

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

9 September 2021

Application No:	SMD/2021/0235	
Location	Rose Cottage, Back Lane, Heaton, Staffs, SK11 0SJ	
Proposal	Roof terrace	
Applicant	Mrs J Taylor	
Agent	Sammons Architectural Ltd	
Parish/ward	Heaton. Dane Ward	Date registered: 30 th March 2021
If you have a question about this report please contact: Chris Johnston email: Christopher.johnston@staffsmoorlands.gov.uk		

REFERRAL

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

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site is in the small village/hamlet of Heaton and comprises a semi-detached stone cottage which faces Back Lane, a country lane to the east of the site. The attached neighbouring dwelling lies to the north side ("Ivy Cottage") and open fields lie to the south side. The rear garden of another residential property, Heaton Bank, lies to the rear of the site to the west. There are other dwellings on the opposite side of the road to the east. The site is not in the Green Belt or within any other particular land designations.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a householder planning application to form a roof terrace on top of an existing flat-roofed rear extension. The original plans submitted with the application involved placing black metal balustrading of approx. 1.1m in height along the back and side edges of the flat roof and placing a black metal external staircase next to the rear wall of the cottage to allow access onto the terrace. The other sides of the terrace comprise the existing rear elevation of the cottage and the side wall of a stone rear outrigger at the neighbouring dwelling to the north, Ivy Cottage.

3.2 Amended plans were submitted on 2nd August which show the external staircase removed and side black railing balustrading with a height of 1.1m retained

(facing south) but the west-facing balustrading replaced with a “swept black painted decorative metal privacy screen” with a height of 1.4m but sloping down to a height of 1.1m where this meets with the black railing balustrading. The new decorative metal screen would be placed 0.5m behind the back edge of the flat roof.

3.3 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=147304>

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
- SS9 Smaller Villages 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: 27/05/2021 – Original Plans 30/08/2021 – Amended Plan
Site Notice Posted	06/05/2021
Press Notice	N/A

Public response to consultation

6.1 Letters of objection have been received from the residents of Heaton Bank, a residential property to the rear of the site, in response to the original plans. The main points raised, relevant to the application, are as follows:

- The hedge at the side boundary of their property (claimed to be within their property) and along the rear boundary of the application site provided privacy to their property but had been reduced in height by the owners of the application site.

- It is uncertain whether or not the existing rear extension would be able to support the weight of a roof terrace in use.

-The roof terrace would give elevated views across a large part of our garden. This would result in substantial overlooking and a significant loss of amenity and privacy.

-There would be significant visual intrusion from the terrace as well as a potential for increased disturbance from noise. All this would be exacerbated by the absence of any form of visual or physical barrier especially since the height of the dividing hedge was reduced by the application site owners.

- Ivy Cottage (the neighbouring dwelling to the north side of the site) has a similar terrace but as it is thought that this was created some years ago without planning permission and is thus beyond the time limit for a breach of planning control, cannot therefore be used in any way to justify the creation of a second roof terrace with such detrimental effects on the objector's property.

6.2 The same objectors also submitted an objection letter in response to the amended plans and they consider the amended plans would not reduce the scope of overlooking into their garden, commenting that the lattice-style of screen would enable views through the gaps in the metalwork and that at standing height, people would be able to look over a screen with a max height of 1.4m.

Parish Council

6.3 No comments received.

Severn Trent Water

6.4 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 application site is outside of the development boundaries of the District, drawn around towns and large villages, as shown in the Local Plan but is within Heaton, listed as a "Smaller Village" in the Local Plan. Policy SS9 of the Local Plan is the strategy for the smaller villages and extensions or other alterations to dwellings

in small villages are not unacceptable in principle. However, such extensions or alterations would need to comply with Policy DC1 'Design Considerations' which seeks to protect, amongst other things, the character and appearance of the area and the residential amenities or living conditions of residents of the area from new development.

The impact on the character and appearance of the area

7.3 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.

7.4 It is considered that the proposed metal decorative metal balustrading or screen on top of the flat roof would not harm the appearance of the traditional stone cottage as it would be placed on top of a flat-roofed rear extension of modern form and would have an appropriate black metal finish and design. The previously proposed metal external staircase, due to its scale, form and siting against the traditional rear main stone wall of the cottage was considered to be out of keeping with its traditional appearance. However, this has been removed from the scheme. The amended proposal complies with Policy DC1 in this respect.

The impact on the residential amenities of the area

7.5 Paragraph 130 (f) of the NPPF states, amongst a number of matters, that new development should create a high standard of amenity for both existing and future occupiers. Policy DC1 of the adopted Local Plan 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.

7.6 When stood on the flat roof of the rear extension which is proposed to become a roof terrace, it is possible to look over the hedge on the rear boundary of the site, which is the side boundary of the rear garden of Heaton Bank and a large amount of the rear garden of Heaton Bank, which is a minimum of just 4.5 metres from the back edge of the flat roof. The parts of the garden that are visible are clearly used by the occupants of Heaton Bank for their outdoor enjoyment judging from the presence of a mowed lawn, outdoor seating and a greenhouse. Although it is difficult to view the rear elevation of the dwelling at Heaton Bank and the garden area adjacent to the rear wall due to the presence of a tree and higher boundary hedge closer to the house, due to the extent of overlooking, amounting to over half of the rear garden, it is considered this would lead to a significant level of harm to the privacy of the occupants of Heaton Bank. It is not considered the 0.5m set back shown on the amended plans would overcome the scope of overlooking.

7.7 It is also not considered that increasing the height from 1.1m to 1.4m would sufficiently prevent harmful overlooking. When stood on the flat roof, most people of adult height would be able to overlook the screen when stood next to it. There would also appear to be gaps within the decorative design of the metal material which would enable persons sat on the terrace to look through. Although the scope of

overlooking would perhaps be less than standard railings, overlooking would still be possible and it is considered the perception of being overlooked would still remain to the same extent as before.

7.8 Although there is a roof terrace at the attached neighbouring dwelling, Ivy Cottage, facing the rear garden of Heaton Bank, this appears to have been in place for a considerable amount of time and the proposed new terrace at Rose Cottage would significantly increase the scope of overlooking into the rear garden of Heaton Bank and add to the level of intrusion experienced by the occupants of that property.

7.9 From the top of the roof of the rear extension at Rose Cottage, it is also possible to view into a rear paved patio area at ground floor level at Ivy Cottage, the attached residential property to the north. It is considered that the scope of overlooking into the ground level patio area of Ivy Cottage from the raised platform where the proposed balcony would be placed, would also cause significant harm to the residential amenities of Ivy Cottage both due to the level of overlooking and the perception of being overlooked. Although there is also a roof terrace at Ivy Cottage, this is set away from the shared side boundary behind the stone two-storey rear outrigger at Ivy Cottage which forms a high wall on the side edge of the proposed balcony. As a result, there is no harmful scope of overlooking from the terrace at Ivy Cottage into the rear garden of Rose Cottage. As the proposed balcony at Rose Cottage would be adjacent to the shared side boundary and set back from it, the scope of overlooking from the proposed balcony into Ivy Cottage and its rear patio is greater. Despite the presence of the rear outrigger, because the proposed rear edge of the flat roof is almost level with the back wall of the outrigger, when stood further along the back edge of the proposed balcony, away from the side boundary and outrigger, a greater amount of overlooking into the Ivy Cottage property is possible. It is not considered the 0.5m set back shown in the amended plans would reduce the scope of overlooking into this window.

7.10 Overall, due to the level of overlooking possible into two neighbouring residential properties from the proposed terrace/balcony, the levels of privacy enjoyed by the occupants would be significantly affected leading to a significant level of harm to the residential amenities of both properties and this is therefore also contrary to Policy DC1 of the Local Plan.

Planning Balance & Conclusions

7.11 The proposed roof terrace or balcony would harm the residential amenities of the surrounding neighbours, contrary to Policy DC1 of the Council's Local Plan and also Section 12 of the government planning guidance contained in the National Planning Policy Framework (NPPF) and therefore the application should be refused.

8. RECOMMENDATION

A That planning permission be REFUSED for the following reasons:

1. The proposed raised roof terrace/balcony, due to its height above the ground level and its siting, would lead to a significant degree of overlooking into the private outdoor amenity areas of two adjacent residential properties, Heaton Bank, to the west of the site and Ivy Cottage, to the north of the site. The balcony would lead to an intrusive and unneighbourly form of development affecting the levels of privacy enjoyed at those properties and leading to significant harm to the overall residential amenities of both properties. The application therefore does not comply with Policy DC1 'Design Considerations' of the Council's Local Plan (adopted September 2020) or Section 12 of the National Planning Policy Framework (NPPF) which seek to protect, inter alia, the residential amenities of the area from new development.

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. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such concerns and thus no amendments to the application were requested.

Site Plan



