Mr and Mrs S Smith
20 Folly Lane
Cheddleton
Staffordshire
ST13 7DA

STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

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ST10 1NP

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Staffordshire Moorlands
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Application no: HNT/2016/0021

Determined on: 15/06/2016

**Town and Country Planning Act 1990**
**Town and Country Planning (Development Management Procedure)(England) Order 2015**

# REFUSAL OF PLANNING PERMISSION

**Location of Development:**
20 Folly Lane, Cheddleton, Staffordshire Moorlands ST13 7DA

**Description of Development:**
Single storey rear extension extending 5.95m beyond rear wall of the original dwelling, max height 3.75m and height to eaves 2.22m

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: 00392 AL(0)04 PLAN AND ELEVATION AS PROPOSED for the reason(s) specified below:-

1. The proposed 5.95m single storey rear extension with eaves to height of c.2.5m (as scaled from drawing) running along the rear property garden boundary line with a parallel roof ridge to c.3.8m would result in an overwhelming intrusion into the amenity of the neighbouring property at No.22 Folly Lane. This is evident in particular when assessed in relation to the principal ground floor rear window. This proposal would intrude beyond the 45 degree horizontal angle measured from the mid point of the neighbour's principal window by some 4.0m and whilst a 3m extension would be permissible under Permitted Development rights this proposal would double that effect by extending a further 3m than would otherwise be acceptable. As such the proposal is found contrary to the guidance of the Council's Space About Dwellings supplementary planning document and contrary to policy DC1.

**Informative**

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. Having already gained the benefit of an approval for a lesser extension at the limits judged acceptable it is considered that the applicant is unable to overcome such principle concerns as are identified here and thus no amendments to the application were requested.

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Chief Executive

**Signed on behalf of Staffordshire Moorlands District Council**

## NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

3. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.