**DELEGATED DECISION REPORT**

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| **SMD/2017/0768**<br>**Valid 01/12/2017** | **27 BARVILLE LEEK ROAD**<br>**CELLARHEAD** | **RETROSPECTIVE APPLICATION FOR DETACHED GARAGE.**<br><br>**(FULL - HOUSEHOLDER)** |

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## MAIN ISSUES

- Design
- Amenity

## DESCRIPTION OF SITE

The application site comprises a parcel of land west of Leek Road, Cellarhead, which contains a single storey residential dwelling with associated ancillary curtilage. The dwelling sits within a ribbon of development which adjoins Leek Road, with its front principal elevation facing eastwards towards the highway.

To the rear of the dwelling, accessed via a private driveway, and set back behind the building line of the rear elevation, stands a detached building with a pitched roof. This building does not have planning consent and does not fall within the confines of Permitted Development.

In its current states, the building is 'L' shaped with the short part of the 'L 'comprising a pitched gable facing towards the highway characterised by a single garage door.

To the south of the site, within the curtilage of 'Beulah'; also a single storey dwelling, is a similar ancillary structure which sits at the far end of the rear garden up against the western (rear) and northern (side) boundary.

The site is bounded by the public highway to the east, with residential properties and their associated curtilage standing to the north, south and west. To the north lies Abbeyville 29 Leek Road, and to the south 'Beulah'.

The site shares its western boundary with the rear garden area of No.13 Wetley Avenue. A distance of 17m separates the rear elevation of the property with the site boundary. No.13 Wetley Avenue is a semi-detached property which sits within a row of similar properties.

## PROPOSAL

The application is seeking retrospective consent for the existing structure to the rear of the main dwelling, following a complaint received by the Council's Planning Enforcement Team.

As shown on the submitted plans, the front facing gable of the garage has a width of 3.5m with the garage extending back some 9.5m to the rear boundary. A second gable is located on the side elevation facing northwards which has a width of 4.7m.

The building is shown to have a height to eaves level of 2.2m and an overall height of 3.6m.

The plans demonstrate that the building is unfinished and would be finished in a waney edge larch cladding with a dark charred wood finish with shingled clay tiles in its pitched roof.

Following comments made by the case officer, revised plans have been submitted (Drawing Ref: 00721 AL(0)01A) which show the removal of the rear gable and a continuation of the ridgeline.

## RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory 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 local development plan for this site comprises the Saved Policies of the Staffordshire Moorlands Local Plan (1998); Staffordshire Moorlands Core Strategy (adopted 26th March 2014) and any relevant Supplementary Planning Documents (SPD's).

The National Planning Policy Framework (NPPF) published in March 2012 sets out the Governments planning policies for England and how these are expected to be applied. As stated in paragraph 2 of the NPPF, the document is a material consideration which must be taken into account in planning decisions.

### Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
DC1 Design Considerations
T1 Development and Sustainable Transport

### National Planning Policy Framework

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|---|---|
| Achieving Sustainable Development | Paragraphs 1-17 |
| Requiring Good Design | Chapter 7 |

## SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2002/0177 Single storey front/side extensions (Approved)

## CONSULTATIONS

### Publicity

Site Notice expiry date: 9th January 2018
Neighbour consultation period ends: 3rd January 2018
Press Advert: N/A

### Public Comments

Mr Bridgford, 19 Wetley Avenue – Objects:

I object on the basis that the current owner works with stone, i speculate that he may use the garage to perform future stoke works, which may cause noise nuisance

### Town / Parish Comments

Cheddleton Parish Council – No Objections

### SCC Minerals and Waste

No comments to make

## OFFICER COMMENTS

### Principle of Development

Policy SS1a of the adopted core strategy reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies indicate development should be restricted.

The proposed development is set within the existing residential curtilage of Barville, 27 Leek Road. The site is located within the development boundary of Cellarhead and is not constrained by any sensitive statutory designation. As such the application is not subject to any of the restrictive policy areas set out at footnote 9 to paragraph 14 of the NPPF, and therefore the presumption in favour of sustainable development is engaged.

Given the nature of the development (an ancillary building to the main dwelling within existing curtilage) and the planning policy context set out above, the principle of development is considered to be acceptable.

**Design**

Policy DC1 of the adopted core strategy sets out a list of design considerations that new development should incorporate into any new scheme. It states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area.

In particular new development 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.

Chapter 7 of the NPPF highlights the importance of good design, that good design is indivisible from planning and should contribute positively to making places better for people.

The proposed ancillary garage stands at a height of 3.6m and sits adjacent to a structure of similar scale and height within the curtilage of the neighbouring property 'Beulah' to the south.

Schedule 2, Part 1, Class E of the General Permitted Development Order allows for ancillary outbuildings to have a height of 2.5m where they are positioned within 2m of the site boundary. The proposal is therefore 1.6m above this allowance.

In light of the above, and that a similar structure is located within the neighbouring curtilage, it is considered that the scale and height of the proposed outbuilding/garage is acceptable.

The proposed garage is currently in an unfinished state and is to have a singled clay roof and comprise external walls constructed of a waney edge larch cladding. Whilst not a traditional material, it would have some correspondence with the character and appearance of the rear elevation of the host property, and therefore the appearance of the proposed garage is considered to be acceptable in design terms.

Following concerns relating to amenity (explained below), the design has been revised which shows the removal of the rear gable which results in a continuous ridgeline which corresponds with the neighbouring outbuilding and maintains the rhythm of development.

In summary, the proposed garage in its revised form is considered to be in accordance with the design principles set out within policies SS1 and DC1 of the Core Strategy and relevant paragraphs within Chapter 7 of the NPPF.

**Amenity**

Policy SS1 of the adopted core strategy sets out a number of development principles which new development should adhere to in order to contribute positively to the social, economic, and environmental improvement of the Staffordshire Moorlands.

Policy DC1 of the adopted core strategy states that new development should protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, and privacy.

The plans submitted with this retrospective application show the garage as having a rear gable which backs on to the rear boundary facing the rear elevations of properties on Wetley Avenue. The site shares its rear boundary with No.15 & No.17 Wetley Avenue. Both have generous gardens of approximately 17m in length, measured from the rear elevation to the site boundary. This is sufficient to prevent any loss of light to these dwellings as a result of the building. There are no windows in the building overlooking these dwellings.

However, on visiting the site, it was evident that the rear gable had a somewhat obtrusive and overbearing impact upon the amenity of properties on Wetley Avenue, in particular No.17 Wetley Avenue. These concerns were relayed to the applicant's agent, also stating that these impacts could be mitigated by mirroring the form of the adjacent building and removing this rear gable. Plans were duly submitted which incorporate these requested revisions.

By removing this rear gable, it is considered that the proposed development will not result in any significant adverse harm to the amenity of residential properties on Wetley Avenue.

The neighbouring property to the south of the site is not considered to be adversely affected by the proposed development given that a building of similar height and scale exists within its curtilage.

In summary, the proposed ancillary building (as revised) is not considered to result in any adverse harm to the residential amenity of any neighbouring property in accordance with policy DC1 of the Core Strategy.

**CONCLUSION / PLANNING BALANCE**

The application seeks retrospective permission for an detached ancillary garage to the rear of Barville, 27, Leek Road, Cellarhead. The building stands at a height of 3.6m and sits adjacent to a similar structure which lies within the curtilage of the neighbouring property to the south.

The site is located within the development boundary and is not constrained by any sensitive statutory designation. The presumption in favour of sustainable development is engaged.

An assessment of the original plans found that whilst the scale and height and proposed materials were acceptable, the rear gable resulted in an element of harm to the amenity of neighbouring properties on Wetley Avenue by being obtrusive and overbearing.

Revised plans have been submitted by the applicant's agent which shows the removal of this gable and a continuous ridgeline similar to the adjacent outbuilding.

This revision is considered to enhance the design of the building and address the initial concerns regarding residential amenity.

In conclusion, the application (in its revised form) is considered to accord with all relevant national and local planning policies. There is no significant adverse harm which outweighs the presumption in favour of sustainable development, and therefore in accordance with policies SS1a of the Core Strategy and paragraph 14 of the NPPF, the application is recommended for approval subject to appropriate conditions.

**OFFICER RECOMMENDATION: Approve with Conditions**

**Case Officer: James Stannard**
**Recommendation Date: 26th January 2018**

X B.J. Haywood

Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**