DELEGATED DECISION REPORT

SMD/2023/0390 **Valid 01/08/2023**	**MEADOW VIEW WELL LANE** **GILLOW HEATH**	**VARIATION OF CONDITIONS 2 & 5 OF SMD/2022/0121. (TO PROVIDE FOR AMENDMENTS TO THE EXTERIOR OF THE DWELLING)** **(FULL - MINOR)**

MAIN ISSUES
Impact on the character and appearance of the area and the amenity/living conditions of neighbour's.

DESCRIPTION OF SITE
The garden to the side of the applicant's dormer bungalow. The garden forms a 'gap' for development between the applicant's property 'Meadow View' and that of the neighbour at 19 Well Lane.

The site and the dwellings are within Gillow Heath, a well-established suburb of Biddulph.

PROPOSAL
To substitute plans approved under the terms of the existing planning permission with new revised plans that show (further revised plans were submitted on 26th Sep):

- Steps down to basement removed from front garden and provided at rear
- Two new roof lights in front elevation
- One Cabrio rooflight at rear elevation
- Proposed double doors in lieu of fixed screen at rear
- Side window to door omitted at rear
- New balustrade to edge of staircase opening at rear
- New rooflight in side north east facing side elevation

An application made under s73 of the Act seeking a differing/alternative planning permission with varied conditions to regularise the revision described above.
The time limits attached to the existing permission required a start of works within 2 years of the last approval of reserved matters. The reserved matters approval was granted on the 13th Dec 2018. A s.73 application cannot renew time limits relative to the start of works. However, in this case the applicant has provided Building Inspector evidence, and it does appear as though there was a start of works within the requisite period with excavations relevant to the development being carried out.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)
S01 Spatial Objectives
SS1 Development Principles
SS6 Biddulph Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
SMD/2016/0187 Outline permission for erection of dwelling. Approved.
SMD/2018/0557 Approval of reserved maters re erection of dwelling. Approved.
DOC/2020/0060 Discharge of Outline conditions 5 &6 and REM 3 & 6. Approved.
DOC/2021/0092 Discharge of REM condition 4 (structural survey). Approved.
SMD/2022/0121 Varied plans to make alterations to basement. Approved.

CONSULTATIONS

Publicity
Site Notice expiry date: 18/09/2023
Neighbour consultation period ends: 18/09/2023
Press Advert: N/A

Public Comments
One objection from the adjacent neighbour. *the application states that this is not part of a "agricultural holding". This is incorrect as the application is both on agricultural land and in Green Belt. These plans extend the building over the property boundary and into agricultural land which the applicant has brought but not sought permission to change from agricultural to residential, Therefore does not have permission to use as part of his residential property which he is clearly trying to do.*

Town / Parish Comments
Biddulph Town Council: Awaited

OFFICER COMMENTS
Planning permission has been granted (SMD/2016/0187 Outline and SMD/2018/0557 REM) for a dormer style bungalow to be erected with an excavated subterranean basement on the garden land to the side of the applicant's dwelling Meadow View on Well Lane, Gillow Heath. The garden forms a gap between the side elevation of Meadow View and the neighbour's property 19 Well Lane. A differing permission was granted SMD/2022/0121 to make alterations to the arrangement of basement.

This application proposes relatively minor alterations to the exterior of the partially constructed dwelling.

The changes to the development would be mainly to the rear of the property and not visible from neighbouring or public vantage there would be no new impacts on the character and appearance of the area.

Impact on amenity of neighbours
The adjacent neighbour has not raised any issue or concern with regards to potential overlooking or loss of privacy.

With regards to the cabrio, the revised plan submitted on 26th September, reduce the number to just one. The currently approved standard centre pivot velux rooflights are set considerably lower than the rest with a cill height of 800mm from floor level. So once they are opened up occupants would be able to stand in the same location as with the cabrio and look over the boundary if they were inclined to do so. A 45 degree line from the window to the boundary is nearly 8000mm to the legal boundary. Due to the shallow depth of the neighbouring garden, the vegetation and cluster of outbuildings on the neighbouring land currently, would also reduce any overlooking to a minimum.

The small roof light introduced to the side facing roof plan of the front projecting gable would only face to the gable end and roof of the adjacent dwelling it would not introduce the overlooking of the neighbour's property or a line of site into any of their windows.

Other Considerations
The neighbouring objector claims the application is both on agricultural land and in Green Belt. This application does not seek to vary the application site plan and with the approval of the principal permission the matter is settled. The boundary line on site is set out to run inline with those of the neighbours on either side.

CONCLUSION / PLANNING BALANCE
The revised plans do not raise any new planning harms or considerations that have not been addressed with the determination of previous applications.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 25/09/2023

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council