

DELEGATED DECISION REPORT

SMD/2022/0002
Valid 24/01/2022

15 CROSSFIELD AVENUE
KNYPERSLEY

PROPOSED GARAGE TO THE
REAR OF 15 CROSSFIELD
AVENUE

(FULL - HOUSEHOLDER)

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 Biddulph South Ward. The site is within the Biddulph Development Boundary, where the Staffordshire Moorlands Local Plan seeks to concentrate development. The site is enclosed by neighbouring dwellings comprising a section of Crossfield Avenue on the East and West side curtilages and a section of dwellings on Park Lane to the North. The adjoining neighbour at No. 13 Crossfield Avenue lies to the West of the site and No. 17 Crossfield Avenue is situated to the East. The rear curtilage of the site adjoins the rear curtilages of No. 26, No. 28 and No. 30 Park Lane. The Crossfield Avenue highway runs adjacent to the Southern curtilage of the site.

It is noted that a number of properties within the estate have been extended, however the established character of the original estate has been retained.

PROPOSAL

The proposed development comprises the addition of a garage outbuilding in the rear curtilage of the dwellinghouse. The proposed garage outbuilding will have a length of approximately 6.9 metres on the North-West and a length of 9.1 metres on the South-East. It will have a width of approximately 7.6 metres. The proposed garage would have a simple dual-pitched roof, having a maximum height of approximately 5.2 metres and maximum eaves height of 2.6 metres (measured from the highest ground level). It would be constructed from materials including painted render, interlocking pan tiles and white UPVC.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS6 Biddulph 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

N/A

CONSULTATIONS

Publicity

Site Notice expiry date: 21/03/2022
Neighbour consultation period ends: 10/03/2022
Press Advert: N/A

Public Comments

A number of neighbour objections have been received relating to the proposed garage. People do not object to the principle of a garage being built, they object to the details of the plans proposed. Objections have been submitted for the following reasons:

- 1) The works started before an application was made. This is in terms of demolishing an existing outbuilding and preparing the land for the build of the new garage.
- 2) The proposed materials. Neighbours have commented that they would prefer to see roof tiles which would match those of the parent dwelling (smooth pressed grey clay roof tiles).
- 3) The disruption caused to wildlife living / nesting within an approximately 12 metre stretch of conifer trees and various other trees on the common boundary between the site and No. 17 Crossfield Avenue, as well as the damage to a number of trees.
- 4) The extension could cause overshadowing in peoples gardens due to its proposed footprint and ridge height.

- 5) The extension would have an overbearing, oppressive nature over peoples houses / patio areas / garden amenity space. Differing ground levels between the site and some of the neighbours has been referred to, meaning that any dwellings on a lower ground level to the site could face further adverse amenity impact.
- 6) The scale of the proposed garage. Neighbours have raised concern that the footprint of the proposed garage would be of a similar size to the parent dwellinghouse. Also, that the proposed garage would be of a substantially larger size than garages at other properties on the street, making it out of character with the street scene.
- 7) Concern that the proposed domestic garage could change to a commercial repair garage in the years to come, increasing traffic on the street.
- 8) Concern regarding noise disturbance and smells being caused due to the applicant working on cars in the proposed garage.
- 9) Loss of privacy. The sloping gardens of the dwellings would mean that the garage would be on a higher ground level to the dwellings. Thus, windows of the garage could overlook the neighbouring dwelling and its curtilage at No. 13 Crossfield Avenue.
- 10) The close proximity of the garage to drainage pipes in the back gardens of dwellings on Park Lane. Also, the disturbance which the proposed works could cause to drainage in the area.
- 11) A mine shaft that runs under the garden of one of the direct neighbouring dwellings is on the lineage of where this garage would be placed.

Town / Parish Comments

Councillors agreed to recommend refusal on the grounds of size, overdevelopment and negative impact on the neighbourhood.

Staffordshire County Council Highways

Highways do not believe that the proposed garage would have a detrimental impact on the adopted highway.

The outbuilding would fall within correct dimensional requirements for a double garage. Although it could not accommodate for practical / daily use for the parking of 2 cars inside, due to the garage door not being of a large enough size, the combination of the garage as well as the proposed new driveway would provide sufficient parking space for a property of this size.

Therefore, highways have no objections to the proposed garage, subject to two conditions which will ensure that highway safety is not compromised.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF) 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 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 Biddulph. 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 SS6, new development will be directed to the most sustainable locations. The site lies within the town of Biddulph, 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 outbuildings should harmonise with the parent building. An outbuilding should respect the dominance of the original building and be subordinate to it in terms of its size and massing.

The proposed development is a garage outbuilding in the rear curtilage of the dwellinghouse. The proposed garage outbuilding will have a length of approximately 6.9 metres on the North-West and a length of 9.1 metres on the South-East. It will have a width of approximately 7.6 metres. The proposed garage would have a

simple dual-pitched roof, having a maximum height of approximately 5.2 metres and maximum eaves height of 2.6 metres (measured from the highest ground level). For a development to be considered appropriate in terms of its size and massing, the Council would universally expect to see outbuildings subordinate to the dominant parent building. It is important that outbuildings are designed and built in sympathy with the property which they serve. Ideally, materials and the roof pitch of the outbuilding would match those of the parent building.

The simple silhouette of the building with a simple dual-pitched roof course complements the host dwellinghouse, thus it is considered appropriate in this aspect of its design. Although the proposed garage outbuilding is single storey, its 5.2 metre ridge height could create the provision for a two storey building. Regardless of this, its maximum and eaves heights would clearly be lower than the parent dwelling, indicating that it would be subordinate to the parent dwellinghouse. I note that although the garage would be of a large footprint, any size footprint of an outbuilding is permissible under Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. This is provided that the total area of ground covered by buildings (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage. In this instance, although neighbours have addressed their concern regarding the footprint of the building, it cannot be ignored that a building of this footprint could be erected without the need of planning permission. Therefore, the garage would not compete with the proportions of the host dwelling, as it is clearly read as an outbuilding for the ancillary use of the host dwelling. Thus, it would be considered appropriate development in accordance with the Council's Design SPD.

Materials used in the construction of the proposed garage outbuilding would not match those used in the construction of the existing dwelling, as well as from surrounding dwellings in the area. Although the surrounding street scene is comprised of a varied selection of house types, a prominent feature of the street scene is the brick used in the construction of the dwellinghouses. Painted render, interlocking pan tiles and white uPVC would be used in the construction of the proposed outbuilding. I note that the garage is not far from being permitted development under Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Under Class E, Part 1, there are no regulations which set out that materials used in the construction of outbuildings need to be of a similar appearance to the host dwellinghouse. Therefore, it is not considered that the render exterior would be an issue. Thus, the materials which would be used are considered acceptable. I note that the proposed garage would be positioned within the rear curtilage, tucked largely out of site from the street scene, again reiterating that materials which match the host dwelling are not paramount.

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 130 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. 13 Crossfield Avenue to the West and No. 17 Crossfield Avenue to the East. Therefore, assessment of amenity impact will be required on the two direct neighbouring dwellinghouses to the sides of the site. There are three dwellings with adjoining rear curtilages to the site, including No. 26, No. 28 and No. 30 Park Lane. Thus, amenity impact assessments have also been carried out in relation to these neighbouring dwellings.

The proposed garage outbuilding is largely positioned on the Eastern section of the rear curtilage of the site. As the neighbouring dwellinghouse at No. 13 Crossfield Avenue is positioned to the West of the site, the garage outbuilding is positioned on the opposite side of the curtilage of the host dwelling to this neighbour, meaning that the neighbour would not be adversely impacted. Furthermore, the garage outbuilding would be a substantial enough distance from the neighbour at No. 13 Crossfield Avenue to mitigate any chance of light loss as its location would comply with the 45 degree line measured from this neighbours' rear windows. I note that there would be an approximately 3.85 metre distance between the common boundary and the proposed garage. As the outbuilding is only single storey, it is not considered to be overbearing on the neighbouring dwelling due to its subordinate nature to the host dwellinghouse, as well as neighbouring dwellinghouses. Due to the sunlight trajectory moving from the East to West, the proposed garage would only potentially cause a small amount of shadowing over the rear curtilage of the neighbouring dwelling in the earlier hours of the morning. I note that an approximately 2 metre high timber fence is positioned along the common boundary between the site and No. 13 Crossfield Avenue. The boundary fence as well as the distance between the proposed garage and the neighbouring boundary would eradicate overshadowing which could be caused as a consequence of the garage outbuilding.

Consideration has been given to whether the proposed garage outbuilding might be seen to adversely affect the amenity of the neighbours at No. 17 Crossfield Avenue. The garage outbuilding is on the boundary between the site and the neighbour, thus amenity impact assessment is important due to the close proximity. The East to West sunlight trajectory would mean that the garage outbuilding could cast a shadow over the rear curtilage of the neighbour at No. 17 Crossfield Avenue during the afternoon hours. I note that the wall of the garage outbuilding belonging to the neighbour at No. 17 Crossfield Avenue would run parallel to the majority of the wall of the proposed garage, therefore meaning that a large amount of the shadowing impact would be blocked. A large amount of trees and foliage create the boundary treatment between the site and No. 17 Crossfield Avenue, which would also contribute to mitigating loss of light and overbearingness caused by the proposed garage. Furthermore, all of the aforementioned reasons combined would alleviate loss of light for this neighbour. From this observation, it becomes apparent that the amenity of No. 17 Crossfield Avenue would not be adversely impacted by the proposed garage.

The neighbouring dwellinghouses at No. 26, No. 28 and No. 30 Park Lane would not be adversely impacted by the proposed outbuilding. I note that a 2 metre high boundary fence is located between the site and these neighbours. These neighbouring dwellings have long rear gardens, stretching from the rear wall of the dwelling to the common boundary fence with the site by approximately 17.2 metres. Thus, it is clear that the proposed garage would be of a substantial enough distance from them to mean that their light amenity through any habitable windows would not be impacted. Although neighbours have objected regarding the height / size of the proposed garage, it cannot be ignored that it would not impact light amenity through any habitable windows on the neighbouring dwellings. Moreover, the ground level of the site has been reduced, meaning that only the ridge of the garage would be visible to these neighbours. Furthermore, due to the decreased ground level of the site, the garage would not cast a large shadow over any of their gardens. Thus, it has been established that the proposed garage would not cause any light or overbearing amenity issues for the neighbours at No. 26, No. 28 or No. 30 Park Road.

There would be no windows on the South-East elevation or the North-East elevation of the garage which would face the neighbours at No. 17 Crossfield Avenue and No. 26, No. 28 and No. 30 Park Road, therefore no privacy amenity impact would occur for them. Furthermore, although there would be two windows on the North-West elevation of the proposed garage outbuilding which face the neighbouring dwellinghouse at No. 13 Crossfield Avenue, the existing boundary fence would prevent any overlooking. I note that the windows would be at an oblique angle to the positioning of the neighbouring dwelling, meaning that no overlooking over the dwelling itself could occur. I note that there would be a window on the front South-West facing elevation of the garage outbuilding, which would face the rear elevation of the neighbouring dwelling at No. 13 Crossfield Avenue, however this would be a substantial enough distance from this neighbour to eradicate loss of privacy. Therefore, no adverse privacy impact would occur upon any of the neighbours.

Highway Safety

Paragraph 104 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 garage outbuilding would not increase the number of bedrooms of the dwelling. Additionally, as the garage outbuilding would be to the rear of the dwelling, the available off road parking to the front of the dwelling would not be compromised, in compliance with Policy T1. The addition of a large driveway leading up to the garage would create provision for more off-road parking space, demonstrating positive development.

Highways do not believe that the proposed garage would have a detrimental impact on the adopted highway. Their comments highlight that the proposed garage

outbuilding would fall within correct dimensional requirements for a double garage. Additionally, although it could not accommodate for practical / daily use for the parking of 2 cars inside, due to the garage door not being of a large enough size, the combination of the garage as well as the proposed new driveway would provide sufficient parking space for a property of this size. Therefore, highways have no objections to the proposed garage, subject to two conditions which will ensure that highway safety is not compromised.

I note that neighbours are concerned regarding the proposed use of the garage. They worry that the use of the garage will change from domestic to commercial over time, subsequently increasing traffic levels on the suburban, domestic street. A condition has been implemented by highways; indicating that *“the garage hereby approved shall be used for the garaging of private vehicles and/or for ancillary domestic storage purposes only and shall not be used for commercial operations without the prior approval of the Local Planning Authority.”* Thus, commercial use of the garage could not occur without the requirement of planning permission. Another condition has been implemented, detailing that the use of the garage must remain ancillary to the use of the host dwelling. It could not be sold, let or occupied independently without the granting of planning permission.

Thus, the proposed garage would have no impact on highway safety, in accordance with Policy T1.

Other Matters

Neighbours have addressed concern regarding matters such as: the works commencing prior to planning permission being obtained; the disruption to trees and wildlife on the common boundary between the site and the neighbouring dwelling at No. 17 Crossfield Avenue; the close proximity of the proposed garage to drainage pipes and a mine shaft that runs under the garden of one of the direct neighbouring dwellings being on the lineage of where this garage would be placed.

The Staffordshire Moorlands Planning department can only judge a planning application based on what is applied for. Whilst we are now aware that some work commenced prior to an application being submitted, our decision making process will cover the full picture to ensure that all work commenced before and allowed as a result of the granting of planning permission would be acceptable.

Concern about impact on drains would be a matter for Building Regulations and therefore not a material planning consideration. In terms of proposed works being built over mine shafts, the Coal Authority would always be consulted if required, to ensure that no inappropriate development is taking place. However, the site is not within a High Risk Coal consultation area. Similarly, Staffordshire Wildlife Trust are always consulted during the planning application process if a proposed development would detrimentally affect wildlife. In this case, it is felt that the proposed garage would not cause negative impacts on the habituation of animals within the stretch of conifer / trees.

CONCLUSION / PLANNING BALANCE

In consideration of all of the above, the application is recommended for approval. Due to the application being of an acceptable design, not detrimentally effecting neighbour or street scene amenity and having no overall impact on the highway, it is deemed acceptable under planning policy. A number of neighbours have objected to the proposed garage for a number of reasons; the size, height and aesthetic of the building, negative impacts on light and privacy amenity, concern about it being used for commercial purposes, disruption to wildlife and its effect on the drainage system. Since, it has been established that the proposed garage would not detrimentally impact the amenity of any neighbours, nor the street scene. Staffordshire County Council highways department have implemented conditions to the decision, which resolve concerns regarding the potential commercial use of the garage. Therefore, the proposed extension is recommended for approval, subject to compliance with all conditions.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Hollins

Recommendation Date: 21/03/2022

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council