

DELEGATED DECISION REPORT

SMD/2021/0477
Valid 20/07/2021

38 MULBERRY WAY
LEEK

**PROPOSED PORCH, REAR
EXTENSION AND DETACHED
GARAGE**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Principle of development
- Design and visual impact
- Neighbouring amenity
- Highway safety

DESCRIPTION OF SITE

The application site is located on a corner plot within a cul-de-sac of predominately detached dwelling in the settlement boundary of Leek.

The application site comprises a detached two-storey dwellinghouse constructed of brick, render with brown tiles. The dwelling features a front projecting gable with a centre porch together with a small garden to the rear that partially juts to the side where the boundary fence adjoins the public soft verge along Mulberry Way. The property has previously extended via a rear conservatory.

Separate access to the rear is taken via timber gates to the side/ rear of the property.

PROPOSAL

Planning permission is sought to erect a single storey side and rear flat roof extension which will sit within the border fence. It will have a width of 5m, overall length of 3.4m and height of 3m, 3.6m including the roof lantern. This will serve a large orangery.

The applicant also seeks planning permission for a detached single garage to the rear which will feature a dual pitch roof and will be made of brick and tiles as per the main dwelling. It will have a width of 3.2m, length of 6.4m and height of 4.5m.

To the front, the applicant intends to alter the front porch by projecting out an additional 0.4m beyond the existing footprint and bricking doorway with brick and fenestrations

It will use matching materials used on the existing dwelling.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorlands Local Plan (adopted September 2020)

SS2 – Settlement Hierarchy

DC1 – Design Considerations
T1- Development and Sustainable Transport

National Planning Policy Framework

Paragraph 127

Section 9

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1981/0158	Residential development	15/07/1981 Refused
SMD/1982/0252	Residential development	15/07/1981 Refused
SMD/1991/0200	Residential development 109 dwellings	23/12/1991 Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 27/08/21

Neighbour consultation period ends: 10/08/21

Press Advert: N/A

Public Comments

Neighbours	One representation was received. This is as follows: Objection • Potential damage to 36 Mulberry Way by the excavations of the garage foundations. • Overbearing to neighbour both visually and privacy. The proposed plan would be two feet 6 inches away from the main building side wall, which includes the chimney of 36 Mulberry Way. The party wall act 1966 could apply due to the fact the excavations would be within 3 metres of an existing property. • The construction and future maintenance of the garage would require gaining access to their side of the shared fence due to the close proximity to the fence. • There is no provision for the future maintenance of the existing shared fence panels behind the garage. • The Amended planning proposal for the enlarged garage 2021-2595-02c will considerably deprive us of our light to our lounge window and our front garden with views of the sky.
Leek Town Council	None received
Severn Trent Waters	No objection subject to informatives
County Highways	No objections

OFFICER COMMENTS

Principle of Development

The application site is located within the development boundary of Leek. Policies SS2 seek to focus future growth within the settlement boundary for Leek and to strengthen its role as a service centre. Accordingly, the general principle of development is considered to be acceptable subject to other materials considerations including design, impact on residential amenity and highway safety.

Design and visual impact

Policy DC1 states that new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated.

The Council's Design SPD outlines the Council's expectations in respect of design and states that extensions should harmonise with the parent building. An extension should respect the dominance the original building and be subordinate to it in terms of its size and massing.

When considering the side and rear extension, this will be visible above the 2m high boundary fence. The property will introduce a flat roof extension which will stray from the design and character of the dwelling however, there are similar built extensions within the immediate vicinity and on par with the basic conservatory it will replace. The extension will also remain sympathetic and in proportionate with the main dwelling therefore, the scheme would accord with Policy DC1 in the Local Plan.

In terms of the proposed external garage, this is setback from the street scene screened by the installed electronic gates. It is recognised that the garage is considerably large in height and would be partially seen from the street-scene as it sits higher than the 2m fence however, the scale of the garage would remain subservient to the main dwelling and incidental in stature. The position and screening of the access gate also lends itself to reduce the bulk and scale of the garage.

The enclosed porch will have minimal change to the frontage of the dwelling as it will utilise the same footprint and use matching materials which will blend well with the main dwelling.

This application is therefore considered to be in accordance with Policy DC1 of the Local plan.

Neighbouring amenity

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

The main neighbouring properties that this proposal would impact upon is the neighbouring properties at: No.36 Mulberry Way. Due to the orientation of the application site, the side of the neighbouring property faces the rear of the site. There are no side facing windows.

As noted in the design section of this report, the garage is considerably large and will sit in line with the border fence next to No.36 Mulberry Way. While it is recognised that the garage will sit further out than the garden shed it will replace, it will not cause loss of light or appear overbearing as it does not infringe on the 45degree line from the mid-point of the nearest window, serving a living room and the position of the neighbour's property is west facing and the garage is to the north such that daylight would be not be affected. There are also no habitable windows to the side elevation of the neighbouring property. In terms of overlooking, the garage will be no different to the garden shed which is used for incidental purposes. As such, the neighbour's amenity will be maintained.

The neighbour has noted that there could be issues with maintenance and structural foundations however, these matters are outside of the planning remits and would be a civil matter. There is no right to a view, maintenance is a civil matter, structural matters would be dealt with under the Building Regulations and the Party Wall Act is also a civil matter.

Referring to the extension, any direct overlooking will be of the proposed garage and the border fencing. No overshadowing will occur due to the distance from the boundaries with neighbours

The enclosed porch will look directly onto the public highway and not a habitable means for overlooking.

Therefore, the neighbour's amenity will be maintained and accords with Policy DC1.

Highway Safety

Section 9 of the NPPF states that developments should achieve safe and suitable access to the site for all users. Policy T1 of the Local Plan states that permission will only be granted for development incorporating adequate and satisfactory parking provisions.

The proposed development will not increase the number of bedrooms of the main dwelling. Currently the property benefits from a driveway to the front and double gates at the side elevation facilitating access to a concrete parking area within the rear garden. County Highways has been consulted and noted that the proposed garage shows the internal dimensions meets the Staffordshire Moorlands Parking Standards. It is also proposed to retain a small parking area and to install electronically operated sliding gates as detailed in submitted plan Drg No. 2021-2595-02 Rev. C. The porch may encroach into the current parking area (driveway) however there is sufficient parking within the curtilage of the site.

The proposal seeks to improve the current off highway parking provision and therefore it is considered not have a detrimental impact on the highway. The Highway officer raised no objection.

This application is therefore considered to be in accordance with Section 9 of the NPPF and Policy T1 of the Local Plan.

Other matters

Severn Trent Waters were consulted. They have raised no objections to the proposal subject to an informative requiring the applicant to contact Severn Trent Waters to discuss the implications of their assets crossing the application site following any decision made.

CONCLUSION

The proposal would respect the scale and character of the existing dwelling and would not adversely affect the amenities of the neighbouring properties. Accordingly, the application is to be considered to be in accordance with the NPPF and the Local Plan. It is therefore recommended for approval subject to conditions.

OFFICER RECOMMENDATION : Approve subject to conditions

Case Officer: Lisa Li

Recommendation Date: 26/08/21

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council