

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

20 May 2021

Application No:	SMD/2020/0577	
Location	7 Oakamoor Road, Cheadle	
Proposal	Retrospective application for garden summer house	
Applicant	Mr Lee Trumble	
Agent	HCA Architects	
Parish/ward	Cheadle	Date registered: 15 th October 2020
If you have a question about this report please contact: Ben Haywood email: Ben.Haywood@staffsmoorlands.gov.uk		

REFERRAL

This application has been called to committee at the request of Councillor Wilkinson so that the impact on residential amenity can be considered.

1. SUMMARY OF RECOMMENDATION

APPROVE with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site is within the development boundary of Cheadle and comprises a semi-detached dwellinghouse amongst a row of similar dwellings facing Oakamoor Road to the south. The site has a rear garden similar to neighbouring rear gardens in terms of length and width and this backs onto a wooded green open space to the north of the site. There is a small outbuilding on a raised concrete base against the rear boundary of the site. In front of this is a new larger timber structure which at the time of a site visit on 7th January 2021 was incomplete. The rear gardens appear to gradually rise towards the rear and also fall towards the west leading to the rear garden at No.7 (the application site) being slightly higher than the neighbouring garden to the west at No.5.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a householder planning application seeking retrospective permission for a timber “summer house” outbuilding which has been installed (on the 4th April 2020 according to the forms) but at the time of the site visits was incomplete. The drawings show a building with a low mono-pitch roof with solid timber walls on the sides and rear and French windows with side glazed panel windows on the front elevation which faces the garden and rear wall of the house. To the front of the windows is a raised timber deck underneath a a roof overhang. The whole structure

has a footprint of 4.4 x 4.9 (width) metres and is placed leaving a gap of 0.6 metres from the west side boundary and 1.4 metres from the east side boundary. The only measurement annotated on the drawings is a 2.3 metres height measurement between the raised deck and the underside of the parapet, although from ground level to the top of the roof overhand is 3m in height. At the time of the site visit, the completed external shell of the building including walls, roof including overhang and raised deck and steps were provided but not the doors and windows.

3.2 Details of the application scheme can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=141004>

4. RELEVANT PLANNING HISTORY

None.

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
- SS2 Settlement Hierarchy
- SS7 Cheadle Area Strategy
- DC1 Design Considerations

National Planning Policy Framework (NPPF) Revised (2019)

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

- 2: Achieving sustainable development
- 4: Decision making
- 12: Achieving well-designed places

6. CONSULTATIONS

Neighbour letters	Expiry date for comments: 25/11/2020
Site Notice Posted	04/11/2020
Press Notice	N/A

Public response to consultation

6.1 Two letters of objection have been received from the adjacent neighbour at No.5 Oakamoor Road which is to the west side of the site. The first letter argues that the

building and deck does not accord with the regulations relating to outbuildings and decks in rear gardens, i.e. the permitted development rights, due to the height, siting and size. The letter then states that due to the height of the structure and deck, together with the raised ground levels, considered to be about two feet above his own garden, the structure would allow overlooking into the rear windows of the objectors house leading to a loss of privacy.

6.2 The second letter outlines concerns that external lighting will be attached to the structure which will affect the two bedrooms at the objectors property which are both at the rear of the house. Concerns are also raised that the outbuilding will be used as a “party house” leading to noise and disturbance.

Cheadle Town Council

6.2 No objection.

Severn Trent Water

6.3 No objection.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issues relate to:

- Impact on the character and appearance of the surrounding area.
- Impact on residential amenity.

Introduction

7.2 The applicants claim that the building could have been provided as permitted development under the GPDO and therefore does not require planning permission. The GPDO requires that any outbuilding should not exceed a height of 2.5 metres (measured from the highest part of the ground adjacent to the building) if it is placed within 2.0 metres of a residential boundary, in order for it to benefit from being provided under permitted development not requiring permission. The applicant was requested to submit an application in response to details about the outbuilding submitted to the Council. After the application was submitted, a site visit was undertaken on 7th January 2021 to establish if in fact an application was needed. The applicant’s measurements were based on the highest part of the site next to the outbuilding, this being land immediately to the rear. However, this comprises a concrete platform where another outbuilding has been placed and therefore does not represent the true “ground levels” of the site. The floor of the outbuilding is raised above the evident ground level of that part of the site and the ground to the east side appears to be raised above this and is finished with stones/pebbles. The Council officer took a measurement from the ground level underneath the east side of the building and to the highest part of the building, excluding the parapet, the height was recorded as 2.9 metres, which is easily in excess of the 2.5 metre limit stipulated in the GPDO. The drawings show the deck area is 0.5 metres above the ground which

exceeds the 0.3m limit. It is therefore considered that both the outbuilding and raised deck require planning permission and cannot be retained as “permitted development”. The planning application received therefore would need to be determined against the policies of the Local Plan (given above in this report) and the NPPF.

7.3 The application site lies within the settlement boundary of Cheadle where Policies SS2 and SS7 seek to focus future growth and strengthen their role as service centres. Accordingly, the general principle of development is considered to be acceptable subject to matters relating to design and the impact on the character of the locality and residential amenity.

The impact on the character and appearance of the area

7.4 Policy DC1 of the Local Plan states that all development should be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.

7.5 The outbuilding has the appearance of a timber summer house which is not untypical of the structures found in residential gardens. It is difficult to view from the road, public footpaths and publicly accessible open land to the rear and to the west of the site due to its location in a rear garden and in front of a current outbuilding next to the rear boundary. Accordingly the building does not affect the character and appearance of the area and complies with Policy DC1.

The impact on the residential amenities of the area

7.6 Policy DC1 states that all development should protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

7.7 The distance between the front edge of the deck and the bedroom windows of the objector’s dwelling is 19.0 metres and 20.5 metres from the proposed French windows of the summer house. To the ground floor windows of the objector’s property (kitchen and dining room) the distances are approx. 17.0 and 18.5 metres. The Council’s Space About Dwellings Supplementary Planning Guidance (SPG) requires separation distances of at least 22.0 metres between primary windows for all new development. Whilst these distances are normally only applied between the primary windows of dwellings, they do provide guidance on what is considered to be an acceptable separation distance to respect privacy between two residential properties. In this case the development comprises a summerhouse which is not regarded to contain accommodation containing primary windows, requiring strict compliance with the SPG. The distances between both the deck and neighbouring rear windows and summer house and neighbouring rear windows do not meet the minimum requirements stipulated in the guidance. However, it is noted that the shortfall of the distances to the upper floor windows is not substantial. The upper floor rooms are considered to be the most affected by any overlooking problems.

7.8 It is considered that although there will be some degree of overlooking between the structure and the upper floor bedroom windows of the neighbouring dwelling, this will be mutual and if anything, the scope of overlooking would be greater from the bedroom windows and not the deck as bedroom views would be looking downwards at the structure rather than upwards (in the case of views from the deck). Furthermore, if there was a patio on the footing of the structure instead of a building with front deck, or even just chairs placed on the lawn when occupants and visitors venture out to enjoy the garden, the scope of overlooking into the bedroom windows would be no less. Also, if the structure was reduced in size to what would be allowed under permitted development, the same overlooking issue would still remain.

7.9 It is therefore considered that the structure applied for would not lead to any significant increase in harmful overlooking into the neighbour's rear bedroom windows.

7.10 With regard to the rear ground floor windows of the attached dwelling, comprising a kitchen and dining area. Although these windows are closer to the summer house and deck than the bedroom windows and that any views into them would be downward views (which are potentially more harmful), those windows are far better screened from views from the structure by the presence of bushes and other side boundary vegetation and a fence of approx. 1.6 to 1.8 metres in height. This is despite the structure being placed on higher ground than the rear part of the neighbouring house. The fence and vegetation also help to screen the neighbour's garden.

7.11 It is noted that the summer house would be easily visible from the neighbouring property, particularly when viewed from the rear bedroom windows. However, a structure of the same footprint and siting but with a height decrease of approximately 0.4 metres could be provided under permitted development and it is considered that this would be no more visually intrusive to the neighbours than the current structure. The neighbour also raises concerns about the use of the summerhouse as a "party house" and potential disturbance from lighting. Whilst these concerns are noted, the application before the Council is for an outbuilding which would be used for purposes ancillary to the main property. Any potential disturbance from the use of the building would be a matter of other agencies, including environmental health. The use of external domestic lighting such as security lighting would not require planning permission.

7.12 Overall, it is considered that despite some level of overlooking from the structure into the neighbouring property, this would not be so great as to lead to a significantly harmful loss of privacy affecting the neighbours and does not present itself as a significantly visually intrusive building. Therefore, the overall living conditions and residential amenities relating to the neighbouring property would not be harmed.

7.13 With regard to the dwelling to the east, the distances are greater, helped by the dwelling being separated from the No.7 dwelling by a significant gap normally found between pairs of semi-detached dwellings. In fact the summerhouse would be positioned in excess of 22.0 metres between the deck and the first-floor rear windows and this factor, together with the ground levels not being lower to the east,

would ensure that there would be no harm to this neighbour. It is not considered the structure would significantly harm the residential amenities of the property to the east of the site.

Planning Balance & Conclusions

7.14 The existing summer house structure and raised outdoor deck, together with the proposed works to complete the structure (e.g. addition of French doors and windows) would not harm the character and appearance of the area and more crucially, would not significantly harm the residential amenities of neighbouring properties by way of causing overlooking and loss of privacy or by being visually intrusive when viewed from those properties. The development therefore would comply with Policy DC1 of the Local Plan which aims to protect the visual and residential amenities of the area from development and in this respect, it also complies with Section 12 of the government planning guidance contained in the NPPF.

7.15 For the above reasons, it is recommended that retrospective approval be given for the application.

8. RECOMMENDATION

A That retrospective planning permission be APPROVED with the following conditions:

1.The development hereby approved shall be completed in exact accordance with the submitted plans and specifications as follows:-

PL(0)01

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

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/in formatives/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.

Informative

1.This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

