DELEGATED DECISION REPORT

SMD/2018/0150 **Valid 07/03/2018**	**39 MOORHOUSE MOORHOUSE STREET LEEK**	**REMOVAL OF CONDITION 3 IN RELATION TO SMD/2017/0632** **(FULL - MINOR)**

MAIN ISSUES

- Amenity

DESCRIPTION OF SITE

The application site comprises a corner plot of land which sits on the junction with three streets. Moorhouse Street runs to the west of the site in a north – south direction, meeting Moorfields, which arrives from the south west, and Wood Street, which runs eastwards from this junction.

The site is located within the Leek Conservation Area, and contains a two storey residential dwelling with associated amenity space to the rear. The dwelling is orientated so that the front principal elevation faces Woodhouse Street to the east, with a simple gable facing south eastwards on to Wood Street.

The site is bounded by the public highway to the west and the south. To the south east of the opposite side of Wood Street sits the front elevation of No.63 Wood Street approximately 14m distant, whilst to the east lies the end gable of a row of terraces adjacent to Wood Street approximately 11m distant. To the north are the rear gardens which are associated with a row of terraced housing on the eastern side of Moorhouse Street.

The rear elevation is characterised by a gable which extends 2.8m outwards from the main dwelling. The rear gable is finished in an off-white render in comparison to the main dwelling which has stone walls.

To the south side of this rear gable sits a small single storey lean-to glass house. This glass house has a stone base with corrugated roof and white timber frames and is in a state of disrepair.

The site has been subject of a previous application for the demolition of the existing small lean-to glasshouse and construction of a two storey extension under SMD/2017/0632.

PROPOSAL

This application seeks the removal of Condition 3 attached to SMD/2017/0632. The condition reads as follows:

3. *The glazing to the windows in the south eastern side elevation shall be fitted with fixed (i.e. non opening) lights and shall be installed with obscured glazing. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently may be amended or re-enacted) this/these window(s) shall not be re-glazed with any transparent materials or enlarged or otherwise altered, nor shall any additional door, window or other opening be formed in that elevation unless a further planning permission has first been granted on application to the Local Planning Authority.*

This condition refers to two ground floor windows included within this side elevation which are shown on the approved floor plans to serve a Utility room and a small WC.

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

National Planning Policy Framework

Achieving Sustainable Development Paragraphs 1-17

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2017/0632 Demolition of lean to glasshouse extension and the construction of ground floor utility room and WC with first floor en-suite (Approved)

CONSULTATIONS

Publicity

Site Notice expiry date: 13th March 2018

Neighbour consultation period ends: 10th April 2018
Press Advert: 18th April 2018

Public Comments

No public comments received

Town / Parish Comments

Leek Town Council – No objection subject to no harm to neighbours

Conservation Officer

No comment due to issue regarding amenity

OFFICER COMMENTS

The applicant wishes to remove condition 3 relating to SMD/2017/0632 which requires the ground floor windows serving the utility room and WC to be fitted with non-opening fixed lights and are to be obscure glazed. The reason this condition was attached to the permission was to protect the amenity of neighbouring properties, in accordance with Policy DC1 of the adopted Core Strategy.

The proposed windows sit behind an existing boundary wall which stands approximately 1.8m tall. The windows located in this side elevation are shown in the approved elevation plans to reach a maximum height of 2m. As such approximately 200mm of window would be visible from the public highway and from neighbouring property on the opposite side of Moorhouse Street.

The neighbouring property on the opposite side of Moorhouse Street is No.63, which has front principal windows which are located in excess of 12m from the side elevation of the approved extension.

Given the presence of the stone boundary wall; that the windows do not serve habitable rooms; and the distance between this elevation and neighbouring properties, and most importantly the intervening public highway which means that views of the property on the opposite side of Moorhouse Street are already possible from the public domain it is considered that no adverse harm to residential amenity would result as a result of this condition being removed and as such is considered to be acceptable.

OFFICER RECOMMENDATION:

Case Officer: James Stannard
Recommendation Date: 20th April 2018

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council