

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

11 March 2021

Application No:	SMD/2021/0018	
Location	Land adjacent Prospect House Farm, Sutherland Road, Longsdon	
Proposal	Variation of Condition 2 relating to SMD/2018/0788 (APP/B3438/W/19/3231795)	
Applicant	Mr & Mrs McDermott	
Agent	Sammons Architectural	
Parish/ward	Longsdon	Date registered: 25 th January 2021
If you have a question about this report please contact: Ailsa Berry, tel: 07583122644, email: ailsa.berry@highpeak.gov.uk		

REFERRAL

The application is before committee as the committee determined the previous Outline and Full applications for a detached dwellinghouse at this site (SMD/2018/0231 and SMD/2018/0788) and the application is locally controversial.

1. SUMMARY OF RECOMMENDATION

APPROVE subject to Conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 Full planning permission was granted on appeal for the erection of a detached dwellinghouse and detached garage, following refusal of the application by Members of the Planning Committee. The dwellinghouse is constructed up to roof height.

2.2 The site is bordered to the east by Sutherland Road which runs in a north-south direction. On the opposite side of Sutherland Road, facing the site, are two detached properties 'Wishwood' and 'The Lodge', which are situated within a cluster of buildings that extend to the north and south.

2.3 The northern boundary of the site is shared with the neighbouring bungalow 'Portree', located within a linear pattern of development which extends northwards to Limes Avenue, whilst the southern boundary is shared with Prospect House Farm. To the west of the site is open agricultural land.

2.4 The application site is located in the North Staffordshire Green Belt.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 Full planning permission is sought to vary Condition 2 of planning approval SMD/2018/0788. Condition 2 specifies the approved drawings. Permission is sought to vary the design of the development from that originally approved.

3.2 The differences between the scheme that was allowed on appeal and this application comprise:

- The floor slab of the dwellinghouse has been increased by 0.5 metres in height due to the height of an existing drain that traverses the site;
- The eaves height of the dwellinghouse has increased by 0.2 metres;
- The pitch of the roof has been reduced;
- The floor slab of the garage has been increased by 0.35 metres;
- The roof of the rear single storey projection has been increased in pitch so that it now meets the cill of the window above;
- The ridge of the gables adjoin the ridge of the main roof at a different position, due to the alterations to the roof pitch;
- The roof pitch of the porch has been reduced;
- The approved arched headers have been changed to flat soldier headers and the tile crease from the header cill has been omitted; and
- The fascia boarding shown on the approved drawings has been omitted and corbelled eaves introduced.

3.3 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=143728>

4. RELEVANT PLANNING HISTORY

SMD/2018/0231	Outline permission for erection of a single dwelling and garage including access and layout, with all other matters reserved Approved 03/09/2018
SMD/2018/0788	Erection of a single dwelling and detached garage Refused 31/05/2019 Appeal allowed 01/11/2019
SMD/2019/0397	Erection of single dwelling and detached garage – resubmission of SMD/2018/0788 Approved 20/09/2019
DOC/2020/0036	Discharge of Conditions 3, 4, 5 and 8 relating to SMD/2018/0788 Approved 19/06/2020

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS2 Settlement Hierarchy
- SS9 Smaller Villages Area Strategy
- SD1 Sustainable Use of Resources
- H1 New Housing Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF) Revised (2019)

5.3 The following chapters of the NPPF (2019) are particularly relevant to this application:

- 2: Achieving sustainable development
- 5: Delivering a wide choice of high quality homes
- 4: Decision making
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 13: Protecting Green Belt land
- 15: Conserving and enhancing the natural environment

6. CONSULTATIONS

Public response to consultation

6.1 Four comments have been received that all object to the proposed development. Comments raised that are relevant to the amendments include:

- The dwellinghouse was already way too big, too close and too intrusive to Portree and now it is higher.
- The R.L. change within the position of the dwelling now stands 0.5 metres higher than stated on the approved site plan. Additionally the garage position is now shown to be higher, although the construction of the garage has not yet commenced.
- Given the house is now recorded as being 0.5 metres higher and the eaves have raised in our estimation by 0.5 metres, this leads us to question the agent's claim that the overall ridge height remains no higher than those within the approved drawing. They are unaware of any independent validation to this claim.

- How has the conflicting R.L's affected the existing build in terms of overall ground to ridge height and finished floor level against those within the approved plans and drawings? How have the existing principal and side elevations been affected by the change in ground levels and raising of the eaves height between those recorded in approved plans and drawings and the substituted drawings forming part of this application? Surely, any change in ground levels alters the position of windows in height terms and how they relate to their property (Wishwood) and Portree along with the raised eaves and raised apexes and gables that without doubt add to its overbearing and obtrusive nature.
- The projection from the build forming part of the kitchen area facing west has also been raised in height and the roof structure is now closer to the first floor bedroom window as opposed to how it is shown in approved drawings.
- The approved brick arches over the windows have been replaced with straight solid headers and the eaves and apexes have a different brick design finish to them.
- The drawings do not correspond correctly with the actual view of the build as it stands today. The substituted drawings show the apexes facing east and west as having alternate ridge heights whereas in reality they are equal heights.
- The Planning Inspectorate removed permitted development rights from the property as they would be detrimental to the character and appearance of the area and the living conditions of neighbours. They consider the amendments that have been made undermine the Planning Inspector's reasoning to remove permitted development rights.
- The increase in the eaves height is detrimental to the living conditions of Wishwood and the neighbouring properties.

6.2 A number of concerns raised were in respect of the principle of building a house on this site, its approved size and siting within the plot and the loss of the field. However, planning permission has already been obtained for a dwellinghouse on this site and therefore this cannot be revisited.

6.3 Other comments raised questions regarding the type of application that has been submitted; that the application should refer to it being retrospective; why the amendments are not explicitly outlined within the application; whether the building has been measured and compared to the submitted drawings; whether the drawings can be trusted; that issues regarding the drains had been previously raised; that the location of the drain has been shown inconsistently on the submitted drawings; that the drainage shown on the drawing is incorrect; ask whether building inspections have been undertaken; issues with spot heights of the road having been corrected; and that Planning Enforcement has had to be involved previously to ensure the building was being constructed correctly etc.

Longsdon Parish Council

6.4 Longsdon Parish Council have no objections to the application.

SCC Highway Authority

6.5 No objection subject to a condition in respect of visibility splays.

6.6 The Highway Engineer states that this response is issued on the understanding that all other conditions on SMD/2018/0788 remain applicable.

6.7 The Highway Engineer states that whilst it is not clear what all the alterations are, access and parking layout remains unchanged. The revised drawing gives more detail of visibility requirements to the south of the access and is an improvement.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issues relate to:

- Whether the proposal comprises an exception to inappropriate development in the Green Belt.
- Impact on the character and appearance of the existing dwellinghouse and the surrounding area.
- Impact on neighbouring amenity.

Principle of Development

7.2 The application site is located in the North Staffordshire Green Belt whereby policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2019) are applicable. Policy SS10 states that strict control will continue to be exercised over inappropriate development within the Green Belt, allowing only for exceptions as defined by Government policy.

7.3 Paragraphs 143 and 144 of the NPPF (2019) state *'that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'* and *'when considering a planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'*.

7.4 Paragraph 145 of the NPPF (2019) goes on to list the types of development which are exceptions to inappropriate development. One such exception is (e) limited infilling in villages.

7.5 The previously approved planning applications and the allowed appeal have all concluded that the application site meets the criteria for (e) limited infilling in villages and therefore it does not comprise inappropriate development in the Green Belt.

7.6 Part (e) of paragraph 145 of the NPPF (2019) does not require an assessment of a development's impact on the openness of the Green Belt. Therefore the amendments do not have a bearing on whether the development is acceptable in principle.

Impact on the Character and Appearance of the Area

7.7 Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

7.8 Paragraph 127 of the NPPF (2019) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

7.9 Sutherland Road is characterised by sporadic linear development. To the west of the road, and to the north of the site, stand a row of houses which vary in size, scale and height with no consistent front building line.

7.10 The floor level at which the dwelling has been constructed is 0.5 metres higher than the level previously approved. This is due to the fact that when the drain (which runs across the site) was inspected, it was not at the depth anticipated. To prevent any works being undertaken to lower the drain (which would have been problematic due to covenants) the floor slab of the whole dwelling has been raised 0.5 metres. (This has all been independently verified to the Planning Officer by the Building Control Officer).

7.11 The height of the floor level to eaves is 0.2 metres higher than the scheme that was approved on appeal. In order for the overall height of the dwellinghouse to not increase by the 0.5 metre increase in the height of the floor slab, the roof pitch has been reduced from 40 degrees to 35 degrees. This has resulted in the overall height of the dwellinghouse, when measured from the original ground level, being 0.1 metres lower than the dwellinghouse that was approved on appeal.

	Appeal Approval SMD/2018/0788	This Application SMD/2021/0018	Difference	Difference with Floor Slab Increase
Eaves Height	4.05m	4.25m	+0.2m	+0.7m
Ridge Height	7.65m	7.05m	-0.6m	-0.1m

7.12 In order for the Local Planning Authority to satisfy themselves that these measurements are correct, the dwellinghouse was measured by the Planning Officer during a site visit.

7.13 The alterations to the roof pitch and eaves height has not significantly altered the design of the dwellinghouse from that which was approved on appeal. The floor slab of the garage is proposed to be increased by 0.35 metres to retain a similar relationship to the dwellinghouse that is now sited on a floor slab that is 0.5 metres higher. However, no changes are proposed to the scale or design of the garage as approved on appeal. The alterations to the headers (from flat soldier to arched) and the introduction of corbelled eaves instead of fascia boarding are both considered to improve the overall appearance of the dwellinghouse, whilst the other alterations are considered to be minor in nature and do not affect the dwelling's overall character.

7.14 It is for these reasons that the amendments sought are not considered to have a detrimental effect on the character or appearance of the dwellinghouse as previously approved on appeal.

Impact on Residential Amenity

7.15 Local Plan policy DC1 and paragraph 127(f) of the NPPF (2019) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.16 No changes have been made to the internal layout of the dwellinghouse, the siting of the dwellinghouse within the plot or to the siting or scale of the windows and doors and the Planning Inspector, when considering the 2018 appeal, did not consider the proposed development to have a detrimental effect on neighbouring amenity. However, as previously described, the floor slab of the dwellinghouse has increased by 0.5 metres due to the height of an existing drain that traverses the site. Due to modifications to the pitch of the dwellinghouse's roof, this has resulted in the dwellinghouse's eaves height from ground level increasing by 0.7 metres and the ridge height from ground level being 0.1 metre lower than that approved under SMD/2018/0788.

7.17 The dwellinghouse to the west of the application site that directly faces the dwellinghouse that is under construction is 'Wishwood'. 'Wishwood' is sited on a higher ground level than the dwellinghouse at the application site as the land slopes downwards from east to west. The overall height of the dwellinghouse is 0.1 metre lower than the scheme that was allowed on appeal. The eaves of the dwellinghouse will be 0.7 metres higher than the scheme that was allowed on appeal. Given the space between the two buildings; no changes being proposed to the internal layout of the dwellinghouse; and the windows facing towards Wishwood either being obscure glazed or non-habitable, this is not considered to significantly impact upon the amenity of 'Wishwood' to an unacceptable degree.

7.18 To the north of the application site is the dwellinghouse known as 'Portree'. 'Portree' is located on a higher ground level than the application site as the land also slopes downwards from north to south. Portree is sited further back from Sutherland Road than the dwellinghouse under construction and therefore the windows in the side elevations of each property do not directly face one another. In addition, the dwellinghouse under construction complies with the 45-degree guideline in respect of 'Portree'. An overall increase in the height of the ground to the eaves of 0.7 metres is not considered to have a detrimental effect on the amenity of 'Portree'.

7.19 A detached garage will be sited to the southwest of the dwellinghouse under construction and will be sited on a floor slab that will be 0.35 metres higher than previously approved. The dwellinghouse to the west of the application site that will directly face the proposed garage ('The Lodge') is sited over 27 metres from the proposed garage. The siting and scale of the proposed garage remains unchanged from the scheme that was allowed on appeal. Due to the separation distance between 'The Lodge' and the proposed detached garage, an increase in the overall height of the garage by 0.35 metres due to the change in the height of the floor slab is unlikely to be discernible or have a detrimental effect on the amenity of this property.

7.20 It is for the above reasons that the amendments will comply with policy DC1 of the Local Plan (2020) and the NPPF (2019) in respect of amenity.

Other matters

7.21 A number of concerns raised were in respect of the principle of building a house on this site, its approved size and siting within the plot and the loss of the field. However, as noted above planning permission has already been obtained for a dwellinghouse on this site and therefore this cannot be revisited.

7.22 With regard to other comments raised, the applicant is entitled to apply retrospectively for the changes but there is no requirement to refer to this in the description of the development. There is no requirement to outline the changes provided that the submitted drawings reflect everything that is being applied for. Nevertheless the changes have been set out in this report. The building has been measured and compared to the submitted drawings by officers, as noted above. Whilst previous concerns regarding accuracy of drawings showing the position of the drain are noted, this application does not proposed any change in the siting of the dwelling relative to the drain only the heights and slab levels. Furthermore, no change to the drainage arrangement are being applied for as part of this application.

7.23 Whether or not Building Regulations inspections have been carried out are not a material planning consideration, as the planning system should not seek to duplicate other consent regimes. The fact that planning enforcement has been previously involved is again not a material planning consideration or reason to withhold planning permission.

Planning Balance & Conclusions

7.24 The proposed development comprises an exception to inappropriate development in the Green Belt as it comprises limited infilling in villages and has been accepted in the previously approved applications. The amendments put forward do not alter this view as no assessment on their impact on the openness of the Green Belt needs to be undertaken.

7.25 The alterations to the appearance of the dwellinghouse are not considered to affect its overall appearance and, in respect of the alterations to the headers and eaves detailing, are considered to improve its design.

7.26 The changes in the height of the floor slab have been countered by a reduction in the pitch of the roof and therefore the overall height of the dwellinghouse is 0.1 metres lower than that which was previously approved. The increase in the height of the eaves by 0.7 metres is not considered to have a significantly detrimental effect on the amenity of neighbouring properties due to the separation distances involved and the sloping ground levels.

7.27 The comments raised by neighbours have been taken into consideration however, they are not considered to alter the above conclusions.

7 RECOMMENDATION

A. That planning permission be APPROVED subject to the following Conditions:

1. The development shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:-

- 2018-2381-14A Floor Plans and Elevations;**
- 2018-2381-15 Site Plan;**
- Location Plan.**

2. The development hereby approved shall be constructed of those materials as detailed on drawing number 2018-2381-14A, unless otherwise first agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with those approved details.

3. The development shall be undertaken in strict compliance with the Construction Ecological Management Plan, dated March 2020 and produced by Eyebright Ecology, unless otherwise first agreed in writing with the Local Planning Authority.

4. The development hereby approved shall be undertaken in strict accordance with the previously approved Construction and Environmental Method Statement, dated March 2020. Any alteration to the Plan must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any alteration.

5. The access shall remain ungated for the lifetime of the development, in accordance with the approved Site Plan (2018-2831-15).

6. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.

7. The development hereby approved shall not be brought into use until the visibility splays shown on plan ref: 2018-2381-15 have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900mm above the adjacent carriageway level.

8. No objects shall be placed, constructed, planted or allowed to remain within 2.4m of the carriageway edge that is greater than 900mm in height above the adjacent carriageway level on the frontage of the development between the proposed access and the southern boundary.

9. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the carriageway edge.

10. The development hereby approved shall not be brought into use until the parking and turning areas have been provided in accordance with the approved

plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the lifetime of the development.

11. The ground floor window serving the W.C and first floor windows serving the front elevation of Bedroom 3, the en-suite bathroom; side window serving the Master Bedroom; and the rear Bathroom shall be obscure glazed and permanently retained for the lifetime of the development.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

Site Location Plan

