

DELEGATED DECISION REPORT

SMD/2021/0346
Valid 24/05/2021

6 LOWTHER PLACE
LEEK

TWO STOREY/SINGLE
STOREY REAR EXTENSION

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design
- Living conditions of neighbours

DESCRIPTION OF SITE

The application relates to the rear elevation of a traditional two storey red brick and Staffordshire-tile semi. Viewed from the rear the application property (no.6) is the right hand (north easterly) of the pair of semis. The attached neighbour to the left is no.4 Lowther Place. A hip-to-gable enlargement has been undertaken in the recent past for both no.6 and no.4 following a 2009 consent. Next along to the north east is a further very similar pair of semis, the most adjacent being no.8 Lowther Place. No 8 retains its original hipped-roof form.

The gap separating no.6 and no.8 scales from the submitted drawing (2021-2586-02 revision E) as having a width of 1.8m. The gap provides passage way access to the respective rear gardens and is divided centrally by close-board fencing.

The three properties (4 to 8) each have a level patio immediately at the rear and beyond this their rear gardens rise quite steeply. The rear gardens of nos. 4 and 6 are partly terraced with retaining wall to the rear of the patio areas.

PROPOSAL

Part two storey, part single storey rear extension. Amended plans have been received in place of those first submitted. In the amended scheme both the single storey and two storey elements project no more than 3.0m out from the original rear elevation wall. A dual pitched roof over the two storey part connects at right angles with the roof of the original dwelling. The ridge is set c.2.3m below the main house ridge. The eaves are no higher than those in the original dwelling. The side wall on the north east side (towards number 8) is inset from the main house side gable and has no openings.

The single storey element is alongside the two storey part on the side closest to no.4 and is shown marginally inset from the party-wall boundary with no.4 by c.0.2m (eaves are closer but shown as not overhanging. It has a half-hipped lean-to roof sloped up to a height of 3.6m against the two storey part of the extension. The side wall facing no.4 has no openings. The eaves height of this part is 2.4m.

The material for the walls is stated in the application form as 'facing brickwork to match existing' and the stated roofing material is Forticrete Gemini roof tiles in Welsh Blue.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS5 Leek Area Strategy
- DC1 Design Considerations
- H1 New Housing Development
- T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

09/00908/FUL Raising hipped roof to form gable and installation of rear dormer – approved and implemented

[At no.4 Lowther Place: 09/00909/FUL Raising hipped roof to form gable and rear dormer window dormer – approved and implemented]

CONSULTATIONS

Publicity

Site Notice expiry date: 13th July 2021

Neighbour consultation period ends: 3rd June 2021

Press Advert: N/A

Public Comments

Objections from four individuals in response to the application as first submitted

From 14 Lowther Place

- Eliminating daylight and view from my property

From 10 Lowther Place

- would encroach and impact upon the open view from my house
- natural light would be lessened, with shadows cast on my property/garden
- would impact on more than 2 houses

From 8 Lowther Place

- impact on my garden and patio area significantly reducing daylight and sunlight
- will devalue my property as the extension protrudes cancelling out my open view
- I will be looking at a brick wall from my seating area if this is passed
- bought my property two years ago, the main selling point was being able to step out of my property onto a patio area which is currently bathed in daylight

From 4 Lowther Place

- impact on view out from rear kitchen window
- loss of view generally
- overshadowing of private small back yard
- loss of natural daylight
- loss of light to bedroom
- the building [proposed] extends virtually to the end of my back yard as I am on a corner end and this is where I spend all my private time outside, the area is very small compared to all the other houses in the street and will feel even more claustrophobic imposing and enclosed
- it is the only private outside space
- impact on mental health of the occupiers – including two young sons
- reduction in property value
- photos submitted showing angle of rising morning sun

Some of the respondents raised concern that no public site notice had been posted but their comments pre-dated the posting of a street notice on 22nd June 2021.

Town / Parish Comments

Leek Town Council – concerns regarding the absence of planning notices in the street

Severn Trent Water

Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition. Add informative re possible unrecorded public sewer within the site.

Staffordshire County Council Highways

No objections on Highway grounds to this proposal.

OFFICER COMMENTS

Principle of Development

Being within the Leek Town Development boundary the proposed development would be supported in principle by the Council's adopted Local Plan policies.

By reference to GPDO(2015) Schedule 2 Part 1 Class A, the scheme could not be carried out under Permitted Development (PD). The reason for this is that the enlarged part (the extension) would come to within 2.0m of the boundary of the curtilage and the height of the eaves of the enlarged part would exceed 3.0m, the upper height eaves (two-storey part) being at c.5.1m. On the side adjacent to no.4 the extension comes to within 0.2m of the boundary. On the side adjacent to no.8 the extension comes to within 1.2m of the curtilage boundary.

The main issues are design and impact on the living conditions of the neighbours. A further consideration advanced by the agent for the applicant is whether or not there is a realisable 'fall-back' by which a similar extension could be constructed as permitted development.

Design

In appearance, the amended scheme may reasonably be judged appropriately designed as it uses matching brick and is suitably recessed and set down and therefore subordinate to the original dwelling. The choice of 'Welsh Blue' tile colour would not be in keeping with the main house roof but the LPA's information is that this tile is available in a variety of reds and in the event of approval this could be addressed by condition.

Amenity / Living Conditions

The LPA's particular concern with this application is in relation to no.4. The rear garden space of no.4 is c.25m² in area. It is also triangular in plan and, whilst it begins equal in width to the width of the house at a point alongside the rear wall, it immediately tapers to close the triangle at a point c.8.5m from the house. This in itself is therefore a very constrained space for a back garden.

Two significant additional factors further constrain the existing garden. Due to the rising ground there is only a restricted level patio tight up to the rear of the house. This provides the all-important private outside space.

A second existing impact observed by the LPA at the site visit is that the neighbouring dwellings to the south west (no.2 Lowther Place and 111 Ashbourne Road), both two storey dwellings, crowd in on the back garden of no.4.

Taking these existing circumstances into account the LPA conclusion is that the addition of a two storey extension as proposed on the rear of no.6 would be over-bearing and oppressive in its impacts on the living conditions of no.4 especially in relation to the all-important private outdoor space.

These points have been discussed with the applicant's planning agent and the application was modified and reduced from that first submitted. Nevertheless the LPA view is that it would be necessary to omit the first floor element of the scheme in order for it to be acceptable.

Whilst there would be some adverse impact on the living conditions for no.8 the effects are not judged to be over-bearing. No.8 has a comfortable if modest patio area contained by moderately low retaining wall above which is a lawn with only gently rising slope making it a pleasant useable space. The overall rear garden area for no.8 appears to be some 130m² in area. The rear is south east facing like no.4 but unlike no.4 is not affected by close proximity of semi-encircling dwellings to the south and west.

Objections received from nos. 10 and 14 Lowther Place also raise concerns about living conditions. However these properties are at sufficient distance away from the proposed development not to be significantly adversely affected.

Several of the objections refer to loss of view and devaluation of their properties. However neither of these are material planning considerations and would not constitute grounds to refuse the proposal.

Whether or not there is an unacceptable impact on the rear outlooking principal windows of either no.4 or no.8 has been considered by reference to the Council's adopted Space About Dwellings guidance. Whilst there were conflicts with this guidance in the first scheme, the amended scheme has effectively eliminated any effects either in the horizontal or vertical plane 45 degree angle assessments. There is a partial breach to the horizontal plane 45 degree line for the ground floor principal window of no.4 closest to the proposed development but as this is no greater than the impact of a single storey permitted development extension (max projection 3m) this effect is found acceptable as the LPA would consider it highly likely that if this two storey scheme were refused, a single storey PD extension would be implemented.

Other Matters

The agent has put forward as a 'fall-back' the possibility of undertaking a partial two storey development under PD. However in order for this to be realisable it would need to achieve 2.0m separation from the curtilage boundaries. In relation to the two side boundaries this would reduce the available possible width to no more than 2.0m as the total plot width of no.6 is at best 6m. The current proposal is 2.9m in width externally at first floor. Necessary wall thicknesses reduce the space internally to 2.3m. With an external width of 2.0m under PD, the maximum internal space would seem likely to be not greater than 1.4m. The LPA does not find it credible or likely that such a scheme would be attempted as it would not reasonably achieve the additional accommodation being sought and is therefore only of limited weight.

CONCLUSION / PLANNING BALANCE

Taking into account the nature of the surroundings and existing living conditions of no.4 Lowther Place – the attached neighbouring dwelling – which has only a very small rear garden of 25m² and only a tiny area of level private sitting-out space to

the rear, closely hemmed in by retaining wall of the steeply rising garden and noting moreover how adjacent neighbouring two storey dwellings at 2 Lowther Place and 111 Ashbourne Road crowd in on no.4 to its south west and south it is concluded that by inclusion of a first floor element in the proposed rear extension to no.6 Lowther Place the development would be overbearing and as a result oppressive in its impacts on the living conditions for no.4 and therefore contrary to Local Plan policies SS1, SS5, H1 and DC1 and to the NPPF which places high importance on design and says decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive and create places which promote health and well-being, with a high standard of amenity for existing and future users (NPPF 130(f)). The possibilities under PD for a two storey development are noted but found to add little weight in support as a PD scheme would be a very reduced alternative to that sought.

OFFICER RECOMMENDATION : refuse

Case Officer: Arne Swithenbank

Recommendation Date: 11th Feb 2022

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council