

## DELEGATED DECISION REPORT

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**SMD/2021/0561**  
**Valid 06/09/2021**

**6 LYNDALE CLOSE**  
**LEEK**

**2.3X6.8M2 SINGLE STOREY**  
**EXTENSION TO A DWELLING**  
**FOR A UTILITY ROOM**

**(FULL - HOUSEHOLDER)**

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### MAIN ISSUES

- Design
- Amenity
- Highway Safety

### DESCRIPTION OF SITE

The proposed site comprises a semi-detached brick and tile dwellinghouse and its associated curtilage, situated in the Leek East Ward. The site is within the Leek Development Boundary, where the Staffordshire Moorlands Local Plan seeks to concentrate development. The proposed site is enclosed by neighbouring dwellings comprising a section of Lyndale Close. No. 5 Lyndale Close lies to the South of the proposed site and No. 7, No. 8 and No. 9 Lyndale Close are situated to the North. The rear curtilage of the site backs on to Springfield Works, 103 Ashbourne Road, to the West. The Lyndale Close highway runs adjacent to the Northern and Eastern curtilage of the site, separating the site from No. 7, No. 8 and No. 9 Lyndale Close.

The established character of the original estate has been retained.

### PROPOSAL

The proposed development comprises a single storey side extension on the Northern side elevation, replacing an existing wooden lean to structure on the side elevation. The proposed extension would allow for a utility room on the ground floor. The design is a simple mono pitch roof when viewed from the front turning into a hipped roof to link into the existing rear extension. The proposed extension would extend beyond the Northern side elevation of the existing dwellinghouse by 2.3 metres and would have a length of 6.08 metres across the side elevation and beyond the rear elevation. The total maximum height of the single storey extension would be approximately 3.56 metres and the maximum eaves height is approximately 2.58 metres. It would be constructed from materials which would harmonise with the existing dwellinghouse, including brick, manmade roof tiles and white 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 – Decision making, 12 – Achieving well designed places

### **Staffordshire Moorlands Design Guide SPD**

Part 5 – Alterations, Extensions and Conversions

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

SMD/1986/0230 – Site for residential development. Approved.  
SMD/2001/1167 – Extension of period of planning permission 99/00924 (outline application for residential development.) Approved.  
SMD/2004/1478 – Renewal of planning permission 01/01071/FUL. Withdrawn.  
SMD/2004/1480 – Residential development for 16 dwellings. Approved.  
SMD/2006/0356 – Erection of 8 dwellings. Approved.  
SMD/2006/0361 – Erection of 4 dwellings. Approved.  
SMD/2006/0625 – Temporary signs. Approved.  
SMD/2008/1343 – Erection of 2m high rear garden wall. Approved.

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 01/11/2021  
Neighbour consultation period ends: 20/10/2021  
Press Advert: N/A

### **Public Comments**

The neighbours at No. 7 Lyndale Close have made an objection relating to the boundary fence between the two dwellinghouses. They mention that this boundary fence belongs to them, therefore they do not wish for this to be removed. Additionally, they have objected towards the addition of a gate to the boundary of the site. They state that as this would be accessed via their public right of way, the gate would pose a health and safety hazard on them, as well as put them and any visitors

to their property, at risk of hitting someone exiting the gate as they are driving along their right of way.

### **Town / Parish Comments**

Leek Town Council have commented that the proposed extension is not unneighbourly. It is recommended to include the use of swift bricks.

### **Severn Trent Water**

No comments were submitted.

## **OFFICER COMMENTS**

### **Principle of Development**

Paragraph 11 of the National Planning Policy Framework (NPPF) 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 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 enhance 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.

## 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 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 of the original building and be subordinate to it in terms of its size and massing.

The proposed development comprises a single storey side extension on the Northern side elevation, replacing an existing wooden lean to structure on the side elevation. The proposed extension would allow for a utility room on the ground floor. The design is a simple mono pitch roof when viewed from the front turning into a hipped roof to link into the existing rear extension. The proposed extension would extend beyond the Northern side elevation of the existing dwellinghouse by 2.3 metres and would have a length of 6.08 metres across the side elevation and beyond the rear elevation. The total maximum height of the single storey extension would be approximately 3.56 metres and the maximum eaves height is approximately 2.58 metres. The existing boundary fence of the property would be replaced with a brick wall, partly forming the side of the extension and partly to create the boundary. The boundary brick wall would sit at a height of 1.8 metres. A gate will fit amongst the brick wall, creating an entrance / exit to the property on the Northern curtilage boundary.

For a development to be considered appropriate in terms of its size and massing, the Council would universally expect to see extensions subordinate to the dominance of the original building. As the proposed extension is only a single storey, it would naturally have a subordinate relationship with the host dwellinghouse. The extension would be set back from the principal elevation of the dwellinghouse, demonstrating its subordinate nature to the parent dwelling. The eaves and maximum height of the proposed extension would be set down from the parent building, thus reiterating that it would be considered appropriate development in accordance with the Council's Design SPD. Thus, the addition of the proposed extension to the existing dwellinghouse would be acceptable on design grounds, as it will clearly be read as an extension without competing with the proportions of the main house.

Materials used in the construction of the proposed extension would match those used in the construction of the existing dwelling, as well as from surrounding dwellings in the area. A prominent feature of the street scene is the brick used in the construction of the dwellinghouses. Brick, manmade roof tiles and white uPVC would be used in the construction of the proposed extension. Therefore, the materials are considered appropriate in relation to the existing dwellinghouse, as well as the surrounding street scene. I note that the existing wooden lean to structure to the side of the dwellinghouse is not in character with the existing dwellinghouse, therefore the replacement of this structure with a brick built extension would be a large aesthetic improvement. Thus, the proposed materials would match the existing materials and harmonise with the surrounding street scene, not detracting from the character of the original estate.

The proposal, by virtue of its size, scale and siting maintains the character of the existing dwelling and area. The proposal would therefore accord with the provisions of local plan policy DC1 and section 12 of the NPPF in this regard.

## **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 application site is bound by No. 5 Lyndale Close to the South and is across the road from No. 7, No. 8 and No. 9 Lyndale Close to the North. Assessment of amenity impact will be required on the neighbouring dwellinghouses to the sides of the site.

The proposed single storey side extension would not impact the amenity of the neighbours at No. 5 Lyndale Close. As the neighbouring dwellinghouse at No. 5 Lyndale Close is positioned to the South of the site, the single storey Northern side extension will be tucked behind the host dwelling on the opposite side to the neighbour, meaning that the neighbour would not be impacted at all and light loss would be mitigated. The single storey extension would not be considered to be overbearing on the neighbouring dwellings due to its subordinate nature to the host dwellinghouse, as well as neighbouring dwellinghouses. I note that an approximately 2 metre high timber fence creates the boundary treatment between the site and No. 5 Lyndale Close. The boundary fence, as well as the distance between the proposed extension and the neighbouring dwelling would eradicate any minor chance of overshadowing which could be caused as a consequence of the erection of the proposed extension.

Consideration has been given to whether the proposed side extension might be seen to adversely affect the amenity of the neighbours at No. 7, No. 8 and No. 9 Lyndale Close. The proposed works would result in solid brick wall creating the Northern side wall of the proposed extension, as well as the boundary treatment between the site and the neighbouring dwellings. Due to the sunlight trajectory moving from the East to West, the proposed side extension could cause slight overshadowing on the aforementioned neighbours later in the day. However, due to the distance between the blank brick wall from the three aforementioned neighbours, a shadow would not be cast over them, meaning that any potential light loss which could occur for them would be eradicated. A substantial amount of parking / turning area is located between the host dwelling and the aforementioned neighbouring dwellings, thus meaning that this area would take impact as opposed to the neighbours' amenity space. From this observation, it becomes apparent that the amenity of the neighbours at No. 7, No. 8 and No. 9 Lyndale Close would not be adversely impacted by the proposed extension.

There would be no side windows incorporated into the side elevation of the

proposed extension which would face the neighbours at No. 7, No. 8 and No. 9 Lyndale Close. Therefore, the aforementioned neighbours' privacy amenity would not be impacted at all. Furthermore, as the proposed extension would be tucked behind the side elevation of the host dwellinghouse, there would be no windows which could face the neighbour at No. 5 Lyndale Close. Thus, no adverse privacy impact would occur upon any of the neighbours.

The neighbours at No. 7 Lyndale Close have submitted an objection towards the application, based on the boundary fence between the two dwellinghouses and the addition of a gate to the boundary of the site. They mention that the boundary fence belongs to them, therefore they do not wish for this to be removed. Boundary walls / fences between neighbouring properties are dealt with under The Party Wall Act 1996. As boundary walls / fences are not covered in the decision making process of planning, this would be a civil matter dealt with under The Party Wall Act. Additionally, they state that as the new gate would be accessed via their public right of way, the gate would pose a health and safety hazard on them, as well as put them and any visitors to their property, at risk of hitting someone exiting the gate as they are driving along their right of way. However, as this area is not public highway, the issue of rights of access over it and potential safety issues as a result of the gate opening on to it are again civil matters between neighbours rather than material planning considerations.

There are no dwellinghouses with curtilages which directly adjoin the West front curtilage of the site, thus no amenity impact will occur here.

### **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.

The proposed extension would not increase the number of bedrooms of the dwelling. Therefore, it is clear that no additional parking spaces will be required for the number of people habituating the dwellinghouse. Additionally, as the proposed extension would be to the side of the dwelling, the available off road parking to the front of the dwelling would not be compromised, in compliance with Policy T1.

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 no adverse effect upon neighbour or street scene amenity and no overall impact on the highway, it is deemed acceptable under

planning policy. The various types of boundary treatments and the substantial distances from the proposed extension at the site and the neighbouring dwellings would ensure that no neighbouring dwellings are adversely affected. Although an objection has been received from one of the neighbours, I note that the points raised in the objection are a civil matter. Therefore, the proposed extension is recommended for approval, subject to compliance with all conditions.

**OFFICER RECOMMENDATION:      APPROVE**

**Case Officer: Hannah Hollins**

**Recommendation Date: 01/11/2021**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**