DELEGATED DECISION REPORT

SMD/2019/0580	**27 HIGH VIEW ROAD**	**RETROSPECTIVE APPLICATION FOR AN EXTENSION TO THE REAR OF THE DWELLING HOUSE**
Valid 20/09/2019	**ENDON**	**(FULL - HOUSEHOLDER)**

MAIN ISSUES
Impact on neighbour's amenity

DESCRIPTION OF SITE
Linked detached two storey dwellinghouse in a row of very similar dwelling types. Gable faces front and rear with a flat roof garage to the side adjoining the neighbour's property. Dwellings date from the 1960s.

PROPOSAL
Much of the development has already been carried out and it is nearing completion. A fat roof single storey enlargement extends from the rear elevation by 4metres. The addition spans the whole width of the rear elevation replacing a flat roof garage that linked neighbours and a conservatory. The extension has a parapet arrangement that takes its total height to 3metres.

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
SS6a Larger village strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework
Section(s) 2 Achieving sustainable development; 4 Decision Making; 12 Achieving well designed places.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
None

CONSULTATIONS

Publicity
Site Notice expiry date: 18th October 2019
Neighbour consultation period ends:
Press Advert: N/A

Public Comments
None

Town / Parish Comments
Endon and Stanley Parish Council: Object. The extension contravenes the 45 degree rule by approx. 2 metres.

Officer comment
This point is addressed in the officer's assessment of amenity impact.

OFFICER COMMENTS

Principle of Development
The site is within Endon where the larger village area strategy SS6a applies. The strategy SS6a generally provides for development that retains and enhances its role as a rural service centre having regard to local needs, infrastructure, capacity and character. Such development might include the alteration and enlargement of a dwellinghouse to meet the needs of a resident. However, to be sustainable and strategy or NPPF compliant the development must represent good design that does not harm the character and appearance of the area or the amenity of neighbours to accord with policy DC1 of the Core Strategy and section 12 of the NPPF. The emerging local plan does not introduce any material change to this approach.

Design and impact on character and appearance
The extension is to the rear of the property and concealed from public view it has no impact on the character and appearance of the street scene and wider environment. Visible only finitely from the adjacent neighbours and those to the rear, the development appears as a rather conventional form of householder development, particularly within this area where flat roof garages link each of the dwellings along the row.

Amenity
The development carried out only requires planning permission because a part of it extends beyond an original rear wall of the dwellinghouse by 4metres. In the case of a detached dwellinghouse, the development would have been permitted but because the property is linked by a garage, a permitted addition to the rear is restricted to just 3metres.

The centre of the neighbour's adjacent ground floor patio window is just 175cm from the side wall of the enlargement, which in total extends 4metres beyond their rear

elevation. This means that a horizontal 45 degree sight line from the centre of the patio window toward the extension is considerably compromised.

However, on the boundary, the side of the extension has replaced the back of a flat roof garage that linked the two neighbours and formed an original part of the applicant's dwelling stepped back behind the rear elevation. Before the applicant carried out this development that garage already extended 3metres beyond the neighbour's patio window flanking the boundary and affecting outlook from that window. The significance here is that the back wall of the garage had formed an original wall of the dwellinghouse and the GPDO would have permitted an addition that extended another 3 metres along the boundary from the rear of the garage, whereas, the development that has been carried out, in effect, only adds a further metre to the pre existing situation - amenity harm in both respects but lesser so in the case of the development carried out.

The scope of the GPDO to permit potentially harmful development is not necessarily a reason to grant an alternative express permission for other development that is also harmful. However, if the applicant had relied on the GPDO permission the resulting development would have been rather disjointed with a narrow 3metre addition from the rear of the garage and then on the other side of the garage, hidden from the neighbour, the development would need to have been stepped so that it extended just 3metre from the remaining rear elevation of the original dwelling. This would have resulted in a contrived arrangement that would have been worse for the neighbour's amenity, not as coherently designed, and provided a less efficient or flexible floor layout. Instead, the development carried out is less harmful to amenity, it is coherently designed as one simple addition, and provides the applicant with a more meaningful arrangement of space – these merits just weight in favour of an express permission for the development carried out.

Furthermore, the extension is located due north of no.25 so will not impact on direct morning or evening sunlight. Whilst it is to the south of no.29 it is separated by the garage to that property which has itself been extended to the rear and a path to the side of the property, which reduces the extent of any breach and thus impact.

CONCLUSION / PLANNING BALANCE

Some harm to the neighbour's amenity is on balance outweighed because there are design merits in the development carried out that would not have been apparent with development that might have been permitted by the GPDO. Ultimately the GPDO provides for development that would have been more harmful to the neighbour's amenity. Furthermore, the orientation of the properties must be taken into account and together these matters provide reason to favour a planning permission for the development carried out.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 15th November 2019

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council