Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

198 PARK LANE, KNYPERSLEY

MARCH 2018

Site Address:
198 Park Lane, Knypersley, Staffordshire, ST8 7PN

Applicant:
Mr. & Mrs. Ashmore-Howard

Proposal:
Erection of two storey side and rear extensions and alterations to roof

Planning Statement:
Date Issued: 2nd March 2018
Job Reference: RDP/2018/008

Report Prepared By:
Rob Duncan BSc(Hons) MA MRTPI
Rob Duncan Planning Consultancy Ltd

Contact Details:
Rob Duncan Planning Consultancy Ltd.
70 Ferndale Road, Lichfield, Staffordshire, WS13 7DL
Email: rob@robduncanplanning.co.uk
Tel. 07779 783521

1. Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. & Mrs. Ashmore-Howard to prepare a Planning Statement to accompany a revised planning application for the erection of two storey side and rear extensions, and alterations to the existing roof of no 198 Park Lane, Knypersley.

1.2 The application represents a re-submission following the withdrawal of application SMD/2017/0590. That previous application had proposed the erection of two storey side and rear extensions, along with an increase in the ridge height of the dwelling and the provision of an elongated rear dormer window. Following concerns being raised by the Planning Officer about the design of the extensions, amended plans were submitted reducing the overall ridge height, and incorporating a subservient ridgeline to the two-storey side extension. The rear dormer window was also omitted in favour of a rear-projecting gable. These amendments were met with the approval of the Planning Officer, but the applicant was subsequently advised that there were also concerns about compliance with Green Belt policy, with the proposed extensions deemed to constitute disproportionate additions. The applicants therefore opted to withdraw the application.

1.3 In the intervening period following the withdrawal of the application, two further submissions have been made to the Local Authority. These comprise of a Householder Prior Notification for a large rear extension under Permitted Development (HNT/2017/0023), and a corresponding Lawful Development Certificate for the erection of a single storey side extension, along with the 8m single storey rear extension (SMD/2018/0062). Both of those submissions have received the approval of the Local Authority, and are discussed in more detail within the Planning Assessment below.

2 Site Description

2.1 The application site lies on the southern side of Park Lane and comprises a detached two storey dwelling set within a continuous built-up frontage that extends all the way along this side of the highway down to the centre of Knypersley to the west. The site is bordered to the east by a detached bungalow with steeply pitching roof (200 Park Lane), and to the west by a detached two storey dwelling that extends across much of its plot (196 Park Lane). Agricultural land extends to the south, with Park Lane forming the northern boundary to the site. Further residential development extends in a linear pattern on the opposite side of Park Lane to the north, giving the area a somewhat built-up character. Properties within the vicinity of the site exhibit considerable variance in architectural styles and scales, and there is no strong prevailing vernacular. The site as a whole is washed over by the Green Belt. An aerial photograph showing the site in its surrounding context is shown in Figure 1 below.

Figure 1 – Aerial Photograph of Site



Source: Getmapping / Google Maps

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) sets out policies in respect of various planning matters, which includes, *inter alia*, guidance in respect of development within the Green Belt. The content of this document has been

taken into consideration in the preparation of this application and is discussed in more detail within 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.

HNT/2017/0023 – Householder Prior Notification

4.3 This prior notification approval relates to the erection of a 'larger' rear extension under the provisions of Class A(g) of the Town and Country Planning (General Permitted Development) (England) Order 2015, and confirmed that prior approval was granted for the erection of an 8 metre deep, single storey rear extension to the existing dwelling, under the provisions of Permitted Development. The grant of this prior notification is a material consideration of significant weight in the determination of this application and is discussed in more detail within the Planning Assessment below.

SMD/2018/0062 – Lawful Development Certificate

4.4 This Lawful Development Certificate for Proposed Development confirms that works to erect a single storey side extension, along with an 8 metre single storey rear extension, would be lawful and not require the submission of a planning application. The Lawful Development Certificate is a material consideration of significant weight in the determination of this application and is discussed in more detail within the Planning Assessment below.

5 Planning Assessment

5.1 The application seeks consent for the erection of two-storey side and rear extensions to the existing detached dwelling, along with alterations to its roof to replace the existing hipped roof with a gabled roof. 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 There is no definition within the NPPF as to what constitutes a disproportionate addition, but policy R2 of the Core Strategy confirms that extensions to dwellings will be permitted where 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".*

5.3 It is submitted that the proposed extensions are proportionate in scale and design to the existing dwelling and do not result in a detrimental impact to the existing dwelling or the character of the rural area. The design of the proposed extensions is the same as that which was considered under application SMD/2017/0590, and which were found to be acceptable, and thus do not derive any detrimental harm to the existing dwelling or the character of the rural area. The form of the proposed two storey side extension is proportionate to the existing dwelling, representing a width which is approximately a third of the overall width of the existing dwelling. It

furthermore encompasses a subservient ridgeline. The two-storey rear extension is similarly proportionate in its projection to the depth of the original dwelling, representing an approximate increase of a third. The overall proportions of the proposed extensions are therefore considered to be appropriate in scale and design to the original dwelling, and as such the proposal is considered to accord with the provisions of policies SS6c and R2 of the Core Strategy and paragraph 89 of the NPPF.

5.4 In reaching this conclusion I have had regard to a similar form of development that was approved under application SMD/2016/0020 at no.192 Park Lane, Knypersley. That application encompassed the erection of a two storey side extension and single storey rear orangery, and in assessing the proposal the Planning Officer commented that:

> *"There is no definition in national or local policy of what is considered to be disproportionate, each should therefore be considered on their merits. In this instance the application site is located within a ribbon of residential development on the edge of Biddulph.* ***The proposed two storey side extension is set back at first floor level and contains a reduced ridge height to the host property providing a subordinate appearance. Its width is modest and represents a 50% increase. The side extension visually appears well in proportion with the host dwelling.*** *The proposed single storey rear extension would also appear subordinate" (my emphasis)*

5.5 The Planning Officer went on to conclude that:

> ***"Cumulatively both the single storey rear extension and the two storey side extension would appear in proportion with the***

> ***host dwelling.*** *The impact of the extent of development is lessened by its presence within a built-up ribbon of development". (my emphasis)*

5.6 The assessment approach adopted under application SMD/2016/0020 is consistent with the provisions of policy R2 of the Core Strategy, and I draw similar conclusions about the proportions of the proposed development to the original dwelling on this current application site, as both the side and rear extensions constitute less than a third of the width/depth of the original dwelling, and appear in proportion to the host dwelling.

5.7 Notwithstanding the above, and without prejudice to the applicant's submissions, it is acknowledged that in assessing the previous application the Planning Officer undertook a numerical exercise to determine whether the proposal amounts to a disproportionate addition or not. This exercise led to the conclusion that the proposed development would have resulted in a disproportionate addition to the original dwelling, and therefore would have been in conflict with the provisions of paragraph 89 of the NPPF.

5.8 Setting aside disagreements we have with the figures arrived at by the Planning Officer in that assessment – we contend that the original dwelling had an original rear projection, as evidenced by historic Ordnance Survey maps – we consider that very special circumstances exist in this instance to clearly outweigh the totality of harm to the Green Belt that would be derived by the proposed development.

5.9 Paragraph 80 of the NPPF confirms that the Green Belt serves five purposes:

- 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;
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.10 The applicant has recently secured approval of a Lawful Development Certificate for Proposed Development which confirms that permission is not required to undertake a single storey side extension to the existing dwelling, along with an 8 metre deep single storey rear extension (SMD/2018/0062). A corresponding Prior Notification submission has also been approved for the latter extension (HNT/2017/0023). The table in Figure 2 below summarises the footprint and floorspace of the approved Permitted Development extensions, and compares them to the footprint and floorspace of the proposed development.

Figure 2 – Comparison of Approved PD Scheme to Proposed Development

	Footprint	**Floorspace**
Existing Dwelling =	107.9 m^2	161.5 m^2
Approved PD Extensions =	149.0 m^2	202.5 m^2
Proposed Extensions =	102.6m^2	202.3 m^2
Difference =	-46.4 m^2	-0.2 m^2

5.11 The comparative analysis in Figure 2 above demonstrates that the Permitted Development fallback position established by the Lawful Development Certificate (SMD/2018/0062) would derive a substantially greater encroachment of built development into the Green Belt compared to the proposed development, in the order of 46.4m^2. That is the equivalent of a triple garage in footprint terms. The proposed development would represent a much lesser degree of encroachment by comparison, and would also consolidate development tighter to the existing dwelling and reinforce the linear pattern of development that prevails along this part of Park Lane.

5.12 The Planning Officer commented in his assessment of the previous application that this fall back position was not realistic, as it would not provide the same space as the proposed extensions. However, as confirmed in the Court of Appeal judgment in *Mansell v Tonbridge And Malling Borough* Council [2017], the legal consideration in determining the materiality of a fall back position is whether the fall back is **possible**. It does not have to be probable or likely.

5.13 This notwithstanding, the accommodation proposed within the Lawful Development Certificate, encompassing a large open plan kitchen / diner, guest bedroom, and utility room – all components of the previously withdrawn scheme – means there is a fair likelihood that this fall back position would be exercised in the event that permission were ultimately refused for the proposed development. The fact that the applicant has gone to the effort of securing a Lawful Development Certificate and Prior Notification Approval lends further credence to this.

5.14 For these reasons I submit that the established fall back position should be afforded full weight in the assessment of this proposal, and consider it to amount to very special circumstances sufficient to clearly outweigh the

totality of harm to the Green Belt. The submitted proposal is therefore considered to accord with the provisions of paragraphs 87, 88 and 89 of the NPPF, and in turn the provisions of policies SS6c and R2 of the Core Strategy.

Other Issues

5.15 The submitted proposal encompasses the same design as the amended scheme which was found to be acceptable to the Planning Officer in the assessment of the previous application. The proposal will furthermore not derive any material adverse impacts to the amenity of neighbouring occupiers, a conclusion also reached by the Planning Officer in his assessment of the previous application. There have been no material changes in circumstance since that previous application was considered, and therefore it can reasonably be concluded that the proposal remains in accordance 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 the proposed extensions represent a proportionate addition to the original dwelling that are appropriate in scale and design, and which do not have a detrimental impact on the existing dwelling or the character of the area. The proposal furthermore remains of a design that is appropriate to the character of the area, and will not derive any adverse impacts to the amenity of neighbouring occupiers. The development is therefore considered to accord with the provisions of policies SS6c, R2 and DC1 of the Staffordshire Moorlands Core Strategy, and policies set out within the National Planning Policy Framework.

6.2 The above notwithstanding, and without prejudice the applicant's case, if the Local Authority were to conclude that the proposal amounts to a

disproportionate addition it is submitted that the applicant's established fall back position, as confirmed by the recently approved Lawful Development Certificate and Prior Notification Approval, would derive a greater impact to the Green Belt, particularly in terms of encroachment of built development, than that which is proposed, and accordingly very special circumstances exist to clearly outweigh the totality of harm to the Green Belt.

6.3 The Local Authority is therefore respectfully requested to grant planning permission for the proposed development in accordance with the presumption in favour of sustainable development.