**DELEGATED DECISION REPORT**

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| **SMD/2019/0442** | **31 MEADOW CLOSE** | **RETROSPECTIVE** |
| **Valid 02/08/2019** | **LEEK** | **APPLICATION FOR DECKING AREA WITH ACCESS VIA STEPS FROM REAR OF PROPERTY** |
| | | **(FULL - HOUSEHOLDER)** |

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## MAIN ISSUES

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

## DESCRIPTION OF SITE

The application site is number 31 Meadow Close Leek, a detached, split-level dwelling (two-storey to front, three-storey to rear) occupying an end of cul-de-sac location. There is off-road parking to the front of the house and external amenity space to the side and rear. The land levels within the site drop significantly from the roadside towards to the rear (northern boundary). Boundaries consist of timber panel and timber post and rail fencing and there are dwellings to the west, east and south.

For the purposes of planning policy consideration the application site is located within the Leek Town Development Boundary. Council records show that the property lies within a Biological Site (SBI – 95/95/18 Ladydale), however this is not relevant for the purposes of considering this application due to the application dwelling and many of its neighbours having already been built and occupied). This development is within an existing and approved domestic curtilage.

The application site does not form part of any Conservation Area and there are no Listed Buildings either within or close to the site which might be affected by the proposal. To the north (beyond the application site) there is a blanket Tree Preservation Order (TPO/1110).

## PROPOSAL

The application seeks retrospective consent for the construction of an external staircase and raised decking area. The staircase leads from the kitchen/dining area, turning immediately towards the western side of the dwelling and onto decked area which sits immediately adjacent to the side wall of the house. The staircase has black, steel railings which also bound part of the deck area.

## RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

### Core Strategy Development Plan Document (Adopted 2014)

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| SS1 | Development Principles |
| SS1a | Presumption in Favour of Sustainable Development |
| SS5a | Leek 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:

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| SS1 | Development Principles (Moderate) |
| SS1a | Presumption in Favour of Sustainable Development (Significant) |
| SS5 | Leek 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

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|---|---|
| 81/09902/OLDDC | Residential development. Refused. |
| 82/11254/OLDDC | Residential development. Refused. |
| 08/01682/FUL | Erection of 8 dwellings and construction of pavement. Approved. |

## CONSULTATIONS

Publicity

Site Notice expiry date: 04/09/2019.
Neighbour consultation period ends: 28/08/2019.

Public Comments: One representation received from the occupant of number 33 Meadow Close confirming no objections to the application.

Leek Town Council: Recommend approval. Not un-neighbourly.

Severn Trent Water: No representations received.

## OFFICER COMMENTS

Principle of Development
The application site is located within the Leek Town Development Boundary. Core Strategy policy SS5 identifies Leek as a 'town' for the purposes of policy consideration whilst Core Strategy policy SS5a (Leek Area Strategy) outlines the presumption in favour of a broad range of developments including meeting housing and community needs, creating employment growth and improving the town as a service centre and visitor destination. There are no 'in principal' objections to a domestic development at the application property but other material planning considerations must be satisfied in order for the application to be approved. In the case of this scheme the main matters to consider include design, visual impact and neighbour amenity.

Design/visual impact
There are no objections to the overall appearance/design of the staircase and the raised deck area. The black railings are functional, simple in their appearance and are in-keeping with the style of the existing house. The timber deck is also designed in a manner to compliment the existing house whilst providing the occupants with useable outdoor amenity space. Incorporated into the design of the decking is a raised timber, box planter and in the lower portion of the garden there is a timber retaining wall behind which is a rockery area. Overall the development has been undertaken in a manner which is complementary (good choice of materials) to the house whilst serving its purpose of being functional. The staircase allows easy

access to the outdoor space which would not otherwise be available due to the split-level nature of the house.

The staircase and decking area has very little visual impact beyond the application site. A small part of the staircase can be viewed from within the grounds of number 31 Meadow Close (east) and the staircase and deck would be visible from the upper floor windows of the dwelling to the west (number 29). The rear/side external amenity space is well screened from the road and therefore will not have any street scene impact.

Neighbour amenity

The neighbouring properties to consider are numbers 29 and 33 Meadow Close. Number 29 Meadow Close shares a timber panel boundary fence with the application property; it occupies an end of cul-de-sac location and is set back from the application site so that its frontage can be viewed from within the side garden of number 31. Number 29 is at a slightly lower land level and has a generously sized parking/outdoor space at the front. The occupants of number 29 would have clear views from their upper floor windows into the side garden of the application site. Photographs within the application file (taken during the officer site visit) clearly show that whilst number 29 can be seen from the deck and staircase, any person using them would not be unacceptably overlooking any private amenity space. The frontage of number 29 can be seen from the road anyway and there are sufficient separation distances between the deck/staircase and 29's principal windows. It is concluded that there are no adverse amenity issues in respect of impact upon 29 Meadow Close.

Number 33 Meadow Close is located to the eastern side of the application site. The occupant of number 33 has written to the council to confirm he has no objections to the application. Part of the staircase would be seen from the garden of number 31 but it is a very small section which does not have a sufficiently depth to use as a balcony or dwell upon. The raised platform at the top of the staircase is a means of access/exit rather than a sitting out area. It is considered that there are no adverse amenity issues in respect of number 33 Meadow Close.

It is noted that there are other examples balconies elsewhere to the rear of properties in Meadow Close. However in this particular case, the platform is simply a means of access from the kitchen, having a limited depth, and therefore of an insufficient size to allow persons to sit out or dwell for any significant time. Therefore actual and perceived overlooking is significantly less than others found elsewhere in Meadow Close.

## CONCLUSION / PLANNING BALANCE

For the reasons outlined above the application is recommended for retrospective approval. A site visit has confirmed that the development has a satisfactory appearance and does not raise any material planning objections in terms of neighbour amenity.

**OFFICER RECOMMENDATION:** Approve

**Case Officer:** Lisa Jackson
**Recommendation Date:** 05/09/2019.

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Signed by: JaneC
**On behalf of Staffordshire Moorlands District Council**