

PLANNING STATEMENT

LOWER CLOUGH, ENDON

AUGUST 2017

Site Address:

Lower Clough, Clay Lake, Endon, Staffordshire, ST9 9DE

Applicant:

Mr. S. Ward

Proposal:

Erection of two storey front extension and rebuilding of single storey rear extension (retrospective)

Planning Statement:

Date Issued: 17th August 2017

Job Reference: RDP/2017/138

Report Prepared By:

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1. Introduction

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. S. Ward to prepare a planning application for the retention of a two storey front extension, and re-construction of a single storey rear extension that have been undertaken at their property known as Lower Clough, Clay Lake, Endon.
- 1.2 The front extension encompasses a footprint of 44.3 square metres and provides a kitchen and double integral garage at ground floor, with master bedroom, dressing room and ensuite at first floor. To the rear a modest lean-to has been erected to replace a former lean-to and this encompasses a footprint of 5.1m. The applicant's builder undertook the garage extension, with the applicant believing that the builder was addressing all relevant planning matters. The applicant subsequently discovered however that the works required planning permission, and that no applications had been lodged in this regard. This has left the applicant in the unfortunate position of having completed the development not realising that permission was required.
- 1.3 This application accordingly seeks consent to retain the works undertaken, with this Planning Statement setting out the applicant's case for planning permission to be granted. The submission follows on from pre-application discussions with the Local Authority's Enforcement Officer, Mr. B. Hurst.

2 Site Description

- 2.1 The application site lies on the southern side of Clay Lake, Endon, and comprises a detached two storey dwelling constructed from red/brown facing brickwork, with a red/brindle tiled roof. The site is bordered to the west by Heather Clough, which is also a detached two storey dwelling, with

further detached dwellings extending westwards beyond that in a ribbon pattern. To the east the site is bordered by woodland, whilst to the south there is further woodland, beyond which lies agricultural land. On the opposite side of the road, to the north of the site, lie further residential properties which extend along Clay Lake in a ribbon pattern. The site as a whole lies within the North Staffordshire Green Belt.

3 Planning Policy

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the Staffordshire Moorlands Core Strategy (2014) of which the following policies are considered to be of relevance:
- 3.2 Policy SS1a of the Core Strategy states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole;*
- *or specific policies in that Framework indicate that development should be restricted.*

3.3 Policy SS6c of the Core Strategy states that the rural areas will provide only for development which meets an essential local need, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. It goes on to state that local needs will be met by allowing (amongst others), the conversion, extension or replacement of an existing rural building in accordance with policy R2 of the Core Strategy. Policy SS6c furthermore states that strict control will continue to be exercised over inappropriate development within the Green Belt, allowing only for exceptions as defined by Government policy.

3.4 Policy R2 of the Core Strategy seeks to restrict housing development within the rural areas to a number of limited forms. The list of appropriate forms of development includes the extension of existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area.

3.5 Policy DC1 of the Core Strategy states that new development should be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area. Proposals should be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

4 Other Material Considerations

National Planning Policy Framework

- 4.1 The National Planning Policy Framework (NPPF) confirms that inappropriate development in the Green Belt should only be permitted where very special circumstances exist to clearly outweigh the harm by inappropriateness and any other harm. It sets out a number of categories of appropriate development, which includes the limited extension of buildings provided that they do not result in disproportionate additions over and above the size of the original building. The content of this document is explored in more detail in the Planning Assessment below.

T&CP (General Permitted Development) (England) Order 2015

- 4.2 The Permitted Development Order makes provision for the erection of extensions to existing dwellings without the need for planning permission, subject to meeting a number of defined criteria. The provisions of the Permitted Development Order are a material consideration of significant weight in the determination of this application, and are discussed in more detail within the Planning Assessment below.

5 Planning Assessment

Impact on the Green Belt

- 5.1 The application seeks consent to retain a two storey front extension that has been undertaken to the property without the benefit of planning permission, along with the retention of a re-constructed single storey rear lean-to extension. The application site lies within the Green Belt, wherein the erection of new buildings is regarded as inappropriate. Paragraph 89 of the NPPF nevertheless makes provision for a number of types of appropriate development in Green Belt, which include:

“the limited extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”

- 5.2 A review of the planning history for the site shows that planning permission was granted under application SMD/2006/1297 for the erection of a part single storey and part two-storey side extension to the dwelling. This extension encompassed an integral garage at ground floor, with master bedroom above. In reaching the decision to approve the application it was commented in the delegated report that the proposed extensions, coupled with previous additions, represented an increase in size of some 34% over and above the size of the original dwelling. This was found to be acceptable in the context of the adopted Green Belt policy which prevailed at the time (policy H13 of the 1998 Local Plan).
- 5.3 Policy H13 of the 1998 Local Plan has since been replaced by policies SS6c and R2 of the Core Strategy, which make provision for the limited extension of existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area. The submitted proposal encompasses an increase in the size of the dwelling over and above the size that was previously approved under application SMD/2006/1297, and in line with the aforementioned policies is expected to be concluded to constitute inappropriate development within the Green Belt. Pre-application discussions with the Local Authority's Enforcement Officer attest to this.
- 5.4 Paragraph 87 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to confirm that substantial weight should be given to any harm to the Green Belt, and that very special

circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

5.5 The appellant's case of very special circumstances relates to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, which is considered to constitute a material fall back position against which this proposal should be assessed. Under the provisions of Class A of the Permitted Development Order, the applicant would be entitled to erect the following extensions:

- A single storey side extension to the eastern elevation of the property, projecting up to half the width of the original dwellinghouse and not exceeding 4 metres in ridge height;
- A single storey rear extension extending up to 8 metres off the original rear elevation of the property

5.6 It is acknowledged that the latter extension would necessitate the submission of a prior approval application to the Local Authority to determine whether there would be any potential impacts to neighbouring residential amenity. However, given that the neighbouring property (Heather Clough) is set further back into its plot than Lower Clough, and is set some 13m from the existing dwelling at its nearest point, it is expected that prior approval for an 8 metre rear extension would be granted, as the extension would not give rise to any conflict with the Local Authority's informal amenity standards.

5.7 The two extensions highlighted above are shown in general terms on the accompanying plan (ref. 00664 – AL(0)05) which shows a single storey side extension, up to half the width of the original dwelling. It is shown in

elevational terms as having a flat roof extending up to 3 metres in height, but under the regulation would be permitted up to a ridge height of 4 metres. The rear extension is similarly shown to have a flat roof, which extends to a height of 3 metres at its highest point. This extension could also encompass a pitched roof up to 4 metres in height, and thus be materially larger than that shown. These extensions could feasibly be expressed in other ways to achieve a similar quantum of development.

- 5.8 The extensions proposed for retention amount to a combined volume of 258.39 cubic metres. By comparison, the single storey side extension that could be erected as permitted development amounts to a minimum volume of at least 94.8 cubic metres. The single storey rear extension would furthermore amount to a minimum volume of 181.1 cubic metres, giving a collective theoretical volume in excess of 275 cubic metres. Similarly, the garage and rear extension erected occupy a collective footprint of 49.4 square metres, whereas the Permitted Development opportunities would amount to circa 103 square metres, some 53 square metres larger. These dimensions are summarised in the Table 1 below.

Table 1 – Summary of Volumes

Volume (Original) =	553.49m ³	Volume PD Side =	94.8m ³
Volume (Proposed) =	258.39m ³	Volume PD Rear =	181.1m ³
		Total Volume (min) =	275.9m ²
		Difference to Proposed =	-17.51m ³
Proposed Footprint =	49.4m ²	Total PD Footprint =	103.2m ²
		Difference to Proposed =	-53.8m ²

5.9 Paragraph 80 of the NPPF sets out the five purposes of Green Belts, which are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

5.10 Having regard to the volume and footprint figures set out in Table 1 above, it is considered that the proposed development would have a lesser impact on the Green Belt compared to that which the applicant would be otherwise entitled to undertake without the need for planning permission. The Permitted Development options available to the applicant would result in a much more sprawling mass of development compared to that which has been undertaken, with a greater impact on the openness of the Green Belt and greater conflict with the five purposes of Green Belts. The applicant is nevertheless prepared to relinquish these permitted development rights (Classes A – D) in favour of the development undertaken.

5.11 It is submitted that these considerations amount to a material fall back position that serves to outweigh the totality of harm to the Green Belt arising from this proposal, and thus amounts to very special circumstances. It is expected that if approved, a planning condition would be imposed to hereafter withdraw permitted development rights for subsequent extensions, and because this is a retrospective application, the effect of such a condition would be immediate.

Design & Amenity Considerations

- 5.12 Although the extension is sited to the front of the dwelling, it adopts a subservient scale to the host dwelling, with lower ridge and eaves lines, thus ensuring that it does not appear as an intrusive or dominant form of development within the streetscene. The presence of existing boundary vegetation along the northern boundary of the site helps to further lessen its impact.
- 5.13 It is also submitted that the design and position of the proposed front extension is in keeping with the character and appearance of the surrounding area, and the Local Authority's attention is drawn in particular to a very similar form of development at Briar Clough, Clay Lake, which encompasses a detached two storey structure projecting forward of the existing dwellinghouse (Approved under SMD/2010/0884). The front extension undertaken on the applicant's site is not dissimilar to that approved at Briar Clough, and thus will not appear out-of-keeping with the character of the surrounding area. The proposed rear extension is a reconstruction of a previous lean-to and does not have a material impact on the character of the area.
- 5.14 In terms of residential amenity, the extensions do not incorporate any habitable windows that face towards the neighbouring property to the west, and there is no conflict with any of the Local Authority's informal amenity standards. As a consequence the proposal is considered to accord with the provisions of policy DC1 of the Core Strategy.

6 Conclusion

- 6.1 Having regard to the planning assessment above it is considered that very special circumstances exist to justify the retention of the extensions

undertaken on the site, and that as a consequence the proposal is acceptable from a green belt perspective. The proposal is furthermore of a scale, massing and design that is subservient to the existing dwelling and which does not appear out-of-keeping with the character and appearance of the surrounding area.

- 6.2 The development is therefore considered to accord with the provisions of policies SS1a, SS6c, R2 and DC1 of the Staffordshire Moorlands Core Strategy, and policies set out within the National Planning Policy Framework.
- 6.3 The Local Authority is therefore respectfully requested to grant planning permission to retain the extensions undertaken.