

PLANNING STATEMENT

**22 JASMINE CLOSE
BLYTHE BRIDGE**

DECEMBER 2023

Site Address:

The 22 Jasmine Close, Blythe Bridge, Staffordshire, ST11 9RS

Applicants:

Mr. & Mrs. Olphin

Proposal:

Removal of Condition 4 of SMD/2022/0371
(Conversion of residential annex to dwellinghouse)

Planning Statement:

Date Issued: 4th December 2023

Job Reference: RDP/2023/089

Report Prepared By:

Rob Duncan BSc(Hons) MA MRTPI
Rob Duncan Planning Consultancy Ltd

Contact Details:

Rob Duncan Planning Consultancy Ltd.
28 Ferndale Road, Lichfield, Staffordshire, WS13 7DJ
Email: rob78duncan@gmail.com
Tel. 07779 783521

1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. & Mrs. Olphin to seek planning permission to remove Condition 4 of SMD/2023/0371 which granted consent for the conversion of a residential annex to a dwellinghouse at 22 Jasmine Close, Blythe Bridge.

1.2 Condition 4 of SMD/2023/0371 reads as follows:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, AA, B, C, D, E and/or Part 20 'Construction of New Dwellinghouses', other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

1.3 The stated reason for imposing the condition reads as follows:

“To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area as well as the design of the dwelling and potential neighbour amenity impact”

1.4 This document sets out the applicants case for Condition 4 of SMD/2022/0371 to be removed as it is considered to fail the tests of necessity and reasonableness, as set out in paragraph 56 of the NPPF.

2 Site & Surroundings

- 2.1 The application site comprises a broadly triangular shaped parcel of land that lies within the defined settlement boundary of Blythe Bridge. The site lies to the southeast of no.22 Jasmine Close.
- 2.2 A cluster of single storey, flat roofed garages are located to the south/southwest of the site, beyond which lie two storey dwellinghouses that front onto the eastern side of Jasmine Close. Further residential development lies to the west of the site, separated by Public Footpath Forsbrook 5(a) which provides a means of pedestrian access through to Blythe Bridge railway station.
- 2.3 The existing annex building that was approved for change of use to an independent dwellinghouse under the application is a single storey structure with a pitched tiled roof, and is surrounded to its north, east and west by its approved domestic curtilage. A row of mature trees is located to the north, beyond which lies which lies the River Blythe.

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan taking into consideration any relevant material considerations. The Development Plan for this area comprises the Staffordshire Moorlands Local Plan (2020) of which the following policies are considered to be of relevance to the determination of the application:

3.2 Policy DC1 of the Local Plan relates to 'Design Considerations' and states that new development should (amongst other requirements):

- be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area
- be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance
- 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

4 Other Material Considerations

National Planning Policy Framework

- 4.1 The National Planning Policy Framework seeks to secure the delivery of sustainable development, and sets out guidance, *inter-alia*, in respect of the imposition of planning conditions.

- 4.2 Paragraph 56 of the NPPF is of particular relevance, and states that:

“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification”

- 4.3 The provisions of the NPPF have been taken into consideration in the preparation of this application as a material consideration.

Planning Practice Guidance – Imposition of Conditions

- 4.4 The Planning Practice Guidance provides guidance on the imposition of planning conditions including circumstances where conditions should not be imposed. The content of the Planning Practice Guidance has been taken into consideration in the preparation of this application as a material consideration.

5 Planning Assessment

5.1 The application proposes the removal of Condition 4 of SMD/2023/0371 which serves to remove permitted development rights for extensions and alterations to the approved dwellinghouse. The approved development encompasses the conversion of an existing residential annex on the site to a detached dwellinghouse, occupying a gross internal floor area of 52 square metres and comprising of an open plan kitchen / dining / living area, a study, shower room, and ensuite double bedroom. An area of private amenity space was approved to the north and east of the dwelling, with vehicular access taken via a new driveway connecting with Jasmine Close to the west.

5.2 The Local Authority resolved to grant planning permission for the development, concluding as follows in respect of the principle of development:

“Local Plan policy SS8 identifies Blythe Bridge as a ‘Larger Village’ within the Staffordshire Moorlands. Within the larger villages there is support in principle for a range of developments including housing related proposals. Whilst there are no ‘in principle’ objections to the application, all material planning considerations must be satisfied for the scheme to be supported”

5.3 The Local Authority went on to conclude that the design and visual impact of the development was acceptable, commenting as follows:

“There are no design concerns with the scheme. This is a simple application for the use of an annex for independent living

accommodation with no proposed internal nor external alterations” (our emphasis)

*“Whilst there are no proposed alterations to the building itself, there will be some visual impact change by the construction of boundary walls and fences. Whilst the new boundaries might be seen from the roadside **they will not form a visually prominent part of the street scene and in any case will be simple in their appearance” (our emphasis)***

- 5.4 In respect of residential amenity considerations, the Local Authority concluded as follows:

*“The floor plans of the annex show all necessary accommodation. **The grounds of number 22 are large and its proposed partition leaves sufficient space for both the occupants of the original dwelling and those within the annex building.** The resultant garden areas would **more than comply with the garden standards set out within the adopted SPG** and offer respective occupants useable and private amenity space”.*

*“**There are no overlooking or overbearing issues in respect of neighbouring dwellings.** Number 22 Jasmine Close is positioned at an angle to the proposed new dwelling and closer to the road. **There are no direct facing window relationships.** Use of the vehicular access will increase however movements are not expected to be excessive as the new dwelling will be 1-2 bedrooms only and parking is shown for 2 vehicles. Number 22 does not have any principle windows close to the new driveway*

but even if it did, the relationship is not so significantly harmful so as to warrant refusal". (our emphasis)

5.5 Despite these conclusions, the Local Authority went on to impose a planning condition removing Permitted Development Rights. We submit that this condition is unnecessary and unreasonable and consequently fails the tests for conditions as set out within paragraph 56 of the NPPF.

5.6 The condition removes all of the following Permitted Development Rights as conveyed by Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

- Class A – Enlargement, improvement or other alteration of a dwelling
- Class AA – Upward extensions to a dwellinghouse
- Class B – Additions to the roof of a dwellinghouse
- Class C – Other alterations to the roof of a dwellinghouse
- Class D – Porches
- Class E – Erection of outbuildings

5.7 In terms of Class A alterations, because the principal elevation of the dwelling faces northeastwards, looking out over the large area of private amenity space, there would only be limited extensions / alterations that could be undertaken under this class, including:

- Construction of a single storey side extension off the southeastern elevation of the building.
- External alterations, such as introduction of new openings.

- 5.8 Such alterations would not materially harm the character and appearance of the surrounding area, nor the amenity of neighbouring occupiers. The removal of these particular PD rights is therefore unnecessary. If there are concerns about potential for overlooking of the neighbouring property to the south, an alternative condition could be imposed to preclude the insertion of any new openings in the southern elevation of the building unless fitted with obscure glazing.
- 5.9 The dwelling would not benefit from Class AA PD Rights on account of the dwellinghouse having been constructed post 28th October 2018 (Criterion AA.1(c) refers), so removing such PD rights is unnecessary.
- 5.10 The pitch of the existing roof is too shallow to permit any meaningful dormer windows to be introduced (Class B refers) and whilst there would be scope for the insertion of rooflights (Class C refers) any such development would not have any material harm to the character and appearance of the surrounding area or the amenity of neighbouring occupiers. There are already existing rooflights in the southern roof slope. The removal of these particular PD rights is therefore unnecessary.
- 5.11 A small porch could be constructed on the front elevation (Class D) but given the presence of the existing dwelling and the existing property of 22 Jasmine Close to the northeast, such an extension would not have any material adverse harm to the character of the area, nor would it impact on any neighbouring properties. The removal of such PD rights is therefore unnecessary.
- 5.12 The scope for the erection of outbuildings (Class E) is also heavily constrained by the location of the amenity space in relation to the principal elevation, and would only allow for a modest 2.5m high outbuilding to the southeast of the

existing dwelling. Such an outbuilding would not detract from the character and appearance of the surrounding area, or give rise to harm to neighbouring amenity. The removal of such PD rights is therefore unnecessary.

- 5.13 The removal of permitted development rights pursuant to Schedule 2, Part 20 of the Order is also considered wholly unnecessary and unreasonable since the approved development would not qualify for the provisions set out under that part of the Order, as discussed below:
- 5.14 Schedule 2, Part 20, Class ZA relates to the demolition of blocks of flats or buildings used as offices, research and development or industrial uses, none of which are relevant to the approved development.
- 5.15 Schedule 2, Part 20, Class A relates to development involving the construction of additional storeys above a block of flats so is not relevant to the approved development.
- 5.16 Schedule 2, Part 20, Class AA relates to development involving the construction of additional storeys above buildings in commercial or mixed use, so is not relevant to the approved development.
- 5.17 Schedule 2, Part 20, Class AR relates to development consisting of the erection of new dwellings above an existing terrace in commercial or mixed use, so likewise is not relevant to the approved development.
- 5.18 Schedule 2, Part 20, Class AC relates to development consisting of the erection of new dwellings above a terraced building, and therefore is not relevant to the approved development, since this is a detached dwellinghouse.
- 5.19 Schedule 2, Part 20, Class AD allows for the construction of new dwellinghouses above existing dwellinghouses subject to prior approval, but
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the dwelling on this site is unlikely to qualify for such rights as it did not comprise a dwellinghouse on 5th March 2018 (Criterion AD.1(b) refers).

5.20 Even if one were to conclude that the building was in C3 use as of the 5th March 2018 (on account of it comprising a residential annex) any such permitted development would be subject to the prior approval process which permits the Local Authority to consider a number of planning issues, including the **external appearance of the building** and the **impact of the development on neighbouring amenity**. Consequently, the Local Authority would still be able to “control the development and so safeguard the character and visual amenities of the area as well as the design of the dwelling and potential neighbour amenity impact” via the prior approval process. The removal of such PD rights is therefore unnecessary.

5.21 The Planning Practice Guidance confirms that:

“Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. (our emphasis)”

5.22 The current wording of Condition 4 of SMD/2022/0371 constitutes a blanket removal of freedoms to carry out small scale domestic extensions that would

otherwise not require an application for planning permission. It is therefore in direct conflict with the advice set out in the Planning Practice Guidance.

- 5.23 As demonstrated above there is only limited scope for further alterations / extensions to be carried on this site as Permitted Development and it is submitted that any such development would not give rise to any material harm to the character and appearance of the surrounding area or the amenity of neighbouring occupiers. The condition is consequently concluded to fail the tests of necessity and reasonableness, and thus conflicts with the provisions of paragraph 56 of the National Planning Policy Framework.

6 Conclusion

- 6.1 Paragraph 56 of the NPPF is clear that conditions must only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 6.2 In this particular case the wording of Condition 4 of SMD/2022/0371 constitutes a blanket removal of freedoms to carry out small scale domestic extensions that would otherwise not require an application for planning permission. It is therefore in direct conflict with the advice set out in the Planning Practice Guidance. The condition is not necessary to make the approved development acceptable in planning terms, nor is it reasonable. There is consequently a compelling case for the condition to be removed, as no conflict with policy DC1 of the Local Plan would arise.
- 6.3 If the Local Authority were to conclude that some potential harm to residential amenity might arise as a consequence of the insertion of new openings pursuant to Schedule 2, Part 1, Class A of the Order, the applicants would be agreeable to the imposition of a condition specifically precluding the insertion of any new openings into the southern elevation of the building.