

DELEGATED DECISION REPORT

SMD/2021/0281
Valid 15/04/2021

44 NOVI LANE
LEEK

REMOVAL OF CONDITION 4
RELATING TO SMD/2021/0060

(FULL - HOUSEHOLDER)

MAIN ISSUES

Whether the condition meets the tests for imposing conditions on a planning approval.

DESCRIPTION OF SITE

The application site comprises a semi-detached, two-storey 1930s dwellinghouse constructed of brick to the ground floor with painted render to the first floor front and side elevations and brick to the rear. The property has a pitched roof with a forward facing gable with mock-tudor timber detailing. The property is sited on the northern side of Novi Lane, within the Development Boundary of Leek. It is set back from the road by a front garden and is sited within a sizeable plot. A detached double garage is located to the side of the dwellinghouse with a large driveway providing access from the road.

PROPOSAL

Full planning permission is sought for the removal of Condition 4 of planning approval SMD/2021/0060 that sought to ensure that the glazing to the northern window of Bedroom 4 was obscure glazed and fixed.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

DC1 Design Considerations

National Planning Policy Framework

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2021/0060 Two-storey extension to rear and single storey rear extension
Approved 08/04/2021

SMD/2020/0619 Proposed two-storey extension to rear and single storey rear extension
Approved 04/01/2021

CONSULTATIONS

Publicity

Site Notice expiry date: 01/06/2021
Neighbour consultation period ends: 20/05/2021
Press Advert: N/A

Public Comments: None

SCC Highways: No objection on highways grounds.

OFFICER COMMENTS

Background

Planning permission was granted for the erection of extensions to the dwellinghouse under application SMD/2020/0619, which included a condition that required a secondary window to Bedroom 4 to be obscure glazed and fixed. This was due to an unusual arrangement to the boundaries of the rear gardens of the pair of semi-detached properties that would have resulted in the window directly overlooking the rear garden of the neighbouring property.

Subsequently, an additional application was approved under SMD/2021/0060 for alternative extensions to the dwellinghouse. The proposed extensions were reconfigured so that the proposed bedroom was relocated away from the shared boundary and therefore no windows would directly overlook the neighbouring property's rear garden. On this basis, the application was recommended for approval without the previous condition requiring the bedroom window to be obscure glazed and fixed. However, the condition was re-attached by the Signing Officer by mistake. This application therefore seeks to remove Condition 4, as it is not deemed to be reasonable or necessary.

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.

No. 46 Novi Lane comprises the attached semi-detached dwellinghouse to the west of the application site. No. 46 has a two-storey outrigger to the rear that extends beyond the outrigger at the application site. No. 44 and 46 Novi Lane have an unusual, shared boundary to the rear in that it does not follow a straight line from the centre of the two properties. Instead, it loops around an existing single storey

attached outbuilding that results in the rear elevation of No. 44 partially facing directly over part of No. 46's rear garden.

The two-storey extension proposed under application SMD/2021/0060 will have a bedroom to the first floor (Bedroom 4) with a window facing northwards and another window facing eastwards. The extension has been sited away from the boundary shared with No. 46 and therefore the window in the northern elevation will no longer directly overlook their rear garden. It will have no greater view over the rear garden of No. 46 than the property's existing first floor bedroom window that is sited closer to the shared boundary. This window is therefore not considered to have a detrimental effect on the amenity of No. 46.

It is for these reasons that it is not considered reasonable or necessary for a condition to be attached that requires the northern window to Bedroom 4 to be obscure glazed and fixed.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the removal of Condition 4 of application SMD/2021/0060 is considered to accord with the relevant policies contained in the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019). As such the application is recommended for approval.

OFFICER RECOMMENDATION: APPROVE subject to Conditions

Case Officer: Ailsa Berry

Recommendation Date: 09/06/2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council