STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr Scarratt
233 Leek Road
Endon
Staffordshire
ST9 9BH

Application no: SMD/2020/0270

Determined on: 30th July 2020

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
233, Leek Road, Endon, Staffordshire, ST9 9BH

Description of Development:
Side extension over existing garage to create 2 extra bedrooms

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above that is shown and detailed in Drawing number 01, that was submitted with the application for the reason(s) specified below:-

1. The proposed two storey side gable extension to the dormer bungalow would be built on the shared side boundary that would be less than 11m from principal bedroom windows in the neighbour's rear elevation at 2 Hillswood Drive. This relationship would not be compliant with Supplementay Planning Guidance 'Space About Dwellings' that would require a separation distance of at least 15m in this relationship. From the neighbour's windows and garden, the proximity of the side gable would feel unreasonably close and overbearing, adversley affect adversely, and potentially cause overshadowing of their garden. The development in these regards would contravene policy DC1 of the Core Strategy and the submission version of the Local Plan.

2. The proposal fails to show how it would take account of the adjacent water course and meet or respond to the standing advice from the Local Flood Authority in a way that would mitigate flood risks to the neighbouring property and the development itself contrary to Core Strategy Policy SD4 - Pollution and Flood Risk and the relevant provisions of the NPPF.

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 overcome such principle concerns and thus no amendments to the application were requested.

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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.