

DELEGATED DECISION REPORT

SMD/2020/0637
Valid 07/10/2021

LAND ADJACENT
EASTVIEW
2 MAIN ROAD
CAULDON LOW

OUTLINE APPLICATION WITH
DETAILS OF ACCESS,
APPEARANCE, LAYOUT &
SCALE (ALL OTHER
MATTERS RESERVED) FOR
THE ERECTION OF A 3
BEDROOM DETACHED
HOUSE ON LAND/GARDEN
ADJACENT TO 2 EASTVIEW

(OUTLINE - MINOR)

MAIN ISSUES

- Whether the development complies with the relevant housing policies.
- Impact on the character and appearance of the surrounding area.
- Impact on neighbouring amenity and the amenity of future occupiers.
- Impact on highway safety.

DESCRIPTION OF SITE

The application site comprises the dwellinghouse 'Eastview'; comprising a semi-detached, two-storey property that has recently converted its roof space into additional living accommodation with the erection of a rear dormer window (constructed under permitted development).

Due to the curve of Main Road, the plot is wedge-shaped with a large side garden. Pedestrian access to the dwellinghouse is via a gate immediately in front of the property, whilst vehicle access is gained via a gate to the northeast of the dwellinghouse that leads to an area of hardstanding used as a parking/turning area.

The dwellinghouse is sited on the northwestern side of Main Road, within the small hamlet of Hoften's Cross, Cauldon Low. Dwellinghouses are located to the southwest and north of the application site, whilst the site is bounded by Moorfields Close to the west (rear) and Main Road to the east (front). Open fields are located on the opposite side of Main Road. The application site is located in the Open Countryside.

PROPOSAL

Outline planning permission (with only 'landscaping' reserved for future approval) is sought for the erection of a detached, two-storey dwellinghouse within the side garden of 'Eastview'.

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
SS10 Other Rural Areas Strategy
H1 New Housing Development
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 4, 5, 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2014/0601 Outline planning permission with all matters reserved for erection of 2no. semi-detached dwellings
Refused
Appeal Dismissed APP/B3438/W/15/3133147

SMD/2015/0472 Outline planning permission with all matters reserved for erection of 2no. detached dwellings (resubmission of SMD/2014/0601)
Refused

CONSULTATIONS

Publicity

Site Notice expiry date: 16/11/2021
Neighbour consultation period ends: 01/11/2021
Press Advert: N/A

Public Comments: 11 comments have been received, however, only 6 were from separate addresses. Five addresses objected to the proposal on the following grounds:

- Impact on privacy and a loss of light to neighbouring properties.
- Impact on wildlife from the construction of the proposed dwellinghouse.
Consider newts to live within close proximity of the site. Great crested newts are present within the pond on site.
- It will increase the number of cars parked on the roadside, creating a hazard.
- Provision of two accesses in close proximity to each other, on a bend will be dangerous.
- The occupiers of the existing house will have to reverse out of their driveway as they will no longer have the space to turn around within the site.

- The proposed dwellinghouse will be of a modern design, out of character with the surrounding area.
- Applications for new housing on the site have been made previously and have been refused.
- There isn't a need for a new house to be built in the village.
- A new dwellinghouse will put strain on the existing drainage system.

Comments raised in respect of the loss of a view, the devaluation of neighbouring properties, the effect of a recently constructed dormer window at 'Eastview' on neighbouring amenity, and the potential use of the proposed dwellinghouse as a holiday let are not material planning considerations that can be taken into account.

One comment supported the application as they felt the construction of a new affordable home within the village would be beneficial.

Town / Parish Comments: Cotton Parish Council objected to the application on the following grounds:

1. Concerns regarding an additional vehicular access on a nasty bend.
2. Concerns regarding additional vehicles and on-road parking.
3. Is additional housing required in the area?
4. That the proposed development may deprive adjacent properties of light.
5. To reflect and support the views of parishioners.

Severn Trent Water: I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

AES Waste: No issues regarding waste collections. Note: please include bin storage on further plans.

Environmental Health: No objection subject to conditions.

Land Contamination: There are potential sources of made ground at the plot as the area was previously occupied by garage and or hard standing tarmac. Whilst a full contamination assessment is considered to be too onerous, it would be worth ensuring that the soil in these areas is suitable for the proposed use in gardens therefore soil testing condition is included. – condition recommended

Nuisance: The proposed development is close to existing properties so care needs to be taken during construction phase and post construction to ensure site related activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties.

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 Council currently does not have a 5-year housing land supply. We have a housing supply of 4.21 years. The application site is not located within an area listed within Footnote 7 of paragraph 11 of the NPPF (2021) and therefore the application should be granted planning permission unless 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 (the 'tilted balance').

The dwellinghouse is located within the small hamlet of Hoften's Cross, Cauldon Low. Hoften's Cross nor Cauldon Low are designated as a 'larger' or 'smaller' village within policies SS8 or SS9 of the Local Plan (2020). The application site is therefore located in the Open Countryside whereby policy SS10 of the Local Plan (2020) is applicable.

Policy SS10 states that these rural areas will provide only for development that has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. Part (1) of policy SS10 seeks to meet housing requirements and specific need by:

- Restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H 1.

Part (5) of policy H1 of the Local Plan (2020) states that only certain forms of housing development will be allowed in the other rural areas in the Open Countryside. The application site comprises the garden to the dwellinghouse known as 'Eastview' therefore the only criterion listed within the policy that could be applicable to the proposed development is:

- e) Proposals to redevelop previously developed land provided it is not of high environmental value.

Appendix 6 of the Local Plan (2020) and the NPPF (2021) both define 'Previously Developed Land' as '*land which is or was occupied by a permanent structure, including the curtilage of the developed land...this excludes...land in built up areas such as residential gardens, parks, recreation grounds and allotments...*'

The site contains hardstanding for the parking and turning of vehicles and domestic paraphernalia associated with the dwellinghouse, such as children's play equipment, a shed, a coal bunker etc. Although not located within a 'village', the application site forms part of the hamlet of Hoften's Cross, Cauldon Low which has the character of a built-up area. On this basis, it is considered that the site comprises '*land in built up areas such as residential gardens*' which is excluded from the definition of Previously Development Land. Therefore the proposed development is unacceptable in principle as it is contrary to policy SS10 and H1 of the Local Plan (2020).

Two previous applications for the construction of 2no. dwellinghouses on the same application site were refused by the Local Planning Authority in 2014 and 2015, with one being dismissed on appeal. Whilst these applications were considered against different policies (as the previously adopted Core Strategy was in place at the time), the wording of the policies were very similar to those contained in the adopted Local Plan (2020). Both refused applications were unacceptable in principle due to the application site's unsustainable location. The Council did not have a 5-year housing land supply at the time (2.08 years) and this did not override the application site's unsustainable location. The Inspector concluded:

33. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Whilst the Framework encourages a boost to the supply of housing, that is not intended to come at any price. There would be minor short term economic benefits from the proposal in terms of jobs and expenditure as a result of the development. However, these are clearly outweighed by the adverse impacts the proposal would have on the social and environmental aspects of sustainability.

34. Any economic gains would be moderate and the social benefits minor. Together the social and environmental harm would be significant. It is therefore my judgement that the adverse impacts of the appeal proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It would therefore not deliver sustainable development within the meaning of paragraphs 18-219 of the Framework. Consequently Cauldon Lowe cannot be considered to be a sustainable settlement and the provisions of paragraph 14 do not apply.

It is noted that the proposal is now for one, rather than two, dwellings. However nothing has changed since the previous two refusals that would result in a different outcome; a house or houses on this land is unacceptable in principle.

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 SPD outlines the Council's expectations in respect of design.

The proposed dwellinghouse will comprise a detached, three-bedroom, two-storey dwellinghouse constructed of brick with a dual-pitched roof that will be tiled. The planning application form states that the materials will match the adjacent dwellinghouse, 'Eastview'. The dwellinghouse will have a bay window to the ground floor front elevation and a canopy will be positioned above the ground floor front elevation window and door. 2no. half dormers will be positioned above each of the first floor front elevation windows.

The scale, design and materials of the proposed dwellinghouse are considered acceptable, with the exception of the provision of half-dormers above the first floor windows in the front elevation. The dwellinghouses fronting onto Main Road do not include half-dormers and therefore their inclusion in the proposed dwellinghouse does not reflect the character or appearance of the street scene. The half-dormers should therefore be omitted from the scheme, which could be conditioned accordingly.

The dwellinghouse will be set back from Main Road, with the space used for the provision of 2no. off-street parking spaces and a turning area. The plot will be subdivided to create a separate curtilage for both the existing dwellinghouse and the proposed dwellinghouse. A new access will be constructed within the front boundary to serve the existing dwellinghouse, with 3no. off-street parking spaces proposed within the front and side garden of the property.

The proposed dwellinghouse has been set back behind the building line created by the adjacent 2no. pairs of semi-detached dwellinghouses, that follow the bend of the road. It is unclear why the proposed dwellinghouse has been sited in this position as there is sufficient space within the plot to accommodate the necessary parking if the dwellinghouse followed the existing building line. Re-positioning the proposed dwellinghouse cannot be the subject of a condition, as the application has sought approval for 'layout'. The siting of the proposed dwellinghouse will have an adverse effect on the character and appearance of the street scene.

Although the 'scale' and 'appearance' of the proposed dwellinghouse is considered acceptable (subject to a condition removing the half-dormer windows), its 'layout' does not follow the existing building line along Main Road which will be incongruous within the street scene. The proposed dwellinghouse is therefore considered contrary to policy DC1 of the Local Plan (2020), the Design Guide SPD and the NPPF (2021) in terms of design.

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.

Neighbouring Amenity

The dwellinghouse to the south of the proposed dwellinghouse is 'Eastview', which also falls within the application site. 'Eastview' has a number of windows located in its northern side elevation however, they comprise either secondary windows or serve 'non-habitable rooms'. The southern side elevation of the proposed dwellinghouse will have 1no. ground floor window serving a WC and 1no. first floor window serving the landing/stairs. Both these windows are non-habitable and therefore they will not adversely affect privacy. The proposed dwellinghouse will comply with the 45-degree guideline in respect of 'Eastview' and therefore it will not adversely affect light levels or have an overbearing effect on the amenity of this property. The proposed development will therefore not adversely affect the amenity of this neighbouring property.

To the north of the application site is a small cul-de-sac, Westfields, that comprises 5no. pairs of semi-detached dwellinghouses. No's 1-5 Westfields all share a boundary with the application site, with the rear elevations of these properties facing south towards the application site. Due to the siting of the proposed dwellinghouse, No. 3 Westfield will directly face the proposed dwellinghouse, with No. 1 and 2 facing the front garden and No. 4 and 5 facing the rear garden.

The proposed dwellinghouse will be sited at an angle to No. 3 Westfields and therefore it will be located between 15.5m and 17m from the rear elevation of the neighbouring property. The northern side elevation of the proposed dwellinghouse will have 1no. en-suite window to the first floor and therefore the side elevation will comprise a flank wall. The Space About Dwellings SPG states that a separation distance of 14 metres is required in this scenario. The proposed dwellinghouse exceeds this distance and therefore it will not adversely affect the amenity of No. 3 Westfields. The other dwellinghouses on Westfields will not be adversely affected by the proposed dwellinghouse as they will not directly face the building.

No dwellinghouses are located immediately to the rear of the application site and open fields are located on the opposite side of Main Road, to the front of the application site.

Amenity of Future Occupiers

The Space About Dwellings SPG requires dwellinghouses to have a minimum garden size of 65m². The gardens to serve both the proposed dwellinghouse and the existing dwellinghouse will both significantly exceed this size and therefore future occupiers will have an acceptable level of private amenity space.

Policy H1 of the Local Plan (2020) requires all new dwellings to comply with the Nationally Described Space Standards. The proposed dwellinghouse will comprise a

two-storey, three bedroom dwellinghouse with an internal floorspace of 89.5m². The 3no. bedrooms will have an internal floorspace of 12m² (including built-in cupboards) 10.5m² (including built in cupboards) and 6m².

The Nationally Described Space Standards require a double bedroom to have a minimum floor area of 11.5m² and a single bedroom to have a minimum floor area of 7.5m². The main bedroom is therefore of an acceptable size for two persons, the second bedroom is an acceptable size for one person, but the third bedroom is below the minimum size for a single bedroom. The overall size of the dwellinghouse exceeds the minimum internal floorspace of a three-bedroom, two-storey, 4 person dwellinghouse (84m²) however, the overall size of the third bedroom is insufficient. The occupier of this room would have a substandard level of amenity, contrary to part 3(d) of policy H1 of the Local Plan (2020).

Conclusion

The amenity of neighbouring properties will not be adversely affected by the proposed dwellinghouse. However, the occupiers of the proposed dwellinghouse will have an insufficient level of amenity due to bedroom 3 not complying with the Nationally Described Space Standards for a single bedroom. The proposed development will therefore be contrary to policies DC1 and H1 of the Local Plan (2020) and the NPPF (2021) in respect of amenity.

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 dwellinghouse will utilise the existing access onto Main Road that serves the existing dwellinghouse at the application site. A new access onto Main Road will be created south of the existing access, to serve the existing dwellinghouse, 'Eastview'. 3no. parking spaces will be provided to serve the existing dwellinghouse and 2no. parking spaces will be provided to serve the proposed dwellinghouse.

A revised drawing has been submitted that demonstrates that the proposed access will achieve a visibility splay of 2.4m x 43m in both directions and that vegetation within the visibility splay will be reduced to 600mm and be maintained at such a height. The existing access is to be used by 1no. dwellinghouse, as is currently the case, therefore the use of this access will not intensify. The level of off-street parking proposed for both the existing and proposed dwellings complies with the parking standards detailed at Appendix 2 of the Local Plan (2020).

The Highways Engineer did not raise an objection to the two previously refused applications for 2no. dwellinghouses on site, subject to the imposition of a number of conditions. This application seeks a reduction in the number of dwellings to one. It is therefore not considered that the proposal will have a detrimental effect on highway safety and it will comply with policies DC1 and T1 of the Local Plan (2020), Appendix 2: Parking Standards and the NPPF (2021).

Other Considerations

Concern has been raised regarding the existing drainage being unable to cope with the presence of an additional dwellinghouse. However, Severn Trent Water has assessed the application and raises no objection.

Comments have been received that the application site contains a pond that is occupied by Great Crested Newts and a photograph has been submitted that purports to show a Great Crested Newt found within the garden of a property adjacent to the application site.

The majority of the application site comprises hardstanding, although a small proportion of the proposed dwellinghouse/patio will be located on an area that is occupied by a variety of garden structures, including a small pond. The submitted photograph does not provide conclusive evidence that the newt is a Great Crested Newt or that the photograph shows a newt in the location specified. Common Newts are not protected and, as their name suggests, are commonly found in residential gardens. The size of the pond is small and therefore even if Great Crested Newts were present on site, the numbers will be very limited and the species will only be affected during the breeding season. Subject to a condition imposing mitigation measures should a Great Crested Newt be found during the construction of the dwellinghouse, the proposed development will not adversely affect protected species or their habitat.

CONCLUSION / PLANNING BALANCE

The Council cannot currently demonstrate a 5-year housing land supply and the site is not located in an area specified within Footnote 7 of paragraph 11 of the NPPF (2021). Therefore the 'tilted balance' is engaged.

The application site is located in the Open Countryside within a small hamlet that lacks a basic range of services and facilities, and a lack of public transport provision. The application site is therefore considered to be unsustainable. The proposal is not for an affordable dwelling, nor is it required to support a rural enterprise. Therefore no need has been demonstrated for a dwellinghouse to be located in this unsustainable location.

The concerns of residents have been taken into consideration in terms of the development's impact on neighbouring amenity. However, the proposed dwellinghouse will comply with the Space About Dwellings SPG in respect of separation distances and therefore it will not adversely affect neighbouring amenity.

The proposed dwellinghouse does not comply with the minimum size requirements detailed within the Nationally Described Space Standards in respect of the third bedroom. This will result in substandard living accommodation for future occupiers of the proposed dwellinghouse, adversely affecting the amenity of future occupiers.

Concern has been raised regarding the provision of a new access onto Main Road on a bend; the development resulting in the parking of additional vehicles on the oad;

and highway safety issues surrounding the development. However, no objection is raised on highway safety grounds and the level of off-street parking proposed for both the existing and proposed dwellinghouse will comply with the adopted Parking Standards.

The design, scale and materials of the proposed dwellinghouse are considered acceptable, with the exception of the half-dormer windows. However, these could be omitted by a suitably worded condition. The proposed dwellinghouse will not follow the existing building line and therefore its 'layout' is considered detrimental to the character and appearance of the street scene.

In 2014 and 2015, the application site was subject to two previous applications for 2no. dwellinghouses, both of which were refused and one of which was appealed and dismissed. The Council at that time also could not demonstrate a 5-year housing land supply, with a supply figure much lower than today, however the Planning Inspector concluded that the *'the adverse impacts of the appeal proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole'*. Since 2014/2015, the Core Strategy has been replaced by the Local Plan (2020) and the NPPF has been revised, however the relevant policies contained within these two documents have not significantly changed and therefore these changes do not lend themselves to a different outcome.

Minimal weight is given to the benefits of the proposed development (e.g. jobs during construction, the provision of just one dwellinghouse, and an increase in expenditure in the locality from those occupying the proposed dwellinghouse). These benefits are not considered to outweigh the adverse impacts of the proposed development (e.g. the siting of the dwellinghouse in an unsustainable location, the substandard amenity of the occupiers of the proposed dwellinghouse, and the impact the siting of the dwellinghouse will have on the character and appearance of the street scene).

As such, the application is recommended for refusal.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Ailsa Berry

Recommendation Date: 13/04/2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

