

DELEGATED DECISION REPORT

SMD/2021/0462
Valid 15/07/2021

MEADOW VIEW
CLEWLOWS BANK
STOCKTON BROOK

PROPOSED DEMOLITION OF
EXISTING ANNEX AND
CONSTRUCTION OF ONE
SINGLE STOREY ONE
BEDROOM BUNGALOW

(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 and the amenity of future occupants.
- Impact on highway safety.
- Impact on existing TPO protected and non-protected trees.

DESCRIPTION OF SITE

The application site comprises part of the northern side garden of the dwellinghouse 'Meadow View' as well as its front garden. The application site includes the existing access onto Clewlovs Bank, the existing driveway, an existing single storey detached outbuilding and part of the property's rear garden.

Meadow View comprises a large detached two-storey dwellinghouse that is elevated above the road. The front garden of the dwellinghouse is on a similar ground level as the road, but the site slopes steeply upwards in an easterly direction. The dwellinghouse is set within a substantial plot. Dwellinghouses of various designs, materials and ages surround the application site to the north and south, whilst a woodland is located to the east (rear) and open fields are located on the opposite side of Clewlovs Bank to the west (front).

The application site is located in the hamlet of Stanley Moor and within the North Staffordshire Green Belt. A TPO protected tree is located within the front garden of Meadow View, whilst a number of other trees are located within the rear garden that are not protected.

PROPOSAL

Full planning permission is sought to demolish the existing single storey detached outbuilding and to erect a single storey detached bungalow. Alterations are also proposed to the existing access onto Clewlovs Bank and the creation of a new

parking and turning area within the front garden of Meadow View to serve the existing dwellinghouse.

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
H1 New Housing Developments
NE1 Trees, Woodland and Hedgerows

National Planning Policy Framework

Paragraph(s) 1 - 14

Section(s) 4, 5, 12, 13, 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

PAD/2020/0023 Advice was provided for the proposed development that is the subject of this planning application. The Planning Officer advised that the development site does not fall within a village and therefore could not comprise infill development but could comprise Previously Developed Land. The Planning Officer therefore advised that the development would be acceptable in principle. No design was submitted however, the Planning Officer asked that the design and siting of the building should be carefully considered in order to not adversely affect neighbouring amenity, particularly in respect of the differences in ground levels.

Following receipt of a 'proposed' drawing of the building, concern was raised that a comparison could not be undertaken as a drawing of the existing building had not been provided. However, it was noted what the existing building looked like from Google Streetview and concern was raised that the proposed building would comprise inappropriate development in the Green Belt due to its comparable scale. The Planning Officer stated that the proposed building would need to be scaled back, but advised that even if this was done, it may still not be acceptable in respect of Green Belt policy due to other issues that could affect openness. Comments were also provided in respect of design and parking provision, and that a Tree Survey would need to accompany the application.

Further dialogue was provided following the submission of revised drawings. At an increase of 81% in footprint/floorspace, the proposed building was considered to comprise inappropriate development in the Green Belt. The option of moving the proposed building forward of the existing dwellinghouse was not supported. Concern was raised in respect of moving the building further back due to the potential impact of the building on neighbouring amenity from the siting of windows and proximity to

other dwellings. The Planning Officer concluded that the scheme as depicted could not be supported.

In a final exchange of emails with a scheme involving a further reduction in the size of the building, the Planning Officer confirmed that the increase in floorspace/ footprint was now acceptable, depending on what was proposed to the roof (no elevation drawings were provided). That the positioning of the windows was now acceptable and it was unlikely that the revised siting of the building would affect neighbouring amenity.

CONSULTATIONS

Publicity

Site Notice expiry date: 24/08/2021

Neighbour consultation period ends: 06/08/2021

Press Advert: N/A

Public Comments: Four comments have been received that object to the proposed development on the following grounds:

- Whilst there is not a definite Building Line, the proposed property is clearly further back from the road than the neighbouring properties which are also of a much larger scale. This makes the development visually obtrusive in the garden area from neighbouring properties and the smaller scale of greater contrast than it already is.
- The design, being a gable fronted bungalow is not in keeping with the neighbouring properties, which are two storey and hipped roofed.
- The existing break in buildings between the semi-detached properties to the north and the larger property to the south provides a visual break which facilitates the current size and scale change. To fill this space with a property of neither size or scale, or even intermediate scale will be wrong for the street scene.
- The proposed bungalow will be of an increased height to that of the existing annexe. Whilst the proposed bungalow will be less visual from Clewloes Bank it will have more of a visual impact to those properties along The Avenue.
- Potential loss of privacy due to the fact the proposal does not appear to include details of replacement fencing or a wall.
- Belief that the proposed location of the bungalow will infringe upon the 25 degree access to light planning requirements with regard the properties along The Avenue, particularly due to the differences in ground levels.
- The application form states that foul and surface drainage will be to main sewers, which they expect will drain away from their boundary. They ask for further clarification of the surface water drainage as there is an ongoing problem of water running from the property onto Clewloes Bank, creating a hazard especially during icy conditions.
- The plans don't show any proposed ground levels or building heights which prevents them from being able to fully understand the impact of the increase in building height.

Concern has been raised regarding the stability of the land (or lack of) and the subsequent possibility that the removal of some existing conifer trees and the demolition of the existing outbuilding may destabilise the existing land. This is not a material planning consideration. Should any damage be caused to neighbouring properties from the proposed development, this comprises a civil matter between the landowner/developer and those adversely affected.

A question has also been raised regarding when the Council agreed to the change of use of the original storage facility by the previous owners, to a habitable annexe and how this came into fruition. Planning Officer comment: The use of an existing outbuilding for ancillary residential purposes does not require the benefit of planning permission. The outbuilding is ancillary to Meadow View and does not comprise an independent dwelling.

Town / Parish Comments: Bagnall Parish Council has no objections to this proposal.

SCC Highways: No objection subject to a condition being attached regarding parking/turning areas.

AES Waste: No issues with waste collections.

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

Tree Officer: No objection subject to conditions.

OFFICER COMMENTS

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 in the Open Countryside and North Staffordshire Green Belt whereby policy SS10 of the Local Plan (2020) is applicable. Policy SS10 states that these rural areas will provide only for development that has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside.

Part (1) of policy SS10 seeks to meet housing requirements and specific need by:

- Restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H 1;
- Allowing the conversion or replacement of an existing rural building in accordance with Policy H 1;

Part (5) of policy H1 of the Local Plan (2020) states that only certain forms of housing development will be allowed in the other rural areas in the Open Countryside, including:

c) Proposals for replacement dwellings, provided they do not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling or result in the loss of a building which is intrinsic to the character of the area.

e) Proposals to redevelop previously developed land provided it is not of high environmental value.

Although described as a 'residential annex', the existing building comprises a former garage that has been converted into ancillary accommodation. The building was being used as a music room by the occupants of Meadow View at the time of the Planning Officer's site visit. The existing building therefore does not comprise a residential dwellinghouse and therefore part (5) (c) of Policy H1 is not applicable.

The application site comprises part of the residential garden of 'Meadow View'. The Local Plan (2020) and the NPPF (2021) both define 'Previously Developed Land' as *'land which is or was occupied by a permanent structure, including the curtilage of the developed land...this excludes...land in built up areas such as residential gardens, parks, recreation grounds and allotments...'*

The site contains the existing detached garage (a permanent structure), the hardstanding associated with the driveway/parking/turning area and part of the rear and front gardens of the existing dwellinghouse. Although not located within a 'village', the application site forms part of a ribbon of development within the hamlet of Stanley Moor, which has the character of a built-up area.

On this basis, it is considered that parts of the site comprise brownfield land (which are not of high environmental value) and parts (i.e. the garden areas) comprise greenfield land. Therefore the proposed development in part is acceptable in

principle and complies with policies SS10 and H1 and in part is contrary to policies SS10 and H1.

Green Belt

The application site is located in the North Staffordshire Green Belt whereby policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2021) are applicable.

Part (6) of 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 demolition of an existing detached outbuilding within the curtilage of Meadow View and the erection of a one-bedroom detached bungalow. Paragraph 149 of the NPPF (2021) outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it meets an exception. One such exception applicable to this application is:

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.

As previously outlined, the majority of the application site is deemed to comprise previously developed land, with the garden areas comprising greenfield land. The proposed dwellinghouse will occupy a different footprint to the existing garage as it will be sited further into the rear garden and therefore it will occupy part of the existing greenfield land. The development will also result in the creation of a parking/turning area to serve the existing dwellinghouse that will be sited within the landscaped front garden and therefore comprises greenfield land. On this basis, the proposed development will comprise inappropriate development in the Green Belt.

Moving on to consider whether the proposed development will have a greater impact on the openness of the Green Belt, the NPPF (2021) states that *'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*. It has been established that openness has both a spatial and visual aspect. It is also noted that this does not mean that all new development within the Green Belt will automatically affect openness, instead it is an assessment of a development's harm.

The existing building comprises a single storey detached outbuilding with a flat roof. It is sited to the north of the existing dwellinghouse and stepped behind the dwelling's front building line. The proposed building will comprise a single storey detached dwellinghouse with a pitched roof. It will be set further back within the plot than the existing outbuilding. A comparison of the existing and proposed buildings indicates the following:

	Existing Building	Proposed Building	Difference
Footprint/Floorspace	45m2	58m2	+ 28%
Volume	112.9m3	176.7m3	+ 56.6%

In spatial terms, the massing of the proposed building will reduce the Green Belt's openness. Visually, although set back from Clewllows Bank, the building will be located in an elevated position, above the height of the surrounding roads and apparent in local views, including from the Public Right of Way (Bagnall 8) that traverses the field on the opposite side of the road.

The development will also comprise the creation of a large parking and turning area to serve the existing dwellinghouse, Meadow View, as the existing parking area will be utilised for the parking and turning of the new dwellinghouse. The front garden of Meadow View currently comprises a landscaped garden.

It is for these reasons that the proposed development is considered to have a greater impact on the openness of the Green Belt than the existing development.

Paragraph 147 of the NPPF (2021) states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 148 of the NPPF (2021) goes on to state that '*Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless any other harm resulting from the development, is clearly outweighed by other considerations*'.

In terms of Very Special Circumstances:

- 1) The replacement building has been designed with a footprint and a floorspace that would usually be considered to be acceptable when considering whether a replacement building was 'materially larger'. It is the volume of the replacement building that is too large. However, the increase in volume is due to the existing building having a flat roof. The alternative would be for the replacement building to also have a flat roof, but this would not be aesthetically pleasing and would be contrary to the Design Guide SPD. A pitched roof is therefore considered acceptable.
- 2) The creation of the new parking and turning area to serve the existing dwellinghouse could be undertaken as permitted development, with the same impact on the openness of the Green Belt.
- 3) The re-siting of the building has been done to provide a better relationship with the neighbouring residential properties and it will only marginally extend into the greenfield garden area to the rear.

On this basis, it is considered that Very Special Circumstances exist that clearly outweigh the harm caused by reason of inappropriateness.

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 Guide SPD outlines the Council's expectations in respect of design.

The existing detached single storey rectangular outbuilding is constructed of render to match the existing dwellinghouse, Meadow View, and has a flat roof. The building presents a blank elevation to Clewllows Bank and is located in an elevated position above the height of the road. The building is set back approximately 31 metres from the road, at the end of the existing driveway.

It is proposed to demolish the existing outbuilding and replace it with a single storey detached rectangular bungalow that will be independent of Meadow View. The bungalow will be constructed of brick with a pitched roof covered in concrete duo interlocking roof tiles. The bungalow will be gable-on to Clewllows Bank and will be set further back within the plot (approximately 36 metres from the road). Openings will be present in three of the four elevations, with the northern elevation facing towards the dwellings on The Avenue, being blank. Parking for the proposed bungalow will be as existing, whilst a new parking and turning area (accessed from the existing driveway) will be constructed within the existing landscaped front garden.

The surrounding area comprises a mix of property types, styles, materials and ages. There are examples of dwellings and associated garages in the vicinity of the site that are gable on to the road and therefore the design of the proposed building will not have an adverse effect on the character or appearance of the street scene. However, the bungalow will be read alongside the adjacent large detached two-storey dwellinghouse that is rendered. The dwellings to the south of the application site are also rendered, whilst the dwellinghouse to the northwest, closer to Clewllows Bank is constructed of brick to the ground floor and render to the first floor. The predominant material is therefore render. A brick built structure in this location will therefore be out of character, however alternative materials could be conditioned accordingly.

The proposed building will appear more visually prominent from the street scene and the PRoW on the opposite side of the road due to its increased height and the provision of 2no. large glazed windows within the front elevation that will face across the adjacent open fields. However, the building will be positioned within an existing ribbon of development and therefore it will assimilate with the existing built development on either side.

The proposed parking and turning area to serve the existing dwellinghouse will be set behind an existing boundary hedge and therefore will not be highly visible from

the street scene. No changes are proposed to the existing access onto Clewloes Lane.

Subject to a condition requiring the submission and approval of materials, it is considered that the proposed development will comply with policy DC1 of the Local Plan (2020), the Design Guide SPD and the NPPF (2021) in respect of design.

Amenity

Policy DC1 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.

To the south of the proposed bungalow is the existing dwellinghouse, Meadow View, which comprises a large, detached two-storey dwellinghouse. Only secondary windows are positioned in the side elevation of Meadow View. A hallway window will be positioned within the side elevation of the proposed bungalow however, this is not a principle window. The bungalow will be positioned so that its front elevation will almost be in line with the rear elevation of Meadow View, however it will comply with the 45-degree guideline due to the separation distance between the two buildings. Parking will be provided adjacent to the side elevation of Meadow View which has the potential to generate noise and light issues from vehicle headlights. However, no principle windows are positioned in the side elevation of Meadow View and the impact of any vehicle noise and lights can be mitigated by the erection of a boundary treatment of a suitable height, which can be conditioned for approval. It is for these reasons that the proposed bungalow will not adversely affect the amenity of Meadow View.

The dwellings to the north of the proposed bungalow are Jacinth and Rock Bank, which comprise a pair of semi-detached, two-storey 1930s properties. These properties front onto The Avenue, with their rear gardens extending towards the application site. These dwellings are located on a significantly lower ground level than the proposed bungalow. No windows are proposed within the northern side elevation of the proposed bungalow. A gap of approximately 20 metres will be maintained between the proposed bungalow and the windows within the rear elevation of these properties, exceeding the separation distance of 14 metres, as detailed within the Space About Dwellings SPG. There is a mature boundary hedge that forms the boundary treatment between the application site and these properties that currently screens the existing outbuilding from these properties. The proposed bungalow will be sited further away from the shared boundary but will have a pitched roof that will be visible above either the existing boundary hedge, or any proposed fence or wall. However, the roof has been designed to slope away from these properties. Concern has been raised that the proposed development will not comply with the 25-degree rule however, the Planning Officer has assessed the scheme and can confirm that the proposal will actually comply with it. It is for these reasons that the proposed development will not adversely affect the amenity of Jacinth or Rock Bank.

To the northwest of the application site, two-storey semi-detached 1930s properties front onto Clewloes Bank. These dwellings are also located on a significantly lower

ground level than the proposed bungalow. A gap of approximately 18 metres will be maintained between the proposed bungalow and Loreto. The existing outbuilding is largely screened by the existing boundary hedge. A detached garage is located within the rear garden of Loreto and is positioned along the shared boundary. Whilst it is acknowledged that the existing boundary hedge is to be trimmed back, it is likely to still be of a height (which could be conditioned if required) that would ensure that no oblique views would be gained from the front windows of the proposed bungalow. Due to the bungalow's siting further away from Loreto than the existing detached outbuilding and the small scale of the building, it is not considered that it will significantly affect the amenity of Loreto.

The concerns of neighbours have been considered however, for these reasons outlined above the proposed development will not have a detrimental effect on neighbouring amenity and it will comply with policy DC1 of the Local Plan (2020) and the NPPF (2021).

As required by part (3d) of policy H1 of the Local Plan (2020), all new housing has to meet the Nationally Described Space Standards. A one bedroom, one storey, two person dwellinghouse is required to have a minimum internal floorspace of 50m². The proposed bungalow has an internal floorspace of 48m². This is slightly short of the required standard but is not deemed to be significant.

The private amenity space associated with the proposed bungalow will significantly exceed the 65 sq. m. as required by the Space About Dwellings SPG.

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 Highways Engineer has assessed the application and made the following comments:

'The proposal will provide a new single storey 1- bedroom bungalow within the grounds of Meadow View. Access arrangements will be shared with the existing property known as Meadow View and no adjustment to the current vehicle crossing is proposed. There will be a small increase in trip generation given the proposal is for a 1-bedroom property; it is considered not to have significant impact.'

It is noted there is sufficient off highway parking to meet Staffordshire Moorlands Parking Standards which state: Detached/Semi-detached property of 3 bedrooms will require 2 spaces (2.4 x 4.8m each space) a property of 4 or more bedrooms will require 3 spaces. Parking and turning for both the existing property Meadow View and the proposed property is as detailed on the revised submitted plan, Drawing Number 4777-01-03b.

It is considered the proposal will not have a detrimental impact on the highway and therefore I have no objection (application number SMD/2021/0462) subject to the following conditioned.

The development hereby permitted shall not be brought into use until the parking and turning areas for the proposed and existing dwellings has been provided in accordance with the approved plan Drawing Number 4777-01-03b. The parking areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.'

It is therefore not considered to 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 (2021).

Trees

Policy NE2 of the Local Plan (2020) seeks to protect existing trees, woodlands and hedgerows from loss or deterioration. This will be achieved by requiring them to be retained and integrated within a proposed development unless the need for and benefits of the development clearly outweigh their loss. It goes on to state that the Council will refer to its adopted Tree Strategy in the consideration of proposals and will seek to retain as many trees and as much hedgerow on site as possible.

Policy 2.2.6 of the Council's adopted Tree Strategy states that *'the Council will not normally grant planning permission for development proposals which directly or indirectly threaten trees of significant amenity unless there is overriding justification to do so'*.

The application site has 1 no. TPO protected tree located within the front garden, whilst other non-protected trees are located to the rear of the application site. The planning application was accompanied by an Arboricultural Report and the Tree Officer assessed the application and made the following comments:

Originally 2 trees on the property frontage were protected by TPO No. SM.8, but one (a Birch protected as T22) was removed at least 5 years, possibly longer. The second protected tree, T23 a mature Ash, is still present on the frontage at the south-west corner of the property.

A tree survey/arboricultural impact assessment report is submitted with the application, which shows the TPO Ash T23 (but denoted T1 in the applicant's tree survey) together with a belt of trees along the south and east edges of the property.

The proposed bungalow to replace the existing garage would not have any impact on any trees, although may require some cutting back of mature shrubs (Buddleia and Cherry Laurels) to the rear.

The proposed replacement/new parking provision to be retained with the existing house Meadow View is shown to be outside the Root Protection Area of the protected Ash, and should therefore cause no significant harm to this tree given suitable care and temporary protection measures during construction.

I have no objection to this application, but would request that conditions be imposed in the event that planning permission is granted.

Subject to the imposition of such conditions, the proposed development will comply with policy NE2 of the Local Plan (2020) and the NPPF (2021).

Other Considerations

A comment has been received regarding drainage that requested additional information to ensure that run-off from the driveway does not cause ice on Clewlow's Bank. The application has been assessed by Severn Trent Water and they raise no objection on drainage grounds. It is noted that no alterations are proposed to the existing access and the Highway Engineer has not requested any alterations. It is therefore not considered expedient for further details of surface water drainage to be submitted or conditioned.

CONCLUSION / PLANNING BALANCE

Although not located within a village, the application site comprises one of a number of houses along Clewlow's Bank that form the hamlet of Stanley Moor. The application site therefore comprises land within a built up area. Parts of the site (the existing garage and areas of hardstanding) are considered to comprise brownfield land whilst the garden areas are considered to comprise greenfield land. The principle of the development would therefore in part comply with policies SS10 and H1 of the Local Plan (2020) and in part be contrary to these policies.

It is for this same reason that the proposed development would comprise inappropriate development in the Green Belt and it will have a greater impact on the openness of the Green Belt from an increase in volume/massing and the creation of additional areas of hardstanding.

Paragraph 147 of the NPPF (2021) states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 148 of the NPPF (2021) goes on to state that '*Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless any other harm resulting from the development, is clearly outweighed by other considerations*'.

Very Special Circumstances are considered to exist that clearly outweigh the harm caused by reason of inappropriateness and no other harm has been identified from the proposal. The application is therefore considered to comply with the relevant policies in the Local Plan (2020) and the NPPF (2021). As such, the application is recommended for approval.

To ensure that the development continues to comply with policies in respect of Green Belt, Open Countryside and amenity, it is considered expedient that permitted development rights should be removed from the planning application for extensions, alterations, outbuildings and areas of hardstanding.

OFFICER RECOMMENDATION: **APPROVE** subject to Conditions

Case Officer: Ailsa Berry

Recommendation Date: 11/10/2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council