

DELEGATED DECISION REPORT

SMD/2021/0702
Valid 01/11/2021

2 BREACH ROAD
BROWN EDGE

ERECTION OF A 2 - BEDROOM
BUNGALOW

(FULL - MINOR)

MAIN ISSUES

- Principle
- Design and Visual Impact
- Impact on residential amenity
- Amenity of future occupier
- Highways
- Drainage

DESCRIPTION OF SITE

The application site is a currently an unused parcel of land sitting at the junction of Breach Road and Leek Road. The plot is roughly rectangular in shape; it is very visually prominent from the public domain, it sits behind a drystone wall and is bounded on two sides by a pavement. Land levels slope downwards towards the northern boundary and frontage of number 2 Breach Road.

The site is located within the Brown Edge Village Development Boundary, within a well-established residential settlement. Property styles/designs/ages vary within the area. Two-storey dwellings of more modern appearance are located to the west. To the south, on the opposite side of Leek Road, are Heaton Villas, a row of terraced cottages, raised and set back from the road behind an array of planting and retaining walls. To the south-east is Poolfields Court, a simple development of mainly two-storey semi-detached dwellings in a cul-de-sac arrangement. Breach Road itself is set back from, and is lower in level to, Leek Road and was designed as the front of an estate (leading to Chestnut Road and Spring Crescent) with an open plan, green buffer entry, lined with trees. The trees to the south-east of the site along the green buffer have a blanket Tree Preservation Order upon them. This open plan estate entrance arrangement is replicated further to the south-east at the Greenfield Avenue entrance.

The site has been subjected to several applications for the erection of a single dwelling on the land. These applications have either been refused or withdrawn by the applicant.

PROPOSAL

Consent is sought for the erection of a 2 bedroomed bungalow. The plan shows a pitched roof bungalow orientated with its principal elevation facing towards the east (Breach Road). The dwelling is shown to be sited at right angles to Leek Road, it would have a broadly rectangular shaped footprint with small gable projection facing in the direction of Breach Road.

The bungalow proposes to measure 8.99m wide along the western boundary and 6.96m along the southern boundary. The proposed ridge height would range between 4.1m and 4.3m above ground level, the change being due to the sloping ground level. The bungalow would be set 2.9m away from the southern (Leek Road) boundary and 1.2m away from the western boundary. Land to the front of the bungalow near to the Leek Road/Breach Road junction is indicated to be used for parking 2 vehicles by the future occupants of the proposed bungalow these parking spaces would be accessed via existing vehicular access drive leading to 2 Breach Road, this would be shared and used by any future occupant of the proposed bungalow and no 2 Breach Road.

Compared with the previous refusal SMD/2019/0404 the main changes to the development are identified as follows:

Reduced ridge height
Relocation of parking spaces to front of dwelling.
Reduced length from 7.4m to 6.96m.
Increased width from 8m to 8.99m
Front door to be located on western elevation instead of southern.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan

SS1 Development Principles
SS 2 Settlement Hierarchy
DC1 Design Considerations
T1 Development and Sustainable Transport
SS 8 Larger Villages Areas Strategy
H 1 New Housing Development

Guidance

Staffordshire Moorlands Design Guide
Space About Dwellings.

National Planning Policy Framework

5:Delivering a sufficient supply of homes.
6: Building a strong, competitive economy.
9:Promoting sustainable transport.
11:Making effective use of land.

12: Achieving well-designed places.

Technical Housing Standards – Nationally Described Space Standard.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2014/0788 Outline planning permission with some matters reserved (except access) for a two storey house and garage with parking spaces and associated works. Refused.

SMD/2015/0411 Outline planning permission with some matters reserved (except access, layout and scale) for two storey dwelling and garage with parking spaces and associated works (resubmission of SMD/2014/0788). Refused.

APP/B3438/W/16/3142723 Appeal against refusal of SMD/2015/0411. Appeal dismissed.

SMD/2017/0697 Outline permission with matters reserved (except access, layout and scale) for dormer bungalow with two parking spaces. Withdrawn.

SMD/2018/0240 Outline permission with some matters reserved (exemption of access, layout & scale) - Resubmission scheme of SMD/2017/0697 providing single storey detached two bedroom bungalow. Refused.

SMD/2019/0101 Outline permission with some matters reserved (except access, layout and scale) for a single bedroom bungalow with 1-2 parking spaces and screen fence along existing stone boundary wall along Leek Road. Officer recommendation to committee was to refuse. Application withdrawn by applicant after publication of agenda and prior to the committee meeting.

SMD/2019/0404- Outline permission with some matters reserved (except access, layout and scale) for a single bedroom bungalow with 1-2 parking spaces and screen fence along existing stone boundary wall along Leek Road.- Refused.

CONSULTATIONS

Publicity

Site Notice expiry date: 04.01.22

Neighbour consultation period ends: 14.12.21

Press Advert: N/A

Public Comments

6 letters of representation have been received with the following objections:

- Loss of light and privacy to neighbours
- Highway safety

- Path is dangerous
- Site and junction are not big enough for the proposed dwelling
- Disruption during construction
- Tree had been removed to make space for development

Town / Parish Comments

Objects to the development for the following reasons

- Lack of parking
- Visibility is restricted
- Narrowing footpath is dangerous to pedestrians
- Property would be cramped and harmful to no 2 and 4 Breach Road

Alliance waster

No issues regarding waste collections

Staffordshire County Council Highways

No objections subject to conditions and queried what is happening to access at no 4.

Severn Trent Waters

No objections

Environmental Health.

No objections subject to conditions.

OFFICER COMMENTS

Principle of Development

The application property is located within the development boundary for Brown Edge. The Local Plan identifies Brown Edge as a larger village. Policy 8 states that these settlements shall retain and enhance their role as rural service centres, providing for the bulk of the housing requirement of the rural areas and also for employment needs of a scale and type appropriate to each settlement having regard to infrastructure capacity and character. This application is for a single dwelling and therefore the affordable housing/tenure requirements are not triggered in accordance with the requirements of Core Strategy policy H2.

The site is within an identified settlement boundary and previous applications (including a dismissed appeal, discussed later in the report) have accepted that it is within a sustainable location. Therefore, the principle of the development is accepted subject to an assessment against the other material considerations such as impact on visual amenity, impact on neighbour amenity, amenity of future occupier and highway safety.

Impact on Visual Amenity

Core Strategy policy H1 'New Housing Development' states that 'all development will be assessed according to the extent to which it provides for high quality, sustainable housing' and having regard to the location of the development and the characteristics of the site.

Policy DC1 requires that all developments shall be well designed and reinforce local distinctiveness by positively contributing to, and complementing the character and heritage of, an area. Development should be of a high quality, adding to the value of a local area, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscape, character and appearance.

Paragraph 126 of the NPPF places an emphasis on the importance of design and that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Consideration must be given to the way in which the new dwelling and any open space is provided and how the dwelling is situated and orientated in relation to surrounding buildings and spaces. Consideration must also be given to the dimensions of the proposed bungalow and the resultant impact of the building in relation to its surroundings.

The site originally formed part of a larger domestic curtilage resulting from the original, planned layout of Breach Road; the character of which is terraced and semi-detached dwellings fronting the highway across their respective front gardens/parking areas. This area of green space is considered to contribute to the character of the area. The proposed dwelling would be siting on the corner of Breach Road and Leek Road and the principle elevation proposes to face Breach Road.

There is an identifiable building line along Breach Road and the placement of a dwelling in the location identified would significantly undermine the design of the estate and the openness of the area at this point, which was achieved by setting the estate back from the road and behind open space. As such it is considered that the proposed development would appear visually intrusive and an incongruous form of development within the street scene when viewed in context with Breach Road.

The newer houses to the west and south-east are seen as separate developments to the Breach Road properties and the new dwelling would turn its back on the properties to the west. The side elevation of the bungalow would face Leek Road where as all of the properties along this section of Leek Road have front/principle elevations that face Leek Road. In addition to the concerns regarding its orientation the closest adjacent dwellings are two storeys whereas the proposed dwelling is a bungalow. Therefore, the erection of a bungalow would be at odds with its surroundings.

As such it is considered that due to the location of the plot forwards of the Breach Road building line and its orientation and size being at odds with the Leek Road dwellings the development be seen as an out of context continuation of the Breach Road estate and oddly orientated in relation to the Leek Road dwellings.

Despite the reduced footprint and ridge height it is still considered that the development would appear cramped as the site is not it large enough to accommodate a dwelling with suitable external amenity space.

The proposed bungalow is considered to be modestly size, and its simple design does not raise any concerns.

Impact on Residential Amenity

Policy DC1 requires development to protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution;

The neighbours with the most potential to be affected by the proposed development are no 2 and no 4 Breach Road.

The presence of a dwelling directly in front of the principal windows of 2 Breach Road measuring at between 4.1 and 4.3m expanding 6.8m is considered to be unacceptable. The development would create an intrusive, overbearing, unneighbourly form of development that would bring the comings and goings of everyday life closer to the front door and windows of not only number 2 but also number 4 Breach Road by reason of a closely located and unconventional relationships of the plots. The SMD/2018/0240 application was refused for a reason including 'intrusive, overbearing and unneighbourly relationship with numbers 2 and 4 Breach Road,' resulting in 'a detrimental impact upon their residential amenity.' This decision was reached based on a dwelling with a 4.0m ridge height. Similar to the most recent refusal the plans now show a dwelling with an increased ridge height (4.1m -4.3m) therefore not addressing the previous reason for refusal.

It is noted that the two-storey dwelling to the side of the site (west) will not have its current level of amenity compromised due to the application site being lower in level. There would be no impact upon the Heaton Villas terrace across the road due to the separation distance (intervening road) and the fact that these dwellings are at a higher level.

Impact on amenity of future occupier

The Space About Dwellings guidance states that development must provide privacy for existing and future residents and the protection of their amenities to enable reasonable enjoyment of their residence and garden with a degree of freedom from unwanted social contact.

The dwelling would have its own off-road parking area to the front of the dwelling within the external amenity space. The rear wall of the bungalow would be sited only 1.2m away from the western boundary. A 1.2m strip of land would separate the northern site boundary and the northern facing side gable wall and a gap of approximately 2.6m would separate the Leek Road facing stone boundary wall with the southern elevation of the dwelling.

The proposed bungalow has reduced in length, so the land to the front has increased by approximately 0.4m. The guidance also considers that private garden space need not be to at the rear but must be secluded from overlooking other than by immediate neighbours.

The stone wall between the development site and Leek Road would remain in place with a fence located to its rear and within the application site. The fact remains that the main area of amenity space is to the front of the house, the part of the plot which is near to the junction of Breach Road and Leek Road which would be easily overlooked from the public domain, resulting in an unacceptable level of intrusion into what should be private amenity space.

The location of the plot and its surroundings ultimately means that it is not possible to position a dwelling on this site which would have a satisfactory level of private amenity space.

The guidance also requires that for two-bedroom dwellings at least 65sqm of private garden space is required. The proposed development would fall well below this and therefore the development would fail to provide sufficient private amenity space for the future occupier of the dwelling.

The development shows two windows facing the wall (Leek Road). This wall is proposed to be retained. The first of the two windows is a secondary window serving the living room and therefore the loss of light/outlook would not warrant refusal. However, the second window on this elevation serves a bedroom. The window would be 2.6m from this stone boundary wall and fence. As such the development also conflicts with the 'Site Boundary or Solid Obstructions' standards within the 'Space About Dwellings' SPG. In the case of this application the standard requires a 6.0m separation distance between a principal window and any site boundary or solid obstruction which is higher than the top of the window, this standard is in place to secure satisfactory outlook and daylight into principal living spaces; the standard cannot be met with any windows within the north, south or western facing elevations.

Consideration is given to the Technical Housing Standards – Nationally Described Space Standard (Department for Communities and Local Government-DCLG). There are a number of technical requirements set out within the DCLG document which must be complied with. This application is for a detached two-bedroom bungalow where, internal floor area of a dwelling should be 61sqm for a 3 person dwelling and 70sqm for a 4 person dwelling. The proposed plans do not indicate the numbers of persons but the internal floor area measures at less than 61sqm.

Considering the above it is considered that for a number of reasons the development would fail to provide an acceptable standard of amenity of the future occupants.

Highway Safety

The NPPF and Core Strategy policies DC1 and T1 require that all development proposals secure safe and suitable access to a site whilst making a contribution towards meeting parking requirements and ensuring that all new development can be satisfactorily accommodated within the highway network. Development should be located within areas that are accessible by sustainable travel modes.

It is clear that the application site is located within a sustainable area. The scheme proposes the shared use of the current vehicular access to number 2 Breach Road. The highway authority have queried what is proposed to happen to the access at number 4 as it not indicated on the proposed plans. As the land is not included in the red edge it is concluded that this access will be unaffected by the development. As such the highway authority have no objection to the development subject to conditions relating to the widening of the footway and the surfacing of the access and parking before the development is brought into use.

Drainage

The application form states that a connection would be made to the existing foul drainage system and surface water would be drained to the main sewer. Severn Trent Water (STW) have commented on the scheme, confirming that they do not have any objections to the application. Severn Trent request that a drainage condition to secure details foul and surface water flows is imposed, they also state that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. In the event of planning permission being approved the applicant/developer is strongly advised to contact Severn Trent Water to discuss the proposals at the earliest opportunity.

CONCLUSION / PLANNING BALANCE

The LPA can demonstrate 3.71 years housing supply as of 1 April 2022.

The NPPF paragraph 11 d sets out where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

ii.any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is acknowledged that approval of the application would result in a small contribution towards housing land requirements at a time when the council cannot demonstrate a 5-year supply of deliverable housing land.

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Notwithstanding its settlement boundary location, it is considered that the provision of a single dwelling (very minor contribution towards the 5 year land supply) would not outweigh the resultant adverse impacts of the development as outlined within the report. The revised scheme has not satisfactorily addressed the reasons for refusing the previous applications and the harm that would occur would significantly and demonstrably outweigh the limited benefits.

OFFICER RECOMMENDATION : Refusal

Case Officer: Rebecca Bowers

Recommendation Date: 20.01.2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council