

DELEGATED DECISION REPORT

SMD/2022/0099
Valid 26/05/2022

CHESTNUT LODGE LAKE
ROAD
RUDYARD

GARAGE CONVERSION TO
HABITABLE ROOM WITH
RETROSPECTIVE WINDOW
REPLACEMENT

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Heritage – Rudyard Conservation Area
- Amenity
- Design
- Green Belt

DESCRIPTION OF SITE

Chestnut Lodge is a detached dwelling house constructed of red brick and cement roof tiles. The property is on Green Belt land, and within the Rudyard Conservation Area although the property itself is modern. Chestnut Lodge has a large driveway with integral garage to provide off street parking. Opposite the lodge is a small forested area.

PROPOSAL

Planning permission is sought to convert the integral garage into a habitable room. This involves removing the existing garage door and replacing this with a single 1.5 metre uPVC window and made good with red bricks to match the existing dwelling. The existing wooden front door will also be replaced with composite door. Retrospective consent is also sought for replacement windows.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS9 Smaller Villages Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows

T1 Development and Sustainable Transport

National Planning Policy Framework

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; 13 – Protecting Green Belt Land; 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

SMD/2000/0716 – Two detached dwellings APPROVED 14/02/2000

SMD/2002/0679 – Erection of two dwellings APPROVED 24/12/2002

CONSULTATIONS

Publicity

Site Notice expiry date: 25/08/2022

Neighbour consultation period ends: 04/07/2022

Press Advert: 13/07/2022

Public Comments

None Received

Town / Parish Comments

Horton Parish council - No Objection

Staffordshire County Council Highways

The 4-bedroom property currently benefits from off highway parking (parking area and garage). The proposal is to convert the garage into a habitable room.

Staffordshire Moorlands Parking Standards state: Detached/semi-detached property of 4 or more bedrooms will require 3 spaces (2.4 x 4.8m each space) for residents

and visitors within the curtilage of the dwelling. The conversion of the garage will incur a reduction in available parking however, the current parking area within the front garden can accommodate parking for 3 vehicles therefore meets with Staffordshire moorlands Parking Standards.

It is considered the proposal will not have a detrimental impact on the adopted highway and therefore I have no objection to the proposal (application number SMD/2022/0099) subject to the following condition: The parking area for three vehicles within the front garden of Chestnut lodge shall be retained unobstructed as a parking area.

OFFICER COMMENTS

Principle of Development

LP Policy SS 9 states that development should enhance community vitality or meet a social or economic need of the settlement. The site is also located within the Green Belt. However, as no new building is being proposed there is no harm to the Green Belt.

An article 4(1) Order made on the 2nd March 2016 removes the permitted development right for development under Class A of Schedule 2 Part 1 of the GPDO (2015), when any part of the enlargement, improvement or alteration would front onto highways, waterways or open spaces only. This is of relevance to the assessment of the proposed garage conversion and retrospective changes by replacement of windows as it would meet the limits for PD, if it were available. As the proposed alteration fronts a highway the article 4(1) order is applied and planning permission must be obtained.

The main issue is therefore the degree of harm the proposed garage conversion and retrospective window replacement would have on the Conservation Area itself. The site is in an area of modern residential buildings. There are no heritage assets, within the vicinity of the site other than the Conservation Area itself. Therefore the development would not be causing harm to setting of any such heritage assets.

Design

LP Policy DC 1 states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD.

SMDC Design Guide (SPD) paragraph 5.1 states that the improvement or renovation of an existing property is generally preferable to redeveloping the site afresh. Paragraph 5.2 goes on to add that the aim of such alterations should be to revitalise the building without altering its fundamental character.

Section 12 Paragraph 130(c) of the NPPF states that development should be sympathetic to the character and history of the area, while not restricting change.

The proposed conversion of the garage will be an improvement to the existing building. Due to the previous replacement of windows, the proposed conversion of the garage and replacement front door will not fundamentally change the character of the existing building. The alteration will also not undermine the character of the area as it is within the setting of other modern residential buildings, not impacting upon any heritage assets.

Heritage – character and appearance of the Rudyard Conservation Area

As regards the Rudyard Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a statutory duty on the LPA in assessing planning applications in respect to any land or buildings in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In reaching its decision the LPA has to demonstrate that the Section 72 Duty has been applied and discharged. Section 72 (and Footnote 6 of para.11 of the NPPF) creates a strong presumption in favour of the preservation of Conservation Areas and their setting.

An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area and/or a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting, the surroundings in which a heritage asset is experienced.

Historic Environment Policy DC2 of the Local Plan is to give protection to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.

NPPF paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, “great weight should be given to the asset’s conservation”.

Paragraph 200 goes on to say that: “any harm or loss [to a heritage asset] should require clear and convincing justification.”

NPPF paragraph 202 states that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The character appraisal for the Rudyard Conservation area notes Rudyard as a largely Edwardian tourist resort, dominated by a man-made, early 19th century reservoir. It also notes the presence of a few larger 19th century villas. The application site is in a predominantly modern area of the Rudyard Conservation Area, with heritage assets in the vicinity, to which harm can be caused. The

changes, both proposed and retrospective, will not harm the setting of character of the conservation area, rather it would preserve its existing character.

Amenity

SMDC Space about dwellings (SPD) states that the distance between front elevations containing principles windows and between rear elevations, containing three or more bedrooms should be at least 22 metres

The proposal would not cause any implications for the amenity of the neighbours. The proposed window will not face any neighbouring property as the house faces out to a small wooded area. Similarly the retrospective windows are replacement of previous windows, and as such do not alter the amenity of the property or an neighbouring properties.

Highway Safety

LP Parking Guidance states that Class C3 (residential Dwellings) should have a number of car parking spaces sufficient for the type of residence. Up to three bedrooms, requires two spaces for residents and visitors within the curtilage of the dwelling. Four or more bedrooms requires three spaces.

The comments of County highways have been noted. The conversion of the garage is not seen to have any impact upon highway safety.

It is acknowledged that in response to the comments made by County Highways a revised plan (1364 A Simon Penaluna) was submitted which would alter the driveway to ensure that three cars can park comfortably on the driveway. This plan is not to be approved as it would altering or removal of the boundary wall of the property, having an adverse impact on the Conservation Area. A condition should be added to prevent the change to boundary wall.

CONCLUSION / PLANNING BALANCE

The proposed garage conversion, with replacement of the front door and retrospective replacement of windows is considered to be acceptable in terms of design, amenity, heritage and highway safety. The proposal is considered to preserve the character of the Conservation Area, and not adversely impact upon the greenbelt. It is therefore considered to be in accord with the relevant policies put forward in the Local Plan and NPPF. The application is therefore put forward for approval.

OFFICER RECOMMENDATION : Approval

Case Officer: Arne Swithenbank c/o Rachel Robinson
Recommendation Date: 16/09/2022

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council