

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

27 September 2018

Application No:	SMD/2018/0434	
Location	Heather Hills, Birchall Lane, Leek	
Proposal	Side extension to garage and extension of garage roof to form studio space above	
Applicant	Mr and Mrs Binns	
Agent	Design 21 Architecture Limited	
Parish/ward	Leek	Date registered 12/07/2018
If you have a question about this report please contact: Chris Johnston. tel: 01538 395400 ex 4123 christopher.johnston@staffsmoorlands.gov.uk		

REFERRAL

This application has been referred to the Planning Applications Committee by Councillor Heath to assess the impact on residential amenity.

1. SUMMARY OF RECOMMENDATION

APPROVE with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site lies to the north-west side of the end part of the Birchall Lane private road to the south of Leek and within the Leek development boundary. It comprises a detached dwelling and driveway sloping up to the dwelling from the road. There are surrounding gardens including garden land to the south-west which is also a proposed development plot for a new detached dwelling. A bungalow, Birchall Edge, lies to the north-east side. The large gardens of another dwelling lie to the north-west side. There are other detached dwellings to the other side of Birchall Lane to the south-east. The site is on sloping land which rises away from the road in a northerly direction.

3. DESCRIPTION OF THE PROPOSAL

3.1 This is full householder planning application for an extension to the garage attached to the house. The extension would project 1.65 metres sideways, at the front part of the garage, although this projection would increase further to the rear as the existing side wall tapers inwards towards the house. This would result in a large double garage with a width of 11.7 metres. The current garage pitched roof would also be extended across and an office/studio room would be placed in the enlarged roof-space of the garage. The room would be integral to/accessed via the main house. Due to

the sloping nature of the site, the current side wall of the garage is a retaining wall for a raised area of garden to the side of the garage. This would be removed and some extraction works would be undertaken to form the garage extension. The first floor studio would open out onto a covered decked area at the side via patio doors and from there allow level access onto the raised side garden. Most of the gable end would have floor-to-ceiling glazing. Other works include the addition of a triangular dormer window and two small rooflights onto the rear roof slope and two small rooflights would be added to the front roof slope.

3.2 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.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=124678>

4. RELEVANT PLANNING HISTORY

None relevant to the dwelling.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)
- The Minerals Local Plan (adopted December 1999) Saved Policies 2007
- Staffordshire & Stoke on Trent Joint Waste Core Strategy (adopted March 2013)

5.2 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- DC1 Design Considerations

5.3 Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:

“...decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At his point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council’s position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

The following policies are considered to be relevant to this application:

SS1 Development Principles
 SS1a Presumption in Favour of Sustainable Development
 DC1 Design Considerations

National Planning Policy Framework (NPPF) (Revised July 2018)

- Chapter 12 – Achieving Well Designed Places

Other Relevant Policy Documents

National Planning Policy Guidance (NPPG)

6. CONSULTATIONS CARRIED OUT

6.1 A site notice was displayed on 16.8.18 at the site entrance and letters were also sent out to neighbouring properties beforehand. One letter of objection has been received from adjacent neighbours regarding the proposed side gable end above the garage which is considered to lead to a loss of privacy because of a direct line of sight from the gable end into a dining room, conservatory and bedroom of a neighbouring dwelling. The objector also considers a large tree in the raised garden would have to be removed in order to make way for the extension because of harm to tree roots which would allow even more overlooking from the gable end into the neighbouring dwelling.

6.2 **Leek Town Council**
Not unneighbourly.

6.3 **Highways Authority**
No objection.

6.4 **Severn Trent**
As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

7. OFFICER COMMENT

Planning Policy

7.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Council's Development Plan is formed of the Core Strategy Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998) remains in force until the Council's Development Plan Document is adopted.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (the Framework) where: (1) planning applications that accord with

policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, II. Specific policies in that Framework indicate that development should be restricted.

Design Impacts

7.3 Policy DC1 requires development to, amongst other things, be designed to respect the site and its surroundings, in terms of its scale, density, layout, siting, landscaping, character and appearance.

7.4 With regard to the impact on the character and appearance of the area, the extension would involve the roofline being continued above an existing part of the garage and also the extended section of garage and this would harmonise with the design and appearance of the current house. There is already a triangular dormer feature at the front of the garage and this would be removed and a new triangular dormer placed on the rear roof-slope but this is an appropriate size which does not dominate the roof-slope. The gable end, roof overhang and the large glazed area for the gable end would also not detract harmfully from the design and appearance of the dwelling. In any case, the garage including the extension would be well screened from Birchall Lane despite being near the top of the slope due to a combination of the distance from the road, vegetation coverage and the presence of the house itself. The design of the extension would not harm the character and appearance of the area and would therefore comply with Policy DC1.

Impact on Residential Amenity

7.5 Policy DC1 requires development to, amongst other things, protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.6 With regard to residential amenity, the proposed gable end, with windows and sitting out area, would face the front/south-west elevation of a bungalow, 'Birchall Edge'. The part of the bungalow directly facing the gable end is effectively screened from it by a boundary hedge. From this part of the raised garden it is possible to view into some front windows at a slight angle in the other part of the front elevation of the bungalow as the boundary fence next to the hedge has a low height. However, the presence of vegetation in the raised garden provides some screening. Even if this was removed, the distance between the proposed gable end and the front elevation of the bungalow would be 27.0 metres which is a sufficient distance to restrict the scope of overlooking into the neighbours windows from the gable end. This complies with the Council's design guidance in the "Space About Dwellings" Supplementary Guidance Note which seeks to maintain a minimum distances between primary windows of 22.0 metres. The proposal would comply with Policy DC1 regarding the impact on neighbours.

Impact on Trees

7.7 Advice from the Council's Tree Officer has been sought regarding the quality of a large tree in the raised garden which would be close to the excavation works needed for the extension. Comments as to whether the tree is worth retaining and protecting and if so, whether the tree roots would be harmed, will be reported at the Committee meeting.

8. CONCLUSION & PLANNING BALANCE

8.1 The proposed extension would not harm the visual or residential amenities of the area and, subject to the comments of the Tree Officer regarding the quality and impact on a nearby large mature tree, the application is recommended for approval.

9. RECOMMENDATION

That the application be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with the provisions of Section 51 of the Town & Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in complete accordance with the submitted plans and specifications as follows:-

1360:04 C

1360:06 C

1360:07 A

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

3. The facing and roofing materials of the development hereby approved shall match those of the existing dwelling on site in terms of type, colour and texture.

Reason:- In the interests of the character and appearance of the area.

Informatives

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

