



Appeal Decision

Site visit made on 12 March 2019

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2019

Appeal Ref: APP/P3420/W/18/3213591

Land adjacent Rowley House, Moss Lane, Madeley, Newcastle under Lyme CW3 9NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr M Ajmal (Prime Developers (Crewe) Limited) against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 17/01004/REM, dated 12 December 2017, sought approval of details pursuant to condition No 1 of a planning permission Ref 13/00990/OUT, granted on 10 April 2015.
 - The application was refused by notice dated 23 August 2018.
 - The development proposed is a residential development for up to 42 dwellings with all matters reserved except for means of access.
 - The details for which approval is sought are: reserved matters for appearance, landscaping, layout and scale for the erection of 42 dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised Existing and Proposed Site Sections plan¹ was submitted with the appeal. The plan updates its previous version in order to be reflective of the site plan² which the Council made its decision upon. The plan proposes no changes to the overall scheme and as such I am satisfied that no party would be prejudiced by me taking it into account.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site is an open field located on the western side of Moss Lane. To the south east boundary is a railway and the northern and eastern sides of the site are surrounded by housing. The western side is open fields. The site has a semi-rural character, located adjacent to the village envelope of Madeley, which is defined as a rural service centre in the Newcastle-under-Lyme and Stoke-on-

¹ Drawing No 9389/121 Revision G

² Drawing No 9389/101 Revision K

Trent Core Spatial Strategy 2006-2026 (October 2009) (CSS). Dwellings to the north east of the site on The Bridle Path are generally one and 1.5 storey with dormer accommodation to the roof slopes, set within reasonably sized plots featuring front and rear gardens, most with side driveways and commensurately proportioned plot spacing. Dwellings on the south eastern boundary are predominantly 2 storey set within spacious generous plots and of individual design.

5. Outline planning permission³ was granted by the Council for a residential development for up to 42 dwellings on the site in April 2015. The proposal subject to the appeal is for the reserved matters details of this outline planning permission, comprising the appearance, landscaping, layout and scale of the housing development. Access was approved as part of the outline planning permission, and subsequently varied by a non-material amendment⁴.
6. The proposal is for 42 dwellings of mainly 2 and 2.5 storey height with 2 bungalows. The layout of dwellings would surround a rectangular shaped loop road, with spurs for the access road, additional dwellings in the north and east corners and supplementary parking/access to the pond. Dwellings would have a road side frontage and rear gardens to the site boundaries. The inner rectangle of land would accommodate 6, 2.5 storey dwellings. Parking would be provided to the fronts of dwellings with small amounts of landscaping. All dwellings would have private rear gardens of varying sizes.
7. The site slopes in a southerly direction and the dwellings would be located over a gradient, varying in levels by around 4m over the site. The north corner of the site would contain plots 21-22. These would be 2 storey semi-detached dwellings, accessed from a spur off the main loop road. To the front of these dwellings, there would be an access road and parking areas with little amounts of soft landscaping. As noted by interested parties, the height of these dwellings would only be around 1m less than 50 The Bridle Path, a semi-detached bungalow with rear dormer; yet I note they would be at least 1m taller than other dwellings on the site, considerably stepping up in height, and correspondingly size, from the neighbours at plots 19-20. This increase in height would be conspicuous from both within and outside the development.
8. Furthermore, plot 22 would have its side gable facing the rear of No 50. The side elevation on plot 22, at its nearest point, would be less than 1m from the rear boundary of No 50. Coupled with the dwellings' heights, the location of plot 22 and its proximity to the boundary with No 50, the extent of hardstanding to the front and the overall scale and massing of development in this area; the northern corner of the site would appear overly urban for this location. Additionally, while several gardens across the site are small which the Council appear to raise no objections to, the gardens for these plots would also be of limited depth. This would not relate well to adjacent garden sizes on The Bridle Path and would provide little space to enable a transition from the open countryside to the development.
9. Although there would be enough distance between plot 22 and No 50 to ensure no adverse effect on the living conditions of the occupiers, the proximity to the boundary is tight and would be at odds with the existing plot form and layout of the immediate context whereby there is breathing space between dwellings

³ Application Ref 13/00990/OUT

⁴ Application Ref 13/00990/NMA

and corners are largely addressed with larger dwellings and side gardens. Equally, this is different to plots 13 and 14, which would adjoin the pond and therefore benefit from a sense of spaciousness to the side.

10. Consequently, the dwellings appear unsympathetically shoehorned into the corner of the site. Despite the asserted lack of prominence, this part of the development would not function well or add to the overall quality of the area, nor be visually attractive as a result of good layout.
11. Condition 4 of the Outline Planning Permission required the reserved matters submission to be informed by the principles of the Design and Access Statement, which should have taken account of the recommendations in the Design Review⁵. Whilst most of the recommendations have been adhered to, Recommendation 4 advised the more urban forms of development should be located near the village centre and the lower density part nearest to the open countryside. In this proposal, the most urban form of the development has been located adjacent to the countryside and whilst being recommendations only, this represents a flaw to the design.
12. Accordingly, I find the northern corner of the development would be of a cramped and incongruous design. This would be harmful to the character and appearance of the area, and as a result conflict with Policy CSP1 of the CSS, which seeks to ensure development is well designed to respect the character, identity and context of the area. It would also conflict with the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010), which provides guidance to achieve well designed residential areas. Lastly, there would be conflict with the National Planning Policy Framework, which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Other Matters

13. I have had significant regard to the comments provided by interested persons. However, as I am dismissing the appeal, it is not necessary to consider these matters any further.

Conclusion

14. The scheme would deliver 42 new homes, including 11 affordable homes. Yet, the outline planning permission would remain in place and I see no reason why a scheme could not come forward that would secure the delivery of these dwellings without the harm I have identified.
15. For the reasons set out above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR

⁵ Urban Vision Design Review Panel 96 (30 January 2014) (DRP Ref No 189)