DELEGATED DECISION REPORT

SMD/2019/0445 **Valid 22/07/2019**	**7 SPEDDING WAY** **BIDDULPH**	**PROPOSED REMOVAL OF CONSERVATORY AND CONSTRUCTION OF SINGLE STOREY FAMILY ROOM EXTENSION TO REAR.** **(FULL - HOUSEHOLDER)**

MAIN ISSUES

- Principle of development;
- Design/visual amenity;
- Neighbour amenity;
- Coal.

DESCRIPTION OF SITE

The application site is 7 Spedding Way Biddulph, a detached, two-storey dwelling occupying an end of cul-de-sac location. The dwelling is sat within a generously sized, rectangular plot of land with off-road parking at the front and garden and patio area at the rear. There is a gentle land level rise from the road towards the front of the house; the rear garden/patio area is relatively flat. Boundaries consist of timber panel fencing.

For the purposes of planning policy consideration the application site is located within the Biddulph Town Development Boundary and is identified as a low risk development area in respect of coal restrictions. There are no nearby Listed Buildings or protected trees which need to be considered and the site does not form part of any Conservation Area.

PROPOSAL

The application is for the erection of a single-storey rear extension to replace a rear conservatory. The extension would have a flat roof with centrally positioned lantern light, have aluminium sliding doors on its rear elevation and be constructed using matching brickwork. The extension would allow for the enlargement of the kitchen area. Other internal alterations include the removal of a wall separating the kitchen and dining room (to form one large open space) and the blocking of a door between the lounge and the former dining room to form separate rooms.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

SS1	Development Principles
SS1a	Presumption in Favour of Sustainable Development
SS5b	Biddulph Area Strategy
DC1	Design Considerations

Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands: New Dwellings and Extensions to Dwellings.
2. Space About Dwellings

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:

"…decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was "sound". Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications is to be determined and will be subject to consultation in due course. The Inspector will then be in position to write his final report. Subject to the findings of the appointed Inspector, the Local Plan can then be adopted by the Council. This will be towards the end of 2019 at the earliest. Upon adoption, the Local Plan will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

<u>Emerging Policies</u>

The following policies are considered to be relevant to this application:

SS1	Development Principles (Moderate)
SS1a	Presumption in Favour of Sustainable Development (Significant)
SS6	Biddulph Area Strategy (Limited)
DC1	Design Considerations (Moderate)

National Planning Policy Framework

Including sections;

2: Achieving sustainable development
12: Achieving well-designed places

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

83/12358/OLDDC	Residential Development. Approved.
84/13058/OLDDC	Amended Phase 1 Development. Approved.
11/00902/FUL	Proposed bedroom extension over existing garage. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 23/08/2019.
Neighbour consultation period ends: 19/08/2019.

Public Comments: No representations received.

Biddulph Town Council: No representations received.

OFFICER COMMENTS

Principle of Development
The application site is located within the Biddulph Town Development Boundary where there are no objections in principle to domestic extensions provided that all material planning considerations are satisfied such as acceptable design, visual impact upon the surrounding area and neighbour amenity. In this instance the application site is also within an identified coal risk development area (albeit low risk).

Design/visual impact
The proposed rear extension does not raise any design concerns. The proposed use of matching, facing brickwork is welcomed. The size of the proposed extension does not cause concern; it would have a clearly subordinate relationship with the existing dwelling and certainly would not amount to overdevelopment of the plot. Being located at the rear of the house the extension would not be seen from the public domain and would therefore not have any impact upon the street scene of Spedding Way. For these reasons the application is acceptable in terms of design and visual impact matters.

Neighbour amenity
There are no dwellings to the rear of the application site and the orientation, separation distances and land level variations means that the proposed extension would not result in any amenity harm to the residents occupying number 5 Spedding Way (to the north). The extension would be seen by the occupants of number 9 Spedding Way as it would be positioned close to the boundary fence. However, it is noted that this is a replacement structure and whilst the width of the new extension

may be larger than the conservatory, there is very little difference between the projection distance of the conservatory and the new building (the new building does not extend as far). Furthermore the two structures both have an overall height of approximately 3.5m. The new extension would have no more of an amenity impact than the current conservatory does. The site visit revealed that the property to the south (9 Spedding Way) has a ground floor patio/French door opening close to the boundary with the application site. A review of the planning history connected with number 9 shows that this doorway serves a dining room. It appears that the existing (original) house breaches the 45 degree (horizontal) angle amenity standard as set out within the Space About Dwellings SPG standards and the current conservatory extends further beyond that. However, it is concluded that the replacement extension would not have any greater amenity impact than the current conservatory, particularly as it is sited to the north of that dwelling, and it is noted that no objections have been received from neighbouring properties.

Coal

Planning records show that the application site sits within a Coal Development Low Risk area and therefore it is considered reasonable to consider the surrounding area and any coal mining features/hazards. A Coal Mining Risk Assessment would not be required for this application. The Coal Authorities' 'Exemptions List' for the Risk Based Approach to Development Management identifies a householder application as one instance where an assessment is not required. In the event of planning permission being approved it is recommended that a coal related informative note is added to the decision.

CONCLUSION / PLANNING BALANCE

It is concluded that the application is acceptable in terms of design and visual amenity impact. The fact that this is a replacement structure of extremely similar footprint and height size ensures that there would be no greater neighbour amenity impact upon the occupants of 9 Spedding Way than is presently the case. Suitably worded informative notes can be added to the decision notice in order to make the applicant/developer aware of their responsibilities in respect of development within coal (low risk) areas.

In addition to the above it would appear that the plans are proposing a form of development which would be eligible for consideration through the Larger Homes notification procedure. The extension projects approximately 4.2m from the rear wall of the house and complies with all other Permitted Development allowances regarding heights. The plans show that the intended facing brickwork would match that of the existing dwelling (a further Permitted Development requirement listed within the 'Conditions' to Class A development). It is noted that no neighbour objections have been received following on from advertising this application. Had his been a Larger Homes Notification application then the application would simply have been approved. Notwithstanding this it is noted that the scheme is acceptable in terms of relevant material planning considerations. Approval is therefore recommended.

OFFICER RECOMMENDATION : Approval

Case Officer: Lisa Jackson
Recommendation Date: 29/08/2019.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council