STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Mr Malcolm Sales
Malcolm Sales
Churchill Suite
Lulworth House
Cheadle
Staffordshire
ST10 1AR

Mr Cartwright
Oak Cottage
58 Rakeway Road
Cheadle
Stoke on Trent
ST10 1QH

Application no: SMD/2020/0589

Determined on: 22/02/2022

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PLANNING PERMISSION

Location of Development:
58 Oak Cottage Rakeway Road Cheadle Staffordshire ST10 1QH

Description of Development:
Single storey extension to dwelling and extension of existing detached single garage to form double garage

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref:
2008 07 02 A
2008/07/06/C

for the reason(s) specified below:-

1 By reason of its scale, incongruity and prominent frontage position close alongside the front garden boundary of no. 56 Rakeway Road the garage extension of the development hereby refused is found unduly intrusive on the outlook of the adjacent dwelling at 56 Rakeway Road both in terms of outlook from its principal frontage windows in particular a kitchen window at the extreme easterly end of the front elevation to no.56 and in terms of the enjoyment of the front garden and driveway approach to the dwelling. The impacts are thus found overbearing on the living conditions (amenities) of occupiers of no.56 and therefore contrary to Local Plan policies SS7, H1, and DC1 and to the NPPF.

2 By reason of its scale, incongruity and prominence in public roadside views the garage extension hereby refused coupled with the additional cluttering effects of the extension to the dwelling also refused the development is found unduly out of place and obtrusive in the public street scene. The adverse effects are significantly compounded as a result

of the developments, in particular that of the garage extension, being well forward of an otherwise strongly defined building line which consistently characterises in general the development frontages facing Rakeway Road. In addition to the harm to the public street scene these effects are moreover found harmful to the setting of the Grade II * Listed Mill House which stands opposite. Whilst this is found to be less than substantial harm within the meaning of the NPPF 'great weight' must nevertheless be given to the conservation of heritage assets (NPPF 199) and any harm should require clear and convincing justification (NPPF 200). The harm to the heritage significance of Mill House owing to the intrusion on its setting as a result of the development hereby refused is not counter balanced by any public benefit as the development is exclusively of private benefit to the applicant and occupiers of 58 Rakeway Road. The development is therefore contrary to NPPF paragraph 202. Overall under reason 2 the development is therefore found contrary to Local Plan policies SS7, H1, DC1, DC2, DC3 and to the NPPF.

Informative

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has nonetheless met the requirement in Paragraphs 38 of the National Planning Policy Framework.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

3. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

4. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

5. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

6. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

7. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.