

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**16<sup>th</sup> November 2023**

<b>Application No:</b>	SMD/2023/0367	
<b>Location</b>	Gorseysdale, Cheddleton Heath Road, Leek	
<b>Proposal</b>	Variation of Condition application to vary Condition 2 of Reserved Matters approval SMD/2020/0218 for the erection of two dwellings.	
<b>Applicant</b>	Mr C Whitfield	
<b>Agent</b>	None.	
<b>Parish/ward</b>	Leek South	<b>Date registered</b> 20/07/2023
<b>If you have a question about this report please contact:</b> Chris Johnston tel: 01538 395400 ext 4123 or Christopher.johnston@staffs Moorlands.gov.uk		

## **REFERRAL**

This application is referred to the Committee because the previous outline application and Reserved Matters applications were determined by the Planning Committee and objections have been received from nearby residents.

### **1. SUMMARY OF RECOMMENDATION**

**APPROVE, subject to conditions.**

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site comprises an irregular shaped parcel of land which extends to some 0.39 hectares. The land is to the rear (south) of Gorseysdale, a dwelling on the south side of Cheddleton Heath Road. The site was formerly greenfield land and land levels fall away from the existing dwelling in a north-south direction before levelling out and rising again. There are two dwellings currently under construction on the site following recent outline and Reserved Matters planning approvals and at the time of the site visit in August appear to be nearly complete. A replacement dwelling for Gorseysdale itself also appears to be nearing completion. The site is within the Open Countryside for the purposes of the Development Plan. It is not in the Green Belt.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 This application seeks to vary Condition 2 of the Reserved Matters approval SMD/2020/0218 for the two dwellings, which sets out the drawings that the development must be built in accordance with, so that a single-storey rear extension can be added to one of the approved dwellings which is

nearing completion. The applicant must therefore submit a Variation of Condition planning application to replace the approved layout and elevation drawing for that dwelling, as listed in Condition 2, with the new drawing which shows the proposed single-storey extension.

3.2 The proposed extension would be placed along the whole width of the Plot 2 house in the western part of the site. It would project 4.0m from the rear wall and would accommodate a large sun-lounge/family room. It would have bricks and tiles which match the house to be extended and rear bi-folds (to access the proposed rear garden area), two further rear windows and a smaller standard window on each of the side walls. It would have fully hipped pitched roof which is also a dual-pitch roof sloping back down into a "gully". This is to restrict the height of the extension, to 3.7m (to the roof ridge), to avoid interference with the first-floor rear windows.

3.3 The original plans submitted were for an extension with the same footprint but with a flat roof. These have been superseded by the new amended drawings showing the pitched roof added.

3.4 Condition 2 of the Reserved Matters approval SMD/2020/0218 states the following:

*2. The development hereby permitted shall be carried out in complete accordance with the following amended drawings:*

*RLM942/7 Rev M*

*RLM942/8 Rev D*

*RLM942/10 Rev D*

*RLM942/11 Rev C*

*RLM942/15 Rev C*

*RLM942/16 Rev C*

3.4 This new application seeks to vary the condition to the following, swapping the site plan for the plots (to show the enlarged footprint for the Plot 2 house), RLM942/7 Rev M and adding the new elevation and layout drawings for the Plot 2 house, drawings RLM1092/23 Rev C and RLM1092/24 Rev B, so the new condition would read as follows:

*2. The development hereby permitted shall be carried out in complete accordance with the following amended drawings:*

*RLM/1092/4 Rev A (Amended Site Plan)*

*RLM942/8 Rev D*

*RLM942/10 Rev D*

*RLM942/11 Rev C*

*RLM942/15 Rev C*

*RLM942/16 Rev C*

*RLM1092/23 Rev C (Amended Elevations for Plot 2)*

*RLM1092/24 Rev B (Amended Elevations and Layout for Plot 2)*

3.5 The application, the details attached to it, including the plans, comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=172604>

#### **4. RELEVANT PLANNING HISTORY**

NMA/2023/0003 - Non material amendment relating to SMD/2017/0494. Approved.

NMA/2022/0001 - Non material amendment in relation to Condition 12 of SMD/2020/0218. Approved.

SMD/2020/0218 – Reserved Matters application relating to SMD/2017/0494 – Approved on 04/12/2020.

SMD/2019/0414 – Reserved Matters application relating to SMD/2017/0494 – Refused on 16/01/2020.

SMD/2017/0494 – Outline planning application for the erection of two detached dwellings – Approved 16/02/2018.

SMD/2016/0479 – Demolition of existing flat roofed, single storey rear extension, removal of existing flat roof and replacement with two hipped roofs, construction of two hipped single storey extension and enlargement of existing window – Approved 06/10/2017.

SMD/1989/0271 – Site for one dwellinghouse – Refused 22/09/1989.

SMD/1989/0775 – Details of 1 dwellinghouse – Refused 12/02/1990.

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The development plan comprises the new Staffordshire Moorlands Local Plan which replaces the former Core Strategy Development Plan Document and supporting evidence documents. The Local Plan was adopted in September 2020. The relevant policies and guidance in which the scheme has been determined against, are below:

##### Local Plan (September 2020)

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS8 Larger Villages Area Strategy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources

T1 Development and Sustainable Transport

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Churnet Valley Masterplan (2014)
- Design Guide (February 2018)

Core Strategy Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

National Planning Policy Framework (NPPF)

Paragraphs 1 – 14

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 12 Achieving well designed places

Section 15 Conserving and enhancing the natural environment

## 6. CONSULTATIONS CARRIED OUT

<b>Neighbour letters</b>	Expiry date for comments in relation to the amended plans: 20/10/2023
<b>Site Notice Posted</b>	Expiry date for comments: 13/09/2023
<b>Press Notice</b>	N/A

6.1 A joint letter of objection from three nearby neighbours has been received which in relation to material planning considerations, states the following:

*The original applications submitted by Steve Carding to develop land to the rear of Gorseydale were strongly resisted by several nearby residents and the matter was referred to the Planning Committee. The first application was rejected and after detailed conversations between the objectors, the applicant and his agent a compromise was reached that required the agent to resubmit plans which amended the footprint of the development, it's orientation and position on site and make numerous design and materials changes. The Planning Committee approved the final plans but with a significant number of conditions. We believe this demonstrated the unease about the application even in its revised form.*

*A key condition was the removal of permitted development rights to ensure that the development was not enlarged or changed in any way from the finally approved plans. The objectors placed their trust in these conditions being respected. The condition with regard to the withdrawal of permitted development rights was made to protect against further opportunistic development of the site.*

*This latest application runs contrary to that objective and seeks to add a large extension to plot 2 with an additional entrance and glazing. All contrary to condition 2. The footprint scale of the development is unacceptably extended beyond that agreed by the Planning Committee and results in a building size greater than that in the application that was originally refused. John Baker, the occupant of Light Eaves, is particularly concerned over this application and the potential impacts on his privacy and amenity, especially on his use of his lower garden area.*

*We request that this application is referred back to Committee for their consideration and we would wish to make representation at such a meeting. The intentions of the Planning Committee and residents trust in the decisions taken that allowed the development to proceed would be completely breached should this application succeed and this is not acceptable.*

*We also draw your attention to the conditions related to the ecology of the site and the failure at this stage to complete the agreed planting and border fencing schemes agreed. Works on site with regard to removal of waste etc are also not being fully complied with and we are not clear whether the building inspector is visiting the site to ensure full compliance. We attach recent photos of the lower end of the site taken recently. A large amount of waste is being stored, including additional waste bought in from another of the applicants developments nearby. There has been regular burning of rubbish on the site.*

### **Leek Town Council**

6.2 The Town Council ask the Planning Officers to ensure the Building regulations of the original decision are upheld unless there is a valid reason to make changes. Any variation should have no detriment to the neighbours properties as originally approved in application SMD/2020/0218.

### **SCC Highways Authority**

**Site Visit Conducted on:** 14-Aug-2023

6.3 Application is to vary SMD/2020/0218 by addition of a rear extension. Access conditions were dealt with under outline application SMD/2017/0494. No objections subject to condition requiring provision of parking and manoeuvring areas for the existing and proposed dwellings in accordance with the plans.

### **Environmental Health**

6.4 No objection subject to the conditions imposed on the previous approvals.

### **Waste Collection Services**

6.5 No issues, bins should be presented on the access road on collection day.

### **SCC Minerals and Waste Planning Authority**

6.6 No comments to make.

## **7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

7.1 The main issues with this application are the impact of the proposed extension to the Plot 2 dwelling on the character and appearance of the area and the impact on the residential amenities of the area.

7.2 Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the "GPDO") allows rear extensions to detached dwellings which do not exceed a distance from the rear wall of 4.0m or a height of 4.0m to be built under "permitted development" i.e. without needing planning permission. The proposed extension would normally be deemed to be permitted development. However, Condition 8 of the Reserved Matters approval removed the permitted development rights to any further development under Part 1, including the enlargement, improvement or other alteration of a dwellinghouse. Therefore a planning application is required for any further extensions to either of the approved dwellings, regardless of whether or not they comply with Part 1 of the GPDO. The reason for the condition is given as follows:

*To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents.*

7.3 The purpose of the condition is not to completely prevent any future alterations, including extensions, to either of the approved dwellings, once they have been occupied. It is to allow the Council to control any such further alterations via the submission of a further planning application, in order to ensure and maintain protection of the visual and residential amenities of the area from the new development and to assess the impacts of any such further alterations. It is recognised that some forms of alteration or enlargement to either of the dwellings, normally allowed under permitted development in line with the GPDO may not lead to harmful impacts, regardless of how much reduction in the scale of a new development was required via amendments before approval could be given at full, outline or Reserved Matters stages. The Council must now therefore assess the impact of the proposed extension put forward, cumulative to the overall approved development.

### **The impact on the character and appearance of the area.**

7.4 The proposed extension would have a maximum height of 3.7 metres in relation to a max height of the overall dwelling which is 7.1 metres. This is

only slightly higher than half of the height of the dwelling. It has a standard single-storey form and height in relation to the double storey form and height of the house. It would also have a projection from the back wall which is less than half of the depth of the dwelling. Although it would span the whole of the back wall, the overall scale, dimensions, height and form of the extension together with the matching materials and the roof profile, harmonising with hipped pitched roof form of the dwelling, would lead the extension to appear subservient to the main part of the dwelling and would not visually compete with the dwelling.

7.5 From the upper ground levels of the site, there are long ranging south-westerly views to the upper parts of Cheddleton village. From this direction, the extension would be seen against the backdrop of the dwelling. Furthermore, the dwellings are built in a hollow with land sloping upwards from the site in all directions. The sloping land and large trees to the south-west would help to obscure the extension from views from the south and south-west including from the nearest footpath, which is a considerable distance to the south. The extension would also be on the opposite side of the dwelling to the where the road lies. Overall, the extension would not lead to any harmful increase in the visual prominence of the dwelling when viewed from the nearest road or public footpath or from longer ranging views from the south-west. Overall, the proposal will not lead to any further significant harm to the character and appearance of the area. The proposal would therefore comply with Policy DC1 'Design Considerations' of the Local Plan, which seeks, inter alia, to protect the visual amenities of the area from development.

### **The impact on the residential amenities of the area**

7.6 The nearest existing occupied dwellings lie to the north-west of the new dwelling (Holly Bank), to the north (Gorseysdale) and to the north-east (The Spinney). The proposed extension would be built on the south-west elevation of the new dwelling on the opposite side of the dwelling to where Gorseysdale and The Spinney are located. From those residential properties it would therefore be difficult to view any part of the proposed extension and the resultant development would appear no different to what already has been approved. It may be possible to view the proposed extension from Holly Bank to the north-west. The extension would be a minimum of 10 metres from the boundary of Holly Bank and at least 30m to the house itself at Holly Bank. It is considered that due to these distances, a single-storey extension of the size proposed, viewed down sloping land from the house and screened by boundary trees, would not have any impact on the levels of privacy and light provision at Holly Bank and it would certainly not appear overbearing from that property. There is no conflict with the distance thresholds set out in the Council's Space About Dwellings Supplementary Planning Guidance (SPG) in terms of the distances between new development and windows to ensure no harmful effects on levels of privacy and light provision. There is a large amount of glazing proposed for the extension, but this is mostly on the south-west (rear) elevation of the extension in the direction of open land and not neighbouring residential properties. There is a small side window facing Holly Bank but due to the distances mentioned above and the presence of

boundary tree screening, views from this window would not affect the levels of privacy at that property and again, there is no conflict with the separation distances set out in the Space About Dwellings SPG.

7.7 The letter of objection points out harm from the lower garden area of Light Eaves, which is the property to the other side (west) of Holly Bank. The lower garden of Light Eaves has a shared boundary with the far west of the application site. The proposed extension would be at least 23 metres away from the lower garden area. Views from the proposed rear elevation glazing towards the lower garden area of Light Eaves would be at an obscure angle and at that distance away and at ground floor level height, it is not considered that any views of the lower garden area from the proposed extension would amount to any harmful levels of privacy loss to the extent that the residential amenities of Lower Eaves would be affected. Again there is no conflict with the Space About Dwellings SPG in this respect. Overall, the proposal will not lead to any further significant harms to the residential amenities or living conditions of the neighbouring residential properties. The proposal would therefore comply with Policy DC1 'Design Considerations' of the Local Plan, which seeks, inter alia, to protect the residential amenities of the area, including light provision, privacy and noise/disturbance, from development.

### **Other Matters**

7.8 The letter of objection states that the boundary screening and fencing, to be provided before construction works commenced, under Condition 12 of the Reserved Matters approval, has not been fully provided. It did appear evident at the time of the Case Officer site visit (August 2023) that planting along the south boundary had not been undertaken. The condition has therefore been amended to require the boundary screening to be fully implemented within two months of the date of the decision on this current application (in the event of the application being approved). Concern has also been raised about waste storage and burning. This would be a separate enforcement matter for planning / environmental health as appropriate and is not a consideration in this application to amend the design of the dwelling.

## **8. CONCLUSION / PLANNING BALANCE**

8.1 The proposed single-storey extension to the almost fully constructed Plot 2 dwelling is acceptable in terms of the impacts on the visual and residential amenities of the area and would comply with Policy DC1 of the Local Plan and the government planning guidance contained in the National Planning Policy Framework (NPPF). Condition 2 of the Reserved Matters approval SMD/2020/0218 which lists the drawings in which the development must be built in accordance with, can therefore be varied to include the amended drawing number of the approved Plot 2 dwelling showing the inclusion of the extension applied for.

## **9. RECOMMENDATIONS**



**A. That the Variation of Condition application for the Reserved Matters approval for the development of two dwellings is approved, subject to the following conditions:**

**1. This notice of approval of reserved matters shall only relate to outline planning permission reference SMD/2017/0494.**

**Reason:-**

**For the avoidance of doubt.**

**2. The development hereby permitted shall be carried out and completed in complete accordance with the following amended drawings:**

**RLM/1092/3 Rev A (Non Material Amendment to Plot 1 approved under NMA/2023/0003)**

**RLM/1092/4 Rev A (Amended Site Plan)**

**RLM/1092/7 (Non Material Amendment to Plot 1 approved under NMA/2023/0003)**

**RLM942/8 Rev D**

**RLM942/10 Rev D**

**RLM942/11 Rev C**

**RLM942/15 Rev C**

**RLM942/16 Rev C**

**RLM1092/23 Rev C (Amended Elevations for Plot 2)**

**RLM1092/24 Rev B (Amended Elevations and Layout for Plot 2)**

**Reason:-**

**For the avoidance of doubt.**

**3. All new finishing, roofing and hard surfacing materials shall match those used in the development approved under SMD/2020/0218 in terms of type, colour and texture.**

**Reason:-**

**In the interests of visual amenity**

**4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

**Reason:-**

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity.

5. Unless otherwise agreed in writing by the Local Planning Authority, the measures outlined in the Gorseysdale Construction Management Plan received on 9<sup>th</sup> December 2019 shall be implemented in full and maintained throughout the duration of the construction phase of the development.

Reason:-

In the interests of amenity and highway safety.

6. Unless otherwise agreed in writing by the Local Planning Authority, the recommendations set out in the Ecological Design Strategy for land at "Gorseysdale" dated October 2019 shall be implemented in full and shall be thereafter maintained.

Reason:-

In order to contribute positively to the overall biodiversity of the area in accordance with Policy NE1.

7. The development hereby permitted shall not be brought into use until the parking and manoeuvring areas for the existing and proposed dwellings have been provided in accordance with the amended plan RLM1092/4 Rev. A. The parking and turning areas shall thereafter be retained as parking and manoeuvring areas for the lifetime of the development.

Reason:-

In the interests of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows or any other openings shall be installed in any part of the development, without express planning permission first being obtained from the Local Planning Authority.

Reason:-

To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and the visual amenities in the area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no further development as specified in Part 1 Class(es) AA, A to H, Part 2 Class(es) A to C or Part 20 shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents.

**10. The proposed windows on the north-east elevation of the Plot 1 dwelling as shown on the above drawings hereby approved shall be fitted with obscure glazing to level 5 (minimum) from the Pilkington range or equivalent. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently may be amended or re-enacted) those windows shall not be re-glazed with any transparent materials and shall not be enlarged or otherwise altered, nor shall any additional window or other opening be formed in that elevation unless a further planning permission has first been granted on application to the Local Planning Authority.**

**Reason:-**

**To protect the amenity and living conditions of the adjoining residential property from overlooking or perceived overlooking.**

**11. Prior to the first occupation of the development hereby approved, details the location, size, means of enclosure and materials to be used for refuse bins on collection day shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.**

**Reason:-**

**In the interests of public health and safety.**

**12. The boundary screen planting and associated new post and rail fencing shown on RLM Associates "Proposed Landscaping Scheme" Drg. No. RLM942/10 Rev D, and specifically along/adjacent to the eastern boundary adjacent to The Spinney, the western boundary of the site adjacent to Lighteaves, and the southern boundary of the application site, shall be fully implemented within two months of the date of the Decision Notice. The remaining planting proposals, also shown on Drg. No. RLM942/10 Rev D, shall be fully implemented before March 2024. All trees, and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.**

**Reason:-**

**In the interests of the appearance of the site and to protect the residential amenities of the area.**

**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.

