raised by SBC in the determination of the planning application.
- 8.5. The Planning Inspector is therefore respectfully requested to allow the appeal and grant planning permission for the proposed development.