DELEGATED DECISION REPORT

NMA/2023/0024 **Valid 22/09/2023**	**ROSEHILL NABB LANE** **ALTON**	**APPLICATION FOR A NON-MATERIAL AMENDMENT IN RELATION TO APPLICATION SMD/2020/0656.** **(NON MATERIAL AMENDMENTS)**

MAIN ISSUES

The impact on the character and appearance of the area.
The impact on the residential amenities of the area.

DESCRIPTION OF SITE

The site lies a short distance to the south of Alton village and comprises part of the front garden area of a large residential property which lies on the north-east side of Nabb Lane fields on the north side of Tenford Lane on the northern edge of Upper Tean village. The site comprises the access off Nabb Lane, an existing detached garage building and an area to the front of it and to the south-east side up to the site boundary. The property includes a field to the north-east of the site which stretches up to Denstone Lane, marking the built-up boundary of the village. There is a neighbouring dwelling to the north, off Nabb Lane. The land to the east of the property and to the west to the other side of Nabb Lane, is open. There is another dwelling, which listed, a short distance to the south of the property and which lies immediately to the other side of Nabb Lane.

PROPOSAL

This is a Non Material Amendment application which seeks to make changes to the proposed development approved under planning permission SMD/2020/0656 for the conversion of the existing double garage into a holiday let and the provision of another single-storey holiday let unit next to it. The changes are described by the applicant's agent, as follows:

-Revisions to the pathway providing access to the front elevation of the holiday lodge, moving it from the northwest side of the building to the southeast side.

-Installation of stairs and entrance platform to address pre-existing levels changes across the site.

-Infilling of area beneath the original canopy overhang to provide an enlarged kitchen / dining area.

-Installation of flue to serve log burner within the building.

The agent also states:

"The general position of the building within the site and its orientation remains unaltered from that which was previously approved, and the overall scale, height and general design of the building is unchanged, save for the minor revisions set out above."

Despite this, the new site plan submitted shows that the proposed new holiday let unit has been moved 1.4m away from the south-east boundary, closer to the detached garage. The approved site plan, as referred in the Decision Notice for the planning permission, is 0101 Revision 0.4, where the NMA application forms state incorrectly that this is 0101 Revision 0.1.

Furthermore, the elevation drawings of the proposed unit, submitted with the NMA, show higher finished floor levels (FFL) than that shown in the previously approved elevations drawing (correctly referred in the NMA application forms as 0201). Whilst the approved drawings show the FFL to be 150mm above a flat ground level, the proposed drawing shows the FFL to be 450mm above the ground on the side facing the hedge (the nearest property boundary where the building will be most visible), a 300mm difference. At the "front" of the unit, the FFL is shown on the NMA drawings as being between 200mm and 300mm above ground level, a difference of between 50mm and 150mm.

When questioned about this, the agent responded as follows:

"The existing ground levels on the site slope down in a broadly northeasterly direction. The applicant has made no changes to those levels. The issue stems from the originally submitted plans which showed the site as being flat, whereas the applicant has since noticed, during the build phase, that the land actually slopes, so the plans have been revised to reflect those pre-existing levels."

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorlands Local Plan (adopted September 2020)

DC1 – Design Considerations

NPPF (Revised July 2021)

Sections 12 (Design).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2020/0656: Full planning permission for two holiday let units.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

Letters of objection have been received from two nearby residential properties. The points raised are as follows:

-Moving the access pathway to the southeast side of the lodge will be potentially dangerous when farm machinery is being used in the adjacent field as the lodge is so close to the boundary. The boundary hedge is maintained at a height of 1.5 metres, the average adult is between 1.62m and 1.75m tall. Flying debris caused by mowing, silaging, hay-making, hedge cutting and even general grass maintenance can cause serious injury and damage.
-People on the entrance platform will be visible from a footpath.
-Flue out of keeping with historic setting and would be a danger to the timber structure.
-Original entrance safer and more convenient for occupants
-Floorspace increased by filling out approved canopy area.
-The ground has been built up resulting in landscape impact
-Further impact on listed building and Conservation Officer should be consulted.

Photographs have been provided by the objectors which show the building constructed to ridge height.

OFFICER COMMENTS

The Planning Practice Guidance states:

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

Paragraph: 002 Reference ID: 17a-002-20140306

Revision date: 06 03 2014

The approved drawings were for a new holiday let unit with a finished floor level of 150mm above the ground. When commencing works, the ground was not found to be entirely flat but there is a gradual slope and the amendment includes building the unit up to 450mm above the ground to the south-east (the direction of the boundary hedge) and 900mm to the north-west, where the current brick garage is located. As a result the roof ridge is approx. 300mm higher above the ground around the SW boundary hedge than what was approved. However, I do not consider this would cause harm to the landscape or the character and appearance of the area and would not be material in the overall context of the scheme. The unit is also moved 1.4m away from the hedge boundary, closer to the garage building. The conditions

attached to the planning permission also require a 3m hedge to be planted on this boundary. As the unit will now be approx. 3.8m above the ground around the hedge and moved 4.7m away from it, only the roof would be visible above the hedge when viewed from the land to the south. It is also considered this change would not lead to any additional impact on the setting of the nearest listed building, as this is approx. 60m away to the south and separated from the site by a large front garden with several large trees and is also on the other side of the road. There remains no visual connection between the listed building and the holiday let units. The Planning Practice Guidance says that "local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity are unlikely to be to be necessary." For this reason, the Conservation Officer has not been consulted. The new-build unit also remains well screened from the road due to the level of vegetation screening. On this basis the changes are not found to be material.

Installation of stairs and entrance platform to address pre-existing levels changes across the site, resulting in the entrance being moved from the SW to the NE elevations also result in no harm and are not considered to be material. The sitting out area would be further from the dwelling to the south than that approved and no closer to the dwelling to the north (the new-build is in any case screened from the property to the north by the presence of the existing brick garage building). The path has been moved to the SE elevation facing the fields. The path is not raised until it reaches steps up to the raised platform. Any glimpses of people standing on the raised platform is not going to result in any material impact on residential amenity.

Those works, together with the infilling of the area beneath the original canopy overhang to provide an enlarged kitchen / dining area or the installation of flue to serve log burner within the building would also not harm or have any material impact on either the appearance of the building or the surrounding area due to the level of screening around the site.

With regard to the letters of objection, one of the points raised was that moving the access pathway to the southeast side of the lodge will be potentially dangerous when farm machinery is being used in the adjacent field as the lodge is so close to the boundary and also that the original entrance was safer and more convenient for occupants. However, a new hedge with a height of 3m is to be provided next to the existing hedge within the property, as required by a planning condition. In any case, these points are related to the health and safety and convenience of the holiday let guests and are not material planning considerations to be taken into account in determining the application. Furthermore, it is not unusual for field hedges to be in close proximity to roads and footpaths and ultimately it is the responsibility of the site operator to ensure that guests are safe.

With regard to the points raised that guests on the entrance platform will be visible from a footpath, I do not consider this would amount to a material impact on the amenities of nearby residents or the public at large using the paths given the distance between the platform and the nearest residential properties.

It was commented that the flue was out of keeping with the historic setting and would be a danger to the timber structure. I do not consider the flue would have any material impact on any views of the nearest listed buildings, for the reasons already outlined above when viewed from the public realm and therefore would not harm historic settings. Furthermore, the “danger” relates to health and safety and as commented this is not a material planning consideration as the safe installation of heating equipment would be covered under the Building Regulations.

It was commented that the floorspace has been increased by the filling out of the approved canopy area. Whilst this is true, I do not consider this increase to be material and I do not consider that it would affect the appearance of the building or the character and appearance of the surrounding area.

It was commented that the ground has been built up resulting in landscape impact. This point has been addressed above in the report. It is considered for the reasons outlined above that there would be no materially greater harm to the landscape than would be the case with the approved scheme.

Finally, it was also considered that there would be a further impact on the listed building and Conservation Officer should be consulted. Again, these points have been addressed above and it is not considered that the heritage value of the area would be affected by the Non Material Amendments applied for.

CONCLUSION

The proposed amendment will not cause any material impact to the visual or residential amenities of the area or lead to any other environmental harms. I am therefore satisfied that in the context of this scheme the proposed changes are not material. Therefore the can be treated as a Non Material Amendment to the previous approval and therefore the application can be approved and Condition 2 altered accordingly to refer to the new amended drawings.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 4.1.24

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council