

DELEGATED DECISION REPORT

SMD/2021/0444
Valid 05/07/2021

LYNMORE 113 LEEK ROAD
STOCKTON BROOK

**DEMOLITION OF EXISTING
UTILITY AND PROPOSE
SINGLE STOREY REAR
EXTENSION -
RETROSPECTIVE**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- 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 TPO protected trees.

DESCRIPTION OF SITE

The application site comprises a large semi-detached, three-storey dwellinghouse constructed of brick with a tiled pitched roof. The dwellinghouse has a two-storey outrigger to the side and 2no. single storey outriggers to the rear that adjoin into the attached neighbour's outriggers to form a dual pitched roof. The property has been previously extended to the side with a single storey brick and tile porch. The dwellinghouse is set back from Leek Road by a front garden that is utilised for vehicle parking. The land to the rear of the application (the property's rear garden) is at a higher level than the land on which the dwellinghouse has been erected.

The application site is in the Development Boundary of Endon. It is located on the northwestern side of the A54 Leek Road and forms a ribbon of development leading into the centre of Endon. Open fields are located to the rear of the application site that are designated as Open Countryside and Green Belt. TPO protected trees are located along the front and southwestern side boundaries of the application site.

PROPOSAL

Full planning permission is sought for the demolition of one of the existing single storey rear outriggers and the erection of a replacement single storey rear extension.

At the time of the Planning Officer's site visit work had not commenced on site. However, following a request for an Arboricultural Survey due to the presence of TPO protected trees, the report noted that work had begun to excavate the rear garden in close proximity to the TPO protected trees. The application is therefore partially retrospective.

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
SS8 Larger Villages Areas Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport
NE2 Trees, Woodland and Hedgerows

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 4, 12, 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 03/08/2021
Neighbour consultation period ends: 28/07/2021
Press Advert: N/A

Public Comments: None

Town / Parish Comments: None

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 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 (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 dwellinghouse is located within the Development Boundary of Endon; a 'larger village' as identified by Local Plan policies SS2 and SS8. Extensions to dwellinghouses in villages are considered acceptable in principle as they accord with both local and national planning policy.

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 and states that *'alterations need to be undertaken with care. Insensitive changes can easily spoil a building...The aim is to revitalise the building without altering its fundamental character'*.

It is proposed to demolish 1no. single storey outrigger to the rear of the dwellinghouse and erect a replacement extension that will be attached to both the rear elevation of the dwellinghouse and the remaining single storey outrigger that is used for storage purposes. The extension will be attached to the neighbour's outrigger and will occupy the full width of the dwellinghouse. It will project 3.6 metres into the rear garden and will have a parapet roof with a glazed lantern. The overall height of the extension will be 3.5 metres, with a mono-pitch roof of a slightly higher height that will adjoin into the mono-pitch roof of the neighbour's outrigger. The extension will be constructed of brick to match the existing dwellinghouse. Part of the raised rear garden will be excavated and a new retaining wall will be erected in order to accommodate the proposed extension.

The proposed extension will be subordinate in scale. Flat roofs are generally not acceptable within the District as they are not a feature of the Staffordshire Moorlands and are contrary to the Council's design principles. However, the extension will be

screened from Leek Road by an original two-storey outrigger that projects beyond the side elevation and therefore it will not be visible from the street scene. On this basis, it is considered that a single storey rear extension with a parapet roof will be acceptable in this instance.

It is for these reasons that the proposed development is considered to comply with policy DC1 of the Local Plan (2020), the Design Guide SPD and the NPPF (2021).

Amenity

Local Plan 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.

The attached semi-detached dwellinghouse will not be adversely affected by the proposed extension as it will be attached to the neighbour's existing single storey outriggers and will be lower in height. The neighbour's outriggers will therefore effectively screen the proposed extension from view.

In respect of No. 107 Leek Road to the south, part of the raised rear garden will be excavated to the same level on which the house is constructed, thereby resulting in the extension being sunk below the level of the adjacent ground and below the ground level of the neighbouring house. The retained garden, will therefore partially obscure the proposed extension from No. 107 as well as the secondary window proposed to be erected within the side elevation. The proposed extension will not extend beyond the rear elevation of No. 107 and a significant gap will be maintained between the two properties. It is for these reasons that the proposed extension will not adversely affect the amenity of No. 107.

No dwellinghouses are located to the rear of the application site.

It is for these reasons that the proposed development will comply with policy DC1 of the Local Plan (2020) and the NPPF (2021).

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 proposed extension will not result in an increase in the number of bedrooms at the property nor will it be sited so as to affect the existing provision of off-street parking. It is therefore not considered that the proposed development will have a detrimental effect on highway safety and it will comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2021).

Trees

Policy NE2 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 Council's tree officer comments that:

'Work has started on site in advance of application determination, and this has included partial removal of an existing brick retaining wall around the paved yard area at the side/rear of the dwelling, together with excavation and removal of part of the raised rear garden area supported behind the wall, in order to create footprint area at main dwelling ground level to accommodate the proposed new rear extension (which is larger in extent than the existing utility room it is to replace) together with pedestrian access from the side of the house past the proposed extension and into the back garden.'

As detailed in the arb report, this excavation of previous raised garden area has encroached into the standard Root Protection Area of the mature Lime tree denoted T7 in the report (and protected as T59 in the TPO) with some evident exposure of/damage to small diameter woody roots (<25mm diameter) and fibrous feeder roots. It is considered unlikely that this extent of root damage will cause immediate/short term decline in condition of the tree, or any instability; however, it remains to be seen whether there are any longer term effects on tree condition/vigour which can sometimes take many years to manifest.

Tree T7 has been assessed as being in good physiological condition, and fair to good structural condition with only some dead wood noted in the crown – which is characteristic for the species and readily dealt with and periodically removed where required, by routine arboricultural maintenance (which for such work would be exempt from TPO control thereby not requiring application to and consent from the local planning authority simply to remove any significant sections of dead wood). Given its good overall condition, and with regard to its species, the Lime T7 may be anticipated to be more tolerant of minor root damage than, say, trees already in poor condition or those of less resilient species. It may also be relevant that the retaining wall to the yard area, whilst well established, does not appear to be very old, and its original construction may well itself have had some previous impact on tree roots which seems not to have subsequently caused the trees any great problems.

From the area figures given in the arb report, approximately 5.5% of the nominal circular RPA of T7 has been affected. Whilst this damage to roots technically constitutes unauthorised work to a protected tree and is an infringement of the TPO, this relatively minor encroachment is in practice unlikely to have a significant effect on the condition, stability or amenity value of the tree in this instance. With regard to the proposed development, the

excavation has already taken place and any damage to the roots already occurred; this would not now be undone by refusal of planning permission followed by reinstatement of the retaining wall on its previous line and backfilling of previous raised garden ground levels, although if not already done following the advice in the application arb report any exposed roots should be clean-pruned with sharp secateurs to minimise risk of decay/disease. It is also essential that there is no further encroachment of damaging activity such as excavation of ground levels within the Root Protection Areas of any of the protected trees.

In conclusion I see no real benefit in now objecting to the application at this stage.'

The Tree Officer requests that conditions are attached should planning permission be granted in respect of pruning of exposed tree roots within a set timeframe, construction of the retaining wall and backfilling of earth within a set timeframe and the erection of tree protection barriers once these works have been completed and before work on the construction of the extension begins. Subject to the imposition of these conditions, the development will comply with policy NE2 of the Local Plan (2020) and the NPPF (2021).

CONCLUSION / PLANNING BALANCE

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: 17/11/2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council