

DELEGATED DECISION REPORT

SMD/2021/0234
Valid 30/03/2021

HOLLY HOUSE
SUGAR STREET
RUSHTON SPENCER

**ERECTION OF DETACHED 3-
BED HOUSE AND A SINGLE
GARAGE WITH ALTERATIONS
TO HOLLY HOUSE**

(FULL - MINOR)

MAIN ISSUES

- Principle of the development.
- Impact on the character and appearance of the existing dwellinghouse and the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.
- Impact on existing trees.
- Impact on flooding/drainage.

DESCRIPTION OF SITE

The application site comprises part of the residential curtilage of Holly House, Rushton Spencer and extends to some 0.06 hectares in area. The site as a whole lies within an established residential area within the village. Dwellings within the locality vary in terms of their scale, massing, appearance and materials with plot sizes in the locality also exhibiting a wide variety of sizes.

PROPOSAL

Full planning permission is sought for the erection of a dwellinghouse within the side garden of Holly House, the erection of a garage to the rear and alterations to Holly House.

Since the submission of the original plans additional details have been submitted including a surface and foul water management plan, along with an accompanying report. This has been submitted in response to the comments from United Utilities.

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
- SS9 Smaller Villages Area Strategy

DC1 Design Considerations
T1 Development and Sustainable Transport
H1 New Housing Development
NE2 Trees, Woodland and Hedgerows
National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 4, 5, 12, 14, 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2016/0582 Erection of a detached house and garage
Approved 10/05/2017

CONSULTATIONS

Publicity

Site Notice expiry date: 14/05/2021
Neighbour consultation period ends: 04/05/2021
Press Advert: N/A

Public Comments: Five comments have been received, including from the adjacent school, three of which object to the development and raise the following concerns:

- Impact on the privacy of the dwelling and garden of the property on the opposite side of Sugar Street, particularly due to its elevated position and number of windows within the front elevation.
- A 3-bedroom dwellinghouse will bring more vehicles than two cars. Issues regarding parking and road safety from an increase in vehicles in the village. Insufficient parking for both the existing and proposed dwellinghouse.
- Negative impact on the street scene. The proposed dwellinghouse will be out of proportion and it will dominate and obscure Holly House and the other cottages. It will deviate from the existing pattern and style of development along Sugar Street.
- The removal of trees will result in a loss of privacy and a loss of habitats. Impact could be partly mitigated by the planting of hedgerows to the boundaries.
- Building on a garden and the removal of trees will result in a reduction in uptake of ground water and an increase in run-off. Drainage is already a problem within the area. Concern that the development will exacerbate existing problems and increase flood risk in the village.
- Comments regarding the submitted drainage plans.

The fourth comment asks that consideration is given to conditions in respect of:

- The retention of the dry stone wall that forms the boundary with the school.
- The retention of the trees and shrubs on the side adjacent to the school to prevent any view of the school playground and for safeguarding purposes.
- A complete surface water and septic tank drainage plan for the site should be agreed.

- There are long-standing surface water drainage issues on the car park of Rushton School and in the drains down the side of Sugar Street outside the school gates, both of which have been compounded by the incomplete development on Sugar Street below the school.
- The school are also having issues with our foul water systems and a recent survey of this has found outflows from at least one septic tank joining the school's septic system from properties up Sugar Street in the vicinity of Holly House.

Town / Parish Comments: Rushton Spencer Parish Council object to the application and make the following comments:

- This is a renewal of planning approval granted in 2017.
- Building and parking has now altered considerably in Sugar Street.
- The development is over development and over powering.
- Planning issues already on Sugar Street.
- A very large house for this area overlooking Alley House.
- The Parish Council would welcome a proposal for a single storey house.

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

SCC Highways: First Response: Recommend refusal as the application does not meet current parking standards due to the dimensions of the detached garage being smaller than those detailed within Appendix 2: Parking Standards.

Second Response: The revised drawing, enlarging the proposed garage to meet the required dimensions, has overcome their concerns. Raise no objection subject to conditions.

Environmental Health: No objection subject to conditions.

AES Waste: No issues regarding waste collections.

United Utilities: First Response: United Utilities are currently reviewing this application due to the position of the site in a groundwater Source Protection Zone of one of United Utilities water abstraction boreholes. We have some further questions about the proposed foul discharge to septic tank. Please can you ask the applicant to confirm:

- Whether they plan to install a new private foul treatment plant or use a pre-existing septic tank?
- Where does the treated effluent discharge to – soakaway or watercourse?
- Where is the plant (to be) located?
- If they intend to utilise an existing septic tank – what is the capacity? Is it adequately sized for the additional dwelling?

Second Response: Following the submission of additional information, United Utilities raised no objection to the proposed development subject to conditions.

OFFICER COMMENTS

Planning History

Full planning permission was approved in 2017 for the erection of a detached dwellinghouse and detached garage within the side garden of Holly House, and alterations to Holly House (SMD/2016/0582). The application expired in May 2020. This application seeks approval for the same development as was previously approved.

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a 'presumption in favour of sustainable development'. For decision makers 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 (2021) 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 (2021).

The application site is located within the 'smaller village' of Rushton Spencer, as identified by policy SS9 of the Local Plan (2020). One of the aims of this policy is to enable limited new housing development, including small infill schemes in accordance with policy H1.

Part (4) of Local Plan policy H1 states that outside of the development boundaries, limited infill residential development of an appropriate scale and character for the Spatial Strategy will be supported, provided that the development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development and will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside.

The application site is located between the applicant's dwellinghouse and the adjacent school, with further dwellinghouses located to either side of these

properties. Dwellinghouses are also located to the rear and on the opposite side of Sugar Lane. The application site therefore comprises an infill plot within the heart of the village. It will not create or extend ribbon development, lead to a sporadic pattern of development, lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside. The principle of the development is therefore considered acceptable, as it will comply with policies SS9 and H1 of the Local Plan (2020).

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 130 of the NPPF (2021) 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.

Proposed Dwellinghouse

The proposed dwellinghouse will be sited within the southwestern side garden of Holly House. It will comprise a two-storey detached dwellinghouse that will have an L-shaped floorplan. The front elevation of the dwellinghouse will be double-fronted with a centrally positioned front door. A pitched roof will be flanked at either end by a chimney. The dwellinghouse will be constructed of stone walls and a tiled roof. To the ground floor there will be a living room, a kitchen/diner, a study and a WC, whilst to the first floor there will be three bedrooms, one with an en-suite and a bathroom.

The dwellinghouse will follow the established building line of the adjacent Holly House, as well as the cottages Holly House is attached to. The dwellinghouse will be set on a slightly lower ground level than Holly House, following the gradient of Sugar Street. The dwellinghouse will be raised above the height of Sugar Street due to the existing ground levels and will be set back from the road by a small front garden. Garden will be retained to the side and rear of the dwellinghouse. Beyond the rear garden, adjacent to an existing garage that serves Holly House, a detached garage will be erected and 3no. parking spaces will be provided; two spaces to each serve the existing and proposed dwellinghouses.

Concern has been raised that the proposed dwellinghouse will have a negative impact on the street scene due to it being out of proportion; it will dominate and obscure Holly House; and it will deviate from the existing pattern and style of development along sugar Street. However, the design, scale and materials of the proposed dwellinghouse will mimic the design of the adjacent Holly House. The siting of the dwellinghouse will maintain the established building line and its set down will ensure that the building will sit comfortably within the street scene. Holly House is already obscured by a number of conifers located within the side/front garden of

the property and therefore the proposed dwellinghouse will obscure Holly House less than at present.

Sugar Street and the surrounding development comprises houses of varying designs, sizes and materials and therefore it is not considered that the proposed dwellinghouse will deviate from the existing pattern or style of development along Sugar Lane. Whilst the concerns of residents have been taken into consideration, the design of the proposed dwellinghouse is considered acceptable and it will not adversely affect the adjacent Holly House or the wider character or appearance of the street scene.

Alterations to Holly House

In order to accommodate the proposed dwellinghouse, alterations are proposed to the existing dwellinghouse, Holly House including:

- An existing UPVC conservatory that is attached to the southwestern side elevation of the dwellinghouse will be demolished.
- 2no. secondary ground floor windows and 2no. secondary first floor windows within the southwestern side elevation will be changed to be obscure glazed.
- A first floor window within the southwestern side elevation will be blocked up, with this bedroom served by 2no. existing windows within the rear elevation.
- A new first floor bedroom window will be positioned in the front elevation.

The removal of the conservatory will improve the appearance of the dwellinghouse as its materials detract from the character of the original house. The blocking up of the side window and the alteration of the glass in some windows from clear to obscure glazed will not detract from the character of the dwellinghouse. The insertion of a new window within the front elevation of the original dwellinghouse will balance the front façade, creating a double-fronted appearance. The proposed window will mimic in size and design those original windows on the front elevation. It is for these reasons that the alterations proposed to Holly House are considered acceptable and will not adversely affect the dwelling's character or the character of the street scene.

Conclusion

For the reasons outlined above, the proposed development is considered to comply with policy DC1 of the Local Plan (2020), the Design Guide SPD and the NPPF (2021) in terms of design.

Amenity

Policy DC1 of the Local Plan (2020) and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The main impact of the proposed dwelling will be upon the adjacent dwelling, Holly House. In order to facilitate the development it is proposed to demolish the existing

side conservatory, obscure glaze the existing windows in the side facing gable, block up an existing side window in the first floor and create a new window in the front elevation. Adequate garden provision will be retained for Holly House and it is proposed that two dedicated parking spaces for the occupiers of this dwelling will be provided at the rear of the proposed dwelling. The proposed dwellinghouse will comply with the 45-degree guideline in respect of Holly House and will occupy a similar building line. It is for these reasons that the proposed dwellinghouse and the alterations to Holly House will not adversely affect the amenity of its occupiers.

Letters of representation have been received from the occupiers of Alley House which lies on the opposite side of Sugar Street raising objections in respect of a loss of privacy. Alley House is a large two-storey detached dwelling which is angled away from the application site. Due to the topography of the site and surrounding land, Alley House sits at a substantially lower ground level. Whilst there are windows in the side facing gable these are secondary and given the juxtaposition of the dwellings and the fact that a separation distance of some 17m would be achieved it is not considered that the proposed dwelling would be prejudicial to the reasonable enjoyment of the occupiers of the neighbouring dwelling.

It is accepted that the proposed dwelling will overlook the side garden of Alley House however, this area contains the detached garage and is separated from the garden by the existing vehicular access and parking areas. Therefore whilst this area does constitute curtilage, it does not form part of the private amenity space of the dwelling as it is currently overlooked by anyone walking/driving along Sugar Street. Instead, the private amenity space for Alley House is located to the rear and opposite side of the dwelling. The proposed dwelling is not therefore considered to be prejudicial to the reasonable enjoyment of this dwellinghouse.

The private amenity space for the proposed dwellinghouse will significantly exceed the minimum size required by the Space About Dwellings SPG. The proposed dwellinghouse will also meet the minimum size requirement for a 6 person, three bedroom, two-storey dwellinghouse, as detailed within the Nationally Described Space Standards. The future occupiers of the proposed dwellinghouse will therefore have an acceptable level of amenity and it will comply with policies DC1 and H1 of the Local Plan (2020).

It is for these reasons that the proposed development will comply with policies DC1 and H1 of the Local Plan (2020) and the NPPF (2021) in respect of its impact on amenity.

Highway Safety

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

The existing dwellinghouse is served by an access road to the rear, with an area of hardstanding forming the parking and turning area for the property. It is proposed to demolish an existing brick built outbuilding, erect a detached single storey garage and create 3no. parking spaces. The proposed dwellinghouse will be served by the

proposed garage and 1no. parking space, whilst Holly House will be served by 2no. parking spaces.

During the course of the application, the size of the garage was increased at the request of the Highway Engineer, to meet the dimensions as specified in Appendix 2 of the Local Plan (2020).

Concern has been raised regarding the number of parking spaces proposed for the development, as well as issues with parking/traffic within the village and the safety of road users being raised.

Each dwellinghouse will comprise 3 bedrooms and therefore according to the Parking Standards outlined within Appendix 2 of the Local Plan (2020), each dwellinghouse is required to have 2no. parking spaces. The proposed development will therefore accord with this provision.

In addition, the Highways Engineer has assessed the application and raises no objection subject to conditions to retain the proposed garage for the parking of vehicles and for the parking and turning areas to be in-situ prior to the use of the proposed development.

Whilst the concerns of the residents have been taken into consideration, for the reasons outlined above, the proposed development will not have a detrimental effect on highway safety and it will comply with policies DC1 and T1, and Appendix 2 of the Local Plan (2020) and the NPPF (2021).

Other Considerations

Trees

The submitted details indicate that the existing conifer trees and a Weeping Willow which are located alongside the boundary frontage are to be removed as part of the new development. Whilst this is unfortunate, these trees are not protected either via a TPO or by virtue of being in a Conservation Area. In addition, these trees are considered to have very low amenity value and would not merit the protection of a Tree Preservation Order. Due to the poor quality/amenity of these trees it would not be reasonable or appropriate for the Local Planning Authority to refuse planning permission on the basis of the resultant loss of trees.

Whilst concerns have been received due to the loss of trees resulting in issues associated with a loss of privacy, it should be noted that the applicant has no obligation to retain trees/hedges on their own property in order to protect the privacy of other properties. Another comment received requested the retention of the trees along the boundary shared with the adjacent school. The Proposed Site Plan indicates that these trees are to be retained. It would nevertheless be appropriate to secure some suitable boundary treatment through the imposition of a landscaping condition if planning permission is granted and for the retention of the trees along the southwestern side boundary. This can be secured via a suitably worded condition.

It is for these reasons that the proposed development is considered to comply with policy NE2 of the Local Plan (2020) and the NPPF (2021) in respect of the impact of the proposed development on existing trees.

Drainage/Flooding

Concern was raised regarding issues with flooding in the surrounding area and that the proposed development will exacerbate this issue. Comments were also received in respect of the drainage details that have been submitted.

The application site and surrounding area is located within Flood Zone 1; an area with the least probability of flooding. The size of the site together with being located in Flood Zone 1 means that a Flood Risk Assessment is not required to be submitted.

Both United Utilities and Severn Trent Water were consulted as part of the application process. Severn Trent Water raised no objection to the scheme and did not request a condition in respect of drainage. United Utilities requested additional information in respect of the site being located in a Groundwater Source Protection Zone of one of their water abstraction boreholes. On receipt of the additional information, United Utilities made the following comments:

- We can confirm that we are satisfied that the proposed new foul sewage treatment works, which is indicated in the plans provided, is suitably sized for the site and should treat the sewage to a suitable level, before dilution with the surface water and discharging to ground. The plans also confirm the location of the new treatment plant and alleviate our concerns around using an old, potentially unsuitable, septic tank.
- Given the site's location within a Groundwater Protection Zone we request to be re-consulted if the foul or surface water drainage proposals for this site are amended.
- We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy.

In respect of the comments made by United Utilities, it is considered expedient that the development is undertaken in accordance with the submitted details. This should be conditioned accordingly should planning permission be granted.

The comments from the School are noted in respect of the current difficulties they are experiencing. However, following the submission of a surface and foul water management plan, along with an accompanying report, United Utilities have raised no objection to the proposals. It is therefore considered that the proposed surface and foul water management system will not exacerbate any existing problems experienced by the school. Moreover as the application site and the surrounding area fall within Flood Zone 1, the development is not considered to have a detrimental effect on flooding or the Groundwater Source Protection Zone.

CONCLUSION / PLANNING BALANCE

The concerns of residents and the Parish Council are noted, however for the reasons outlined above, the proposed development is considered to accord with the relevant policies contained in the Staffordshire Moorlands Local Plan (2020) and the NPPF (2021). As such the application is recommended for approval.

OFFICER RECOMMENDATION: APPROVE subject to Conditions

Case Officer: Ailsa Berry

Recommendation Date: 11/08/2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council