

DELEGATED DECISION REPORT

SMD/2023/0511
Valid 16/01/2024

278 BEMERSLEY ROAD
BROWN EDGE

NEW AND ADDITIONAL
BALUSTRADING TO
BALCONY OVER GARAGE.

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Neighbour amenity
- Design
- Development in the open countryside
- Development in the Green Belt

DESCRIPTION OF SITE

The site is a semi-detached white rendered house with a dual pitched tile roof. The site is attached to 276 Bemersley Road to the west, and is bounded by agricultural land to the east. To the north (rear) of the property is 280 Bemersley Road. The eastern portion of the site is an attached garage with a flat roof, upon which is balustrading to form a balcony platform. The garage was extended beyond the principal elevation (without planning permission) in 2017. As these works took place more than 4 years ago they are now lawful. More recently the balustrading has been extended to cover this addition, which this application is for. The site is in the open countryside and in the Green Belt.

PROPOSAL

The proposal is for retrospective permission for balcony balustrading upon an attached flat roofed garage. The existing black metal balustrading has been replaced and extended with grey plastic/ clad timber.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS10 Other Rural Areas Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 -14, 47, 131, 135, 154.
Section(s) 4 – Decision making, 12 – Achieving well designed and beautiful places, 13 – Protecting Green Belt Land.

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/1996/0681 (OLD REFERENCE: 96/00386/OLD). DESCRIPTION: First floor extension forming dormer windows in roof. DECISION: APPROVED.

CONSULTATIONS

Publicity

Site Notice expiry date: 09/02/2024

Neighbour consultation period ends: 06/02/2024

Press Advert: N/A

Public Comments

Three comments of objection, regarding the proposal not being in keeping with the area, and having an overbearing effect.

Town / Parish Comments

None 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.

As the site is located within the Green Belt, it must comply with a one of a limited number of exceptions for development before it can be assessed against SMDC Policy. In this case, the proposal conforms with NPPF paragraph 154 c) "*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*", as it would be considered an alteration and does not add to the volume of the building.

As the proposal is outside of the Development Boundary for Brown Edge, it is considered under Policy SS10 – Other Rural Areas Strategy, which allows for extensions to existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area. As such the proposal is acceptable in principle.

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.

Paragraphs 131 and 135 of the NPPF outline what is expected of good design and required for the development of high quality, beautiful places, and provides for a high standard of amenity for existing and future users, and does not undermine quality of life. In this case, it can be demonstrated that the quality of life of neighbours will be negatively impacted as a result of this development.

Design Principals for Development in the Staffordshire Moorlands SPD outlines the Council's expectations in respect of design and states that it is generally unacceptable to build forward of the principal elevation. The garage has been extended forward but has become lawful with the passage of time. This proposal involves the addition of railings to the garage does not represent good design in terms of layout and siting due to the amenity impact it would have upon neighbours, which will be discussed in more detail below. However in visual terms the impact of this would be minimal to the character of the area and the dwelling.

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 276 Bemersley Road to the west, and agricultural land to the east. To the north (rear) of the property is 280 Bemersley Road. The proposal has no impact on 280 Bemersley Road due to the siting of the garage relative to this property. The proposal will have a severe and unacceptable amenity impact on 276 Bemersley Road by way of overlooking and loss of privacy. The proposal forms an extension to a balcony, which now projects beyond the principal elevation, and has the potential to overlook into the garden and glass conservatory of 276 Bemersley Road.

The proposal also has the potential for noise pollution disturbance for 276 Bemersley Road as the new projection of balcony has a seating area, and is just 8 metres from the party wall, and 9 metres from the conservatory. It is considered that as a seating area, the proposal would have a greater impact in terms of noise than the existing garden, given its elevated position. The occupants of the neighbouring property would also experience an enhanced perception of overlooking due to the awareness of voices and movement at an elevated level which would feel overbearing and unneighbourly when experienced from their property.

Whilst it is acknowledged that there was previously a balcony area on top of the existing garage, the proposal extends this area and as a result there would be a

direct line of site from the balcony into the neighbouring property which was not the case previously.

The proposal would therefore be detrimental the living conditions of neighbours contrary to Policy DC1 and design advice in the NPPF

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 does not add a bedroom, or remove parking availability at the site, and therefore would have no impact on Highway safety.

CONCLUSION / PLANNING BALANCE

On balance, while the proposal would be deemed acceptable development in the Green Belt, the severe and unacceptable impact the proposal would have on the amenity of neighbours presents significant harm, and contradicts national and local policy and SPD's and therefore the recommendation is to refuse the application.

OFFICER RECOMMENDATION : Refuse

Case Officer: Reuben Berriman

Recommendation Date: 11/03/2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council