DELEGATED DECISION REPORT

SMD/2018/0005	**19 DAISY BANK**	**PROPOSED RETAINING WALL**
Valid 28/02/2018	**LEEK**	**/ DRIVEWAY TO PROVIDE OFF ROAD PARKING FOR 2 CARS**
		(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design
- Street scene
- Neighbour amenity
- Highways

DESCRIPTION OF SITE

The application site is the front garden to one of a pair of 1930s two storey brick and tile semis which face on to a steeply sloped section of Daisy Bank. The two semis share a single floor level. Viewed from the road No. 19 is the right hand or northerly of the two. The general slope of the land (and Daisy Bank) is downwards to the north so that No.19 is the more elevated relative to its surroundings and its attached neighbour at No.17 to the left is somewhat set-in to the slope. The unattached neighbour to the right (No.21), also two storey, is significantly stepped down relative to the application property so that the eaves level of the neighbour appears to be on a level with about the mid height of the ground floor of the application property.

The intervening space between the application property and its unattached neighbour (No.21) is about equivalent to that needed to allow each property to have a side driveway and indeed No.21 is served by a side driveway at about ground floor level. The c.3m strip of space to the side of the application property was however until relatively recently occupied by embanked retaining walls. A steep flight of 12 steps climbs from road level to ground floor level of the application property. At road level to the side front there is a narrow space between the side of the steps and the property boundary marked on the plan (drawing 12033/10) as a drive but this scale from the drawing as being only c.1.5m in width. However it seems this plan must be in error and in fact there is driveway space of c.2.8m width here alongside which (in place of the embanking walls to the side garden) a single high retaining wall finished in white render tracks back along the side of the property towards the rear garden.

The application is partially retrospective in that work was begun without planning consent. Following the intervention of the Council's Enforcement Officer work has ceased. Part of the site – the northerly half of the front garden has been fully excavated to road level (or below) and a concrete floor and brick retaining wall inserted to the north side flank and rear. A section of the site on the boundary with the attached neighbour's front garden has not been fully excavated and remains as exposed disturbed ground.

Prior to the recent work the front garden was supported by a stone retaining wall on the front boundary along the rear edge of the pavement as far as the entrance to the flight of steps.

PROPOSAL
To in effect completely excavate to road level or below the front garden between the boundary with the attached neighbour (No.17) and the side of the flight of steps and to take the excavation back to within c.1.3m of the front house wall elevation and to within c.1.1m of the projecting ground floor bay window. The sides and rear to be faced in brickwork. The development would create an off-road pull-in space which scales from the 1:200 site plan as being c.5.0m in width and c.5.0m in depth.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)
S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS5a Leek Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework
Paragraph(s) 1 to 17
Section(s) 7 – Requiring Good Design;

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
None

CONSULTATIONS

Publicity
Site Notice expiry date: 10th April 2018
Neighbour consultation period ends: 22nd March 2018
Press Advert: N/A

Public Comments
None

Town / Parish Comments
Leek Town Council – acceptable subject to not being found un-neighbourly

Staffordshire County Council Highways
No objections subject to conditions.

OFFICER COMMENTS

Principle of Development

The development is considered to be an engineering operation therefore requiring planning consent. Being within the town development boundary development in principle is acceptable. As an unclassified road (D1292) the formation of an access per se does not require planning consent but would nonetheless require the consent of the Highways Authority to form the vehicle crossing over the highway pavement.

Design

There is little to commend this development in terms of design save that the adoption of a brick wall as the facing material for the exposed retaining structures may be considered an appropriate finish. An overriding concern however is the overall physical presence and visual impact of the scheme as a whole in the street scene.

The excavation of the garden frontage and necessary construction of a high retaining wall at the rear of the exposure causes the house to stand as a very abrupt feature no longer 'softened' in the street scene by the landscaping benefits of its sloped front garden.

Amenity

The harsh and necessarily highly engineered design creates a highly incommodious setting for the house in the street scene and the development may reasonably be considered brutal in its appearance, unbecoming of the 1930s suburban character and therefore at odds with the street scene at this location.

In relation to the attached neighbour at No.17, whilst no representations have been received (neither in support nor against) from the current occupiers, it might reasonably be expected that a development involving excavation on this scale at such close proximity to the property and house walls could be alarming and the resulting vertical retaining structure and the excavation beyond might not unreasonably be found intimidating – even undermining in a perceptual sense to the confidence of the occupiers.

Highway Safety

There are no objections from the Highways Authority subject to condition to properly complete the access prior to first use. There is found to be advantage in creating a further off street parking space.

CONCLUSION / PLANNING BALANCE

In accordance with policies SS1 and SS1a, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Core Strategy shall be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

i) 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

ii) specific policies in that Framework indicate that development should be restricted.

This scheme appears very poorly conceived in relation to the property, its attached neighbour and the street scene. There appear to be discrepancies in the submitted drawings which omit the correct illustration of an existing pull-in space to the lower (northerly) side of the house and the elevations in drawing 12033/10 do not appear to faithfully or credibly represent the achievable levels and elevations, notably proposed elevation A-A shows six steps climbing through a height of c.1.25m whereas there are some 12 steps climbing in excess of two metres.

Policy DC1 – Design Considerations – is that all development shall be well designed and "add value to the local area", "respect the site and its surroundings" and promote a positive sense of place, attractive and functional. The adverse aspects of this proposal in terms of design and amenity as identified in the report (above) are found to weigh strongly against acceptance of the scheme as set out. No amendments that would solve these fundamental concerns have been identified and ultimately it is concluded that the scheme should be refused as contrary to policies SS1, SS1a, SS5a and DC1 and also to the NPPF.

Furthermore in respect of design the NPPF (para. 55) expects variously that decisions should ensure that developments will function well and add to the overall quality of the area with streetscapes that create attractive and comfortable places to live. work and visit.

The NPPF also variously refers to the need for planning decisions to consider and take account of land stability notably:

- at paragraph 109, by preventing new development from contributing to land instability or giving rise to adverse effects or unacceptable risk;
- at paragraph 120, to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location.
- at paragraph 121, planning decisions should also ensure that (inter alia): the site is suitable for its new use taking account of ground conditions and land instability, and that adequate site investigation information, prepared by a competent person, is presented. This application is wholly lacking in information to address these points. Whilst the applicant may have been able to respond with relevant additional information on these aspects the overall more fundamental concern with the design and street scene impacts mean that these details were not requested.

OFFICER RECOMMENDATION : refuse

Case Officer: Arne Swithenbank
Recommendation Date: 25th April 2018

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council