STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Jordan Kirkham
MODE Architects Limited
2 Woodland Avenue
Newcastle
Staffordshire
ST5 8AZ

Ms Chenoweth
33 Mulberry Way
Leek
Staffordshire
ST13 5TL

Application no: SMD/2019/0563

Determined on: 7th November 2019

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PLANNING PERMISSION

Location of Development:
33, Mulberry Way, Leek, Staffordshire, ST13 5TL

Description of Development:
Proposed conversion of existing garage into new annex and first floor extension

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above and shown in drawings numbered 19017 PL(0) 02 'B' and 19017 PL(0) 03 and for the reason(s) specified below:-

1. The proposal would lead to development that would be prominent, exposed and intrusive at the head of a cul de sac. There would be significant harm to the character and appearance of the streetscene and area because the development would be of a size, scale, character and appearance that would not be well designed in a way that would relate to the existing dwelling or reinforce the local distinctiveness of the area. Accordingly the development fails to comply with policies SS1, SS1a, SS5a, DC1 of the Staffordshire Moorlands Core Strategy 2014, the adopted Design Guide 2018, and the National Planning Policy Framework.

2. The proposal would adversely affect the amenity enjoyed by neighbours to a significant and unreasonable degree. Specifically, to the south there would be a substandard sepatation distance between principal rear facing windows and a blank two storey elevation. These neighbours would be afforded no out look or sense of space beyond their rear boundary whilst the elevation would feel obtrusive, overbearing as it looms above garden areas. To the north, the two storey height of the development would overshadow and loom over the lounge window, driveway and main entrance of the adjacent neighbour. The development would breach the Council's adopted 'Space About Dwelling' standards in these respects and would fail to comply with policy DC1 of the of the Staffordshire Moorlands Core Strategy 2014, and the National Planning Policy Framework.

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Informatives

It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. It is considered that the applicant is unable to address such principle concerns because there were fundamental problems with the size, scale and arrangement of the development that could not be easily overcome and thus no amendments to the application were requested.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

3. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

4. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

5. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

6. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

7. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990