**DELEGATED DECISION REPORT**

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| **SMD/2019/0097** | **37 MILL LANE** | **DEMOLITION OF EXISTING CONSERVATORY AND NEW SINGLE STOREY EXTENSION TO FORM KITCHEN/DINING SPACE TO REAR OF THE PROPERTY.** |
| **Valid 07/03/2019** | **WETLEY ROCKS** | **(FULL - HOUSEHOLDER)** |

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## MAIN ISSUES

- Principle of Development / Green Belt
- Design
- Neighbour Amenity
- Access and Parking

## DESCRIPTION OF SITE

The application site relates to a two storey, semi detached property on the south side of Mill Lane, Wetley Rocks. It is bounded by neighbouring properties on both sides. The site is within the North Staffordshire Green Belt.

## PROPOSAL

The application is for a single storey rear extension to provide a new kitchen/dining room following demolition of the existing rear conservatory. The proposed extension would project approx. 3.4m from the rear elevation of the property with a width of 7m and maximum height of 3.4m. The proposals also include the replacement of the existing pitched roof above the rear utility room extension with a new lean to roof which extends across from the proposed single storey extension. Materials used in construction would comprise facing brickwork and tiles to match the existing property.

## 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
SS6 Rural Areas
SS6c Other Rural Areas
R1 Rural Diversification
R2 Rural Housing

DC1 Design Considerations
DC3 Landscape and Settlement Setting
T1 Development and Sustainable Transport

**Emerging Staffordshire Moorlands Local Plan**

Emerging Policies

The following policies are considered to be relevant to this application:
SS1 - Development Principles
SS1a - Presumption in favour of sustainable development
SS2 - Settlement Hierarchy
SS10 - Other Rural Areas Strategy
DC1 - Design Considerations
DC3 - Landscape and Settlement Setting
DC1 - Design Considerations
SD1 – Sustainable Use of Resources
T1 - Development and Sustainable Transport

**National Planning Policy Framework**

Paragraph 11 – Presumption in Favour of Sustainable Development
Section 2 - Achieving Sustainable Development
Section 4 – Decision making
Section 9 – Promoting Sustainable Transport
Section 12 – Achieving well designed places
Section 13 – Protecting Green Belt Land

**Other Material Considerations**

Staffordshire Moorlands Space About Dwellings Supplementary Planning Guidance (SPG)

**SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

SMD/1981/0328 (old ref. 81/09754) – Extension to form garage, laundry and porch – Approved.

SMD/1996/1087 (old ref. 96/00362) – First floor extension over garage – Approved 05/06/1996.

**CONSULTATIONS**

**Publicity**

Site Notice expiry date: 02/05/2019
Neighbour consultation period ends: 18/04/2019
Press Advert: N/A

**Public Comments**

None received.

**Town / Parish Comments**

Cheddleton Parish Council – No objection.

**Severn Trent Water**

As the proposal has minimal impact on the public sewerage system Severn Trent Water have no objections to the proposals and do not require a drainage condition to be applied. Note that there is a public sewer located within this site.

**OFFICER COMMENTS**

**Principle of development / Green Belt**

The site is situated within designated Green Belt land as shown on the adopted core strategy proposals map. Policy SS6c comments that within such areas development will be limited to that which meets an essential local need, supports rural diversification and promotes sustainable tourism.

Core Strategy policy R1 comments that appropriate development should not harm the rural character and environmental quality of the area. Where new building is proposed, development should have minimal impact on the countryside. Policy R2 outlines what forms of development will be permitted in the rural areas outside of the settlement and infill boundaries of the towns and villages. Amongst other things, this includes extensions to existing dwellings provided that are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 requires that substantial weight is given to any harm to the Green Belt. '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.

CS Policy R2 is consistent with paragraph 143 of the National Planning Policy Framework where it is regarded that the extension of a building is considered an exception to inappropriate development, provided that the development does not result in disproportionate additions over and above the size of the original dwellinghouse. Neither the Core Strategy nor the NPPF provide a definition of what is regarded as being 'disproportionate' for the purposes of Green Belt policy; however previous policy guidance considered a development resulting in a 30% increase in the size of the original building as being acceptable. Consideration is also given to matters of massing, height, siting, volume and floorspace.

The volume of the original house was approx. 412m3. The property has been extended previously (see relevant history above) so that as extended it currently amounts to approx. 587m3 (42% increase on the original building). The proposed extension would increase the size of the property to approx. 629m3 which represents a 52% increase on the volume of the original building.

Whilst this would be considered a disproportionate addition to the property, a fall back position exists whereby the property could be extended utilising Class A permitted development rights. A single storey flat roof extension (3m high, 3m deep and the width of the current house) equates to 95.5m3 allowable volume with the potential for more volume allowable utilising Class E permitted development rights. In contrast the current proposal equates to a relatively modest 90.5m3 increase.

This fall back position, which is considered a realistic and viable alternative development should planning permission be refused for the current proposal, would result in an extension which would not be dissimilar to the proposed development in terms of scale and overall impact on Green Belt openness. Indeed, it can be argued that the current proposal for a pitched roof extension provides a better designed addition than the fall back position of the flat roof extension permissible under permitted development.

It is considered that this fall back position represents 'very special circumstances' which outweigh the harm to the Green Belt by reason of inappropriateness. In addition, the scale and design of the proposed extension are considered subordinate to the original building and the removal of the existing conservatory would improve the appearance of the property, which also adds weight in favour of the proposal.

**Design**

Policy DC1 (Design Considerations) outlines that all new development should be of a high quality and add value to the local area and also be designed to respect the site and surrounding area, through scale, density, layout, siting, character and appearance, in line with the Council's Design SPG.

The proposed single storey rear extension is considered to be of an appropriate scale and design. It will be situated at the rear where it will not have any significant visual impact and will be an improvement on the existing conservatory which is to be removed. Materials used in construction of the proposed extension would comprise facing brick and matching roof tiles and these are considered to be in keeping with the surrounding area. It can be concluded that the proposal complies with Policies DC1 and DC3.

**Residential Amenity**

Policy DC1 states that new development should protect residential amenity in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

Given the proposed siting of the extension the main impact would be upon the neighbouring properties on either of the site, namely Nos. 35 and 41 Mill Lane. No.

35 is set back relative to the application property. This neighbouring property has a garage to the side adjoining the boundary with the site and the proposed extension would be set away from the boundary with this neighbour. Given this, the proposal would not adversely affect the amenities of this neighbour.

The other half of the semi-detached pair, No. 41 Mill Lane has windows and doors to the rear elevation at both ground and first floor levels adjacent to the boundary with the site. Given the proximity of the proposed extension to the neighbour's ground floor principal window, the proposal would not strictly comply with the guidance relating to obstruction to daylight contained within the Space About Dwellings SPG as it would breach 45 degrees lines on both plan and elevation drawn from the centre of the neighbour's window towards the extension. However, the existing conservatory to be removed already has a similar effect albeit it is set slightly further away from the boundary than the proposal. In addition, there are established shrubs on the boundary between the two properties which have an overshadowing effect in relation to the neighbour's window, and the permitted development fall back position should also be taken into account whereby a single storey rear extension with a rear projection of up to 3m and ridge height of 4m could be constructed without the benefit of planning permission. The current proposal extends 3.4m from the rear with a maximum height of 3.4m and therefore would not have a significantly greater impact on the neighbour's windows than the PD fall back position. Given these factors it is considered that this neighbouring property would not be significantly affected by the proposed extension.

The proposed development therefore accords with Policy DC1 in this respect.

**Highway Safety**

Policy DC1 states that development should provide a safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

The dwelling is served by an access driveway and parking provision to the front and within the garage. No alterations are proposed to these arrangements. It is considered that the proposed development would have no adverse impacts upon parking or highway safety generally and the proposals comply with policy T1 of the adopted Core Strategy.

**CONCLUSION / PLANNING BALANCE**

The proposed development would result in limited harm to the openness of the Green Belt and the principle of the development is considered acceptable having regard to the fall back position of permitted development rights, which constitute very special circumstances. The proposal is of a size, scale, form and design which is acceptable and reflective of the character of the site and surroundings. The proposed development would not harm the valued characteristics of the site nor does it raise any adverse amenity issues or highway safety concerns. The application complies with the relevant policies of the Core Strategy and the NPPF and is therefore recommended for approval.

**OFFICER RECOMMENDATION : APPROVE**

**Case Officer: Mark Ollerenshaw**
**Recommendation Date: 01/05/2019**

X B.J. Haywood

Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**