

DELEGATED DECISION REPORT

SMD/2023/0654
Valid 05/01/2024

10 BLACKBIRD WAY
BIDDULPH

RETROSPECTIVE PLANNING
PERMISSION FOR
CONSERVATORY

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design
- Amenity

DESCRIPTION OF SITE

The site is a detached two storey red brick dwelling with a dual pitched roof, which is concrete tile. The site has a rosewood colour uPVC conservatory at the rear, for which this retrospective application is for. The site is in a suburban setting, and dates from the late 20th Century.

PROPOSAL

the proposal is for retrospective planning permission for a conservatory which is at the rear of the property. The conservatory extends 3.25 metres from the rear elevation, and is 3.41 metres wide, and 3.28 metres to the roof ridge. The conservatory is also recessed from the corner of the property.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
DC1 Design Considerations
T1 Development and Sustainable Transport
SS6 Biddulph Area Strategy

National Planning Policy Framework

Paragraph(s) 1 -14, 47, 131, 135.
Section(s) 4 – Decision making, 12 – Achieving well designed and beautiful places.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Design Principles for Development in the Staffordshire Moorlands
- Staffordshire Moorlands Design Guide SPD

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- SMD/1983/0243 (OLD REFERENCE 83/11919/OLDDC) DESCRIPTION: Site for residential development. DECISION: APPROVED
- SMD/1986/0058 (OLD REFERENCE 86/00467/OLDDC) DESCRIPTION: renewal of permission for residential development (outline). DECISION: APPROVED
- SMD/2018/0680 DESCRIPTION: Certificate of Lawfulness for a proposed garage door converted to brick and window and internal alterations. DECISION: Lawful - Cert of Lawful Use

CONSULTATIONS

Publicity

Site Notice expiry date: 05/02/2024
Neighbour consultation period ends: 31/01/2024
Press Advert: N/A

Public Comments

No comments received.

Town / Parish Comments

No comments received.

Staffordshire County Council Highways

No comments received.

OFFICER COMMENTS

Principle of Development

In accordance with Policies SS1 and SS2 of the Staffordshire Moorlands Local Plan the Council expects all new development to make a positive contribution towards the sustainability of communities and to protect and where possible enhance the environment.

The applicant has provided evidence that the conservatory has been in situ since at least the 13th April 2017, when he bought the property, as the photos from the listing show the conservatory. Historic aerial photos show the conservatory was in situ in 2011, but not in 2006, meaning the conservatory is between 13 and 18 years old. This makes the development exempt from Planning Enforcement action as the development has been there for over 4 years. The surpassing of the 4 year time limit has made the development lawful.

On another note, the conservatory would most likely be Permitted Development as it is less than 4 metres in height and length, and more than 2 metres from any boundary. There is wooden decking to the southeast of the proposal which would constitute a raised platform, which would disqualify the proposal from being PD, however it is impossible to ascertain whether this was added at the same time as the conservatory.

Design

SMDC Policy DC1 requires development to be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area; and 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, character and appearance.

Staffordshire Moorlands District Council's Design Guide SPD outlines the Council's expectations in respect of design and states that extensions should harmonise with the parent building. For a development to be considered appropriate in terms of its size and massing, the Council would universally expect to see extensions subordinate to the dominance of the original building.

The design of the conservatory is typical for a modern conservatory. The colour of the uPVC matches that of the windows, doors and rainwater goods of the existing house and surrounding properties, and so is in keeping with the property and surrounding area.

Amenity

Paragraph 135 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy DC1 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The site is bounded by Nos. 8 and 12 Blackbird Way to either side. The property backs on to a dense wooded area known as Coppice Woods, Biddulph, which has a Tree Preservation Order number SM 95 (1992). The TPO means that the neighbours to the rear, No. 17 Chaffinch Drive are not be affected as a result of overlooking, privacy, or overshadowing, as the protected trees provide thick screening.

Nos. 8 and 12 would also not be affected due to the fact they are both angled slightly away from the proposal, and the fact the proposal is at ground level and does not have an overlooking vantage point over the neighbours.

The conservatory is sufficiently far from both sound boundaries to avoid any overshadowing of principal windows in the rear elevations of the neighbours. The proposal therefore conforms with Policy and is acceptable.

Highway Safety

Paragraph 104 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy T1 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking.

The proposal has not removed parking, nor has it added additional bedrooms to the property. Therefore there is no impact on highway safety or the SMDC parking standards and the proposal is compliant with Policy T1.

Other Matters

There is a restrictive covenant attached to this property, which states that no development shall take place without the prior approval of the local authority. This is not a planning consideration and has no bearing on this application as it is a civil matter and private contract.

CONCLUSION / PLANNING BALANCE

On balance, the proposal is recommended for approval firstly, having regard to the fallback position due to the fact that it has been in situ for at least 13 years, and therefore lawful development, and would most likely have met the parameters for permitted development in the first place. Secondly, notwithstanding this, the conservatory is found to be acceptable in design and amenity terms and complies with the relevant LP policies.

OFFICER RECOMMENDATION : Approve

Case Officer: Reuben Berriman

Recommendation Date: 05/02/2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council