STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Jason Brindley
82 Falcon Road
Meir Park
Stoke-on-Trent,
Staffordshire
ST3 7FU

Mrs M Brindley
6 Caverswall Old Road
Forsbrook
Staffordshire Moorlands
ST11 9BL

Application no: SMD/2017/0180

Determined on: 30/06/2017

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
6 Caverswall Old Road, Forsbrook, Staffordshire Moorlands ST11 9BL

Description of Development:
Proposed 2 storey side extension and single storey rear extension along with the replacement of the existing conservatory roof with concrete tiled lean-to.

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plan ref: COR-02 A for the reason(s) specified below:-

1. The proposal would have an oppressive and overbearing impact on the ambience and amenity in the rear garden space of the adjacent neighbouring domestic residence at number 2 Caverswall Old Road and for the living space of the rooms served by principal windows in the rear elevation including kitchen, dining room and first floor bedroom. As such the development is found contrary to the Council's adopted Core Strategy policy DC1 and the Supplementary Planning Guidance (SPG) for Space About Dwellings. Specifically the development would infringe the standards set out in the SPG by encroaching beyond lines measured at 45 degrees towards the development from the mid point of a principal window both in the horizontal and vertical planes in the case of the kitchen window and in the horizontal plane in the case of both the dining room and first floor bedroom window closest to the development. In turn for the same reasons the development contravenes the NPPF in particular paragraph 17 and the Government's core planning principle to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" and Section 7, Requiring Good Design – a key aspect of sustainable development.

Informatives

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Prior to the determination of the application the Council advised the applicant that the principle of this development was unsustainable and did not conform with the provisions of the NPPF. It was considered that the applicant would be unable to overcome such principle concerns. Despite revised plans being submitted the principle concerns remain and no amendments to the application were requested.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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.

3. If this is a decision to refuse planning permission for a minor commercial 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.

4. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

5. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

6. The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.

7. 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.