DELEGATED DECISION REPORT

SMD/2019/0731 **Valid 05/12/2019**	**TREE TOPS** **246A PARK LANE** **KNYPERSLEY**	**CONSTRUCTION OF NEW DWELLING AND NEW VEHICULAR ACCESS** **(FULL - MINOR)**

MAIN ISSUES

- Whether the proposal comprises an exception to inappropriate development in the Green Belt.
- Impact on the character and appearance of the existing dwellinghouse and the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.

DESCRIPTION OF SITE

This application site relates to land located to the southwest of No. 246A Park Lane and forms part of the residential garden to this property. The site is positioned on the southeastern side of Park Lane within an established ribbon of development. The site is sylvan in character and follows the topography of Park Lane which slopes down from east to west. The site is bound by residential properties to the east, south and west. The application site is located in the North Staffordshire Green Belt.

PROPOSAL

Full planning permission is sought for the erection of a detached 4-bedroom dormer bungalow.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS10 Other Rural Areas Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 4, 12, 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2004/1088	Erection of a dwelling (outline) Refused 04/01/2005
SMD/2016/0672	Outline permission with some matters reserved (except access and layout) for the erection of a detached dwelling and new vehicular access Approved 20/12/2016

CONSULTATIONS

Publicity

Site Notice expiry date: N/A
Neighbour consultation period ends: 27/12/2019
Press Advert: N/A

Public Comments: None

Town / Parish Comments: Biddulph Town Council recommends approval subject to any neighbours' valid planning concerns.

Severn Trent Water: No objection to the proposals and do not require a drainage condition to be applied.

SCC Highways: No objection on highways grounds subject to conditions.

OFFICER COMMENTS

Principle of Development/Green Belt

Paragraph 11 of the National Planning Policy Framework (NPPF, 2019) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF (2019) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2019).

The application site is located in the Green Belt whereby policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2019) are applicable. Policy SS10 states that strict control will continue to be exercised over inappropriate development within the Green belt, allowing only for exceptions as defined by Government policy.

The proposal is for the erection of a dwellinghouse. Paragraph 145 of the NPPF (2019) outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it meets an exception. One such exception is (e) limited infilling in villages.

The site does not fall within a defined settlement boundary. Nevertheless, in accordance with the Inspector's consideration of Appeal Reference 2223274 at No.157 Park Lane, though rural in character, the site lies within a lengthy ribbon of development which continues to meet more widespread residential development to the west. The wider site context has the qualities of a village and can be regarded as such for the purpose of this assessment. The site is bound by residential plots to either side and therefore constitutes an infill plot. The site is a small gap in an otherwise built up frontage. For the reasons stated, this proposal amounts to limited infilling in villages and is therefore considered to meet an exception to inappropriate development in the Green Belt in accordance with policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2019).

The application site falls outside of Biddulph's Development Boundary and is therefore considered to form part of an 'Other Rural Area'. Policy SS10 of the Local Plan (2020) states that within the other rural areas, housing development will be restricted to that which meets an essential local need; that which allows for the conversion, extension or replacement of an existing rural building; or rural exceptions housing in accordance with policy H1 of the Local Plan (2020). The proposed development will not comply with any of the criteria outlined in policy SS10.

Part (5) of policy H1 of the Local Plan (2020) lists a number of forms of housing development that will be permitted in the 'other rural areas'. The proposed development will not meet any of the forms of housing listed and therefore it will be contrary to policy H1 of the Local Plan (2020).

Outline planning permission was granted for a dwellinghouse on this site in 2016. At the time it was agreed that the proposed development would not meet policies R1 and R2 of the previous Core Strategy (similar to Local Plan policies SS10 and H1). However, permission was granted for the development as the Council could not demonstrate a 5-year housing land supply and the location of the site was deemed to be sustainable. This full application has been submitted rather than a reserved

matters application due to the boundaries of the application site being altered. The outline permission has since expired and therefore it does not constitute a fallback.

Circumstances have changed since the outline planning application was approved as the Local Planning Authority adopted their Local Plan in September 2020 and can now demonstrate a 5-year housing land supply. The justification for the previous outline approval therefore does not exist.

Planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan now comprises the Local Plan (2020). The Local Planning Authority does not consider there are any material considerations that would override policies SS10 and H1 and therefore the principle of the proposed development is unacceptable.

Design

Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Paragraph 127 of the NPPF (2019) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture. The Council's Design SPD outlines the Council's expectations in respect of design.

The proposed dwellinghouse will comprise a 4-bedroom detached dormer bungalow with an integral garage. The dwellinghouse will be L-shaped with a pitched roof and front and rear facing gables. 1no. pitched roof dormer will be positioned in both the front and rear roof slope. The dwellinghouse will be constructed of rendered walls with blue/grey roof tiles. The dwellinghouse will be stepped in from either side boundary and will be sited approximately 14 metres from Park Lane, on a similar building line as the adjacent properties.

This part of Park Lane comprises a variety of different dwellinghouses, including bungalows, bungalows that have converted their roofs into living accommodation with dormers, dormer bungalows and two-storey properties. There is also a variety of different building materials, including brick and render and a variety of different roof tiles and colours. The proposed dwellinghouse will therefore not have a detrimental effect on the character or appearance of the street scene and will comply with policy DC1 of the Local Plan (2020) and the NPPF (2019).

Amenity

Core Strategy policy DC1 and paragraph 127(f) of the NPPF (2019) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The application site is bound by No. 246A to the east and No. 246 to the west. No. 246A comprises a detached one and half storey dwellinghouse that

occupies an elevated position above the application site. A detached triple garage with living accommodation in the roof is sited between No. 246A and the application site, thereby obscuring a large proportion of No. 246A's side elevation. A first floor window is proposed within the eastern side elevation of the proposed dwellinghouse however, this will serve an en-suite and therefore can be conditioned to be obscure glazed. The proposed dwellinghouse will be sited in line with No. 246A and therefore it will comply with the 45-degree guideline. It is for these reasons that the proposed dwellinghouse will not have a detrimental effect on the amenity of No. 246A.

No. 246 comprises a detached two-storey dwellinghouse with a single storey garage extension and conservatory located on the eastern side elevation. 1no. first floor window exists within the eastern elevation of this property however, this serves a non-habitable room. The shared site boundary is served by an established hedge which would offer a degree of mitigation. A ground floor window will be positioned in the western side elevation of the proposed dwellinghouse however, it will serve the integral garage and be obscured by the existing boundary hedge. The proposed dwellinghouse will comply with the 45-degree guideline in respect of this property. It is for these reasons that the proposed dwellinghouse will not have a detrimental effect on the amenity of No. 246.

The proposed dwellinghouse will not directly face another dwellinghouse on the opposite side of Park Lane, or to the rear of the application site.

It is for these reasons that the proposed dwellinghouse will comply with policy DC1 of the Local Plan (2020) and the NPPF (2019).

Highway Safety

Policies DC1 and T1 seek to achieve a level of parking and an access that is appropriate to the development it serves.

This application proposes the creation of a new vehicular access onto Park Lane. On-site parking provision allows for the parking of up to 2no. vehicles with a turning head enabling ingress and egress in a forward gear. A garage measuring 3.9m x 6.1m internally will be integral to the dwellinghouse. A sufficient level of off-street parking provision will therefore be provided in order to comply with the parking standards outlined in Appendix 2 of the Local Plan (2020).

Staffordshire County Council Highways do not raise an objection to the application subject to conditions relating to the provision of the access, on-site parking, retention of the garage for parking, drainage and driveway surfacing. Subject to the imposition of the proposed conditions, it is not considered that the dwellinghouse will have a detrimental effect on highway safety. The development will therefore comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2019).

CONCLUSION / PLANNING BALANCE

The application site falls outside of Biddulph's Development Boundary and is

therefore considered to form part of an ‘Other Rural Area’. The proposed dwellinghouse does not comprise a form of housing development that is considered acceptable with the other rural areas and is therefore contrary to both policy SS10 and policy H1 of the Staffordshire Moorlands Local Plan (2020).

Outline planning permission was granted for a dwellinghouse on this site in 2016 as the Council could not demonstrate a 5-year housing land supply and the location of the site was deemed to be sustainable. The outline permission has since expired and therefore it does not constitute a fallback.

Circumstances have changed since the outline planning application was approved as the Local Planning Authority adopted their Local Plan in September 2020 and can now demonstrate a 5-year housing land supply. The justification for the previous outline approval therefore does not exist.

Planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan now comprises the Local Plan (2020). The Local Planning Authority does not consider there are any material considerations that would override policies SS10 and H1 and therefore the principle of the proposed development is unacceptable.

As such the application is recommended for refusal.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Ailsa Berry
Recommendation Date: 29/04/2021

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council