

DELEGATED DECISION REPORT

SMD/2021/0214
Valid 05/05/2021

ROSELEA 1 BADNALL
CLOSE
LEEK

**CREATION OF FOUNDATION
AND ACCESS FOR
PROPOSED DOUBLE
GARAGE. THIS HAS
INVOLVED THE CLEARING OF
SHRUBS AND TREES,
EXCAVATION OF SOIL AND
DEMOLITION OF A SECTION
OF BRICK WALL CREATING
THE BOUNDARY.**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The site is comprised of a terraced brick and tile dwellinghouse and its associated curtilage located in the Leek North Ward. Additionally, the site is within the Leek development boundary, where positive development is encouraged to be concentrated. The dwellinghouse is enclosed by neighbouring dwellings on the North-East and North-West. No. 3 Badnall Close is situated to the North-East of the dwelling and the rear curtilage of No. 2 Hamil Drive adjoins the curtilage of the site on the North-West. Badnall Street Allotments are positioned to the South-East of the site, which incorporates the link footway between Hamil Drive and Clerk Bank. The Badnall Street highway runs adjacent to the site along the South-West.

PROPOSAL

The proposal seeks for retrospective permission for the creation of foundations and an access for proposed double garage in the curtilage of Roselea, No. 1 Badnall Close. This has involved the clearing of shrubs and trees, excavation of soil and demolition of a section of brick wall creating the boundary between 1 Badnall Close and the land adjacent, which is owned by the applicant. The proposed height of the garage would be 2.5 metres and its length and width would be 6.10 metres by 6.71

metres. It would be constructed from double skinned breeze blocks, rendered and painted in a neutral colour and UPVC.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS5 Leek Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2019/0060 – Proposed construction of a detached garage on Land adjacent to 1 Badnall Close. Refused.

CONSULTATIONS

Publicity

Site Notice expiry date: 30/04/2021
Neighbour consultation period ends: 26/05/2021
Press Advert: N/A

Public Comments

One comment was received from the occupiers of No. 3 Badnall Close who raised the concern that the new boundary fence at the site is not strong enough to support and retain their garden. Therefore, concern extends to the potential sliding effect which could happen to their garden, as it is now at a substantially higher level than the garden at the site. Additionally, the direct neighbour has demonstrated concern regarding the garage overshadowing her garden and reducing their natural light.

I note that the foundations of the build of the garage and land support for them would all be covered by Building Control regulations to ensure that the build is safely carried out, therefore this is not something which would be considered in the planning decision making process. Additionally, under planning regulations, potential

encroachment cannot be enforced upon, thus making this a civil matter between the applicant and the neighbour.

Town / Parish Comments

Leek Town Council have no objections to the proposed works and have stated that it would not be unneighbourly.

Staffordshire County Council Highways

Staffordshire County Council Highways department do not have any issue with visibility from the new access created to serve the proposed garage. The only concern which they have raised is the level of the rear garden down to the highway and the possibility of run off/rain water onto the highway. Thus, it has been requested that a condition should be imposed to ensure that a surface water drainage interceptor will be connected to a surface water outfall across the access immediately to the rear of the highway boundary to prevent run off.

Severn Trent Water

Severn Trent have no objections to the proposed development.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF) 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 identifies three dimensions to sustainable development as being economic, social and environmental.

In accordance with Policies SS1 and SS2 of the Staffordshire Moorlands Local Plan the Council expects all new development to make a positive contribution towards the sustainability of communities and to protect and where possible enhancing the environment. A concentrated focus on future growth is to be directed to larger settlements, including Leek. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

In compliance with Policy SS5, new development should be directed to the most sustainable locations. The site lies within the market town of Leek, which is one of the main urban areas where the focus of new development will be directed, with the aim of crafting all development to enhance the character and appearance of the town.

The proposed site is within the Development Boundary, thus the proposed works are acceptable in principle, subject to conformity with other relevant national and local planning policies. The main issues which need to be considered as part of the assessment of the proposed works include design, neighbour amenity and highway safety.

It cannot be ignored that the proposed garage and creation of the access would be classed as permitted development under Class E, Part 1, Schedule 2 and Class F, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) if the excavation works were not carried out to create a level ground for it.

Design

Policy DC1 seeks to ensure that all development is well designed and of a high quality, contributing to local distinctiveness and harmonising with sense of place.

The works comprise a half retrospective application for the creation of foundations and an access for proposed double garage in the curtilage of Roselea, No. 1 Badnall Close. This has involved the clearing of shrubs and trees, excavation of soil and demolition of a section of brick wall creating the boundary between 1 Badnall Close and the land adjacent, which is owned by the applicant.

Badnall Street (adjacent to Badnall Close) comprises a varied street scene of differing types of dwellings constructed from a diverse selection of materials. There is no real character to the area or street scene and therefore, this provides opportunity for slightly more diverse development, provided that it complies with Local Plan and Design Guidance Policy.

The proposed garage would be 2.5 metres in height, 6.71 metres in length and 6.10 metres in width. The garage will be constructed from double skinned breeze blocks, rendered and painted in a neutral colour. There will be two UPVC windows and a door all positioned facing towards the dwelling, as well as a door for vehicular access which would face the highway. There is a similar style outbuilding adjacent to No. 148 Mill Street which is visible from the site, indicating that the addition of a new garage at the site would not be an incongruous additional feature on the street. Additionally, as there is such a variation of materials used within the street scene, a render and UPVC garage would not necessarily be out of character with its surroundings.

I note that concrete post and gravel board fencing has already been implemented within the garden. The post and gravel board fencing has been installed in order to

ensure there would be no movement of the foundations of the fence and to provide a stronger supporting structure for the ground now that such a substantial amount of excavation has taken place. As the post and gravel board fencing is set to the far end of the garden and is not near the highway at the front, it would not cause much visual impact on the street scene. Furthermore, as the street scene is so varied in types of dwelling and outbuildings, there is no strong character of the area which the fencing could be a detriment upon.

As the excavation and ground works have already been completed in order to change the levels of the curtilage of the site, this has been assessed retrospectively. It has been established that the excavation works follow the way in which the land naturally slopes along the street, therefore sustaining the natural land topography in this aspect. Maintaining the natural slope of the ground ensures that although the ground work is extreme, it does not look incongruous amongst the surrounding land.

Amenity

Paragraph 127 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy DC1 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The proposed garage outbuilding would not have an adverse impact upon neighbour amenity. Nestled amongst the curtilages of the neighbouring dwellings, the proposed garage would not detrimentally impact anyone or create any visually intrusive amenity impact. The direct neighbour has made a comment on the proposed plans, revealing concern regarding the proposed garage causing overshadowing upon their garden and reducing their natural sunlight. As the levels of the ground where it will be situated have been retrospectively substantially lowered, the site visit carried out made it clear that there would be no risk of the proposed garage causing loss of natural light into the garden of the direct neighbour. A retrospectively erected 2.6 metre high post and gravel board fence creates the boundary treatment between the curtilage of the site and the direct neighbour, which blocks off any potential overshadowing impact which the garage could have had. The specific positioning of the windows and door of the garage (facing the dwellinghouse) would mean that the privacy of surrounding neighbours would not be compromised, as the neighbouring dwellings are all at oblique angles and on different levels to the garage. Therefore, the proposed garage does not raise any amenity related concerns addressed within Policy DC1 of the Staffordshire Moorlands Local Plan.

I note that the retrospective addition of the post and gravel board fencing is approximately 2.6 metres in height, therefore amenity impact assessment on the neighbours and street scene is required, as there was potential that the fence could be overbearing and visually intrusive. In terms of the amenity impact on the street scene, as the proposed garage would be situated closer to the highway in front of the fencing, the fencing will become substantially less visible. Thus, this means that

visual amenity impact from the street would be reduced, in terms of overbearingness and visual detriment.

The application site is bound by No. 3 Badnall Close to the North-East and the rear curtilage of No. 2 Hamil Drive to the North-West. The ground levels adjacent to the ground level of No. 3 Badnall Close which have already been altered are largely significant, which the neighbour has shown concern towards. This concern can be addressed by the fact that building regulations will cover ground works to ensure that safety measures are complied with.

Highway Safety

Paragraph 102 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy T1 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking.

Staffordshire County Council Highways department made the comment that they do not have any issue with visibility. Their only concern would be the level of the rear garden down to the highway and the possibility of run off/rain water onto the highway. Thus, it has been requested that a condition should be imposed to ensure that a surface water drainage interceptor will be connected to a surface water outfall across the access immediately to the rear of the highway boundary to prevent run off. I note that the existing sewer chamber top will be lowered to fit into the tarmacked ramped drive which will be profiled to ensure any rainwater runs into existing driveway drainage. Thus, this means that there will be provision to direct run-off water from the hard surface to an existing driveway drainage within the curtilage of the dwellinghouse.

Policy T1 is in place to ensure that safe accesses are created and that opportunities for off-road parking are taken. The prospect of a garage on the site and the creation of an access to serve this would create opportunity for off-road parking, thus reducing on-road parking and the congestion which this could cause. I note that Badnall Street is an unclassified road, therefore meaning that the creation of an access to serve the garage would not be considered unsafe.

Thus, the proposed extension would have no impact on highway safety, in accordance with Policy T1.

CONCLUSION / PLANNING BALANCE

In consideration of all of the above, the application is recommended for approval. Due to the application having minimal adverse effect upon neighbour or street scene amenity and no overall impact on the highway, it is deemed acceptable under planning policy. Although Staffordshire County Council Highways did not make an objection towards the proposed works, they did demonstrate concern regarding the

level of the rear garden down to the highway and the possibility of run off/rain water onto the highway. Therefore, subject to the condition that a surface water drainage interceptor will be connected to a surface water outfall across the access immediately to the rear of the highway boundary to prevent run off, the proposed works are recommended for approval.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Hollins

Recommendation Date: 29/06/2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council