

DELEGATED DECISION REPORT

SMD/2024/0442 Valid 27/09/2024	BROOK LYN 32 MASEFIELD CLOSE CHEADLE	TWO STOREY SIDE EXTENSION INCLUDING INTERNAL AND EXTERNAL ALTERATIONS FOLLOWING DEMOLITION OF EXISTING GARAGE (FULL - HOUSEHOLDER)
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MAIN ISSUES

- Design
- Amenity
- Highway Safety
- Other Matters

DESCRIPTION OF SITE

The proposed site comprises a semi-detached brick and tile dwellinghouse and its associated curtilage, situated in the Cheadle North East ward. The site is within the Cheadle Development Boundary, where the Staffordshire Moorlands Local Plan seeks to concentrate development. The proposed site is bounded by neighbouring dwellings to the North, South and East. No. 33 Masefield Close is located to the North of the proposed site and No. 31 Masefield Close is situated to the South. The rear curtilage of the site adjoins the rear curtilages of Hilldell, No. 87 Froghall Road and No. 89 Froghall Road to the East. The Masefield Close highway runs along the Western curtilage of the site.

PROPOSAL

The proposed development comprises the demolition of an existing single storey garage and erection of a two storey side extension, including internal and external alterations. The proposed extension would accommodate a garage and medical supplies store on the ground floor and an additional bedroom and ensuite on the first storey. The proposed two storey side extension would have a depth along the North facing side elevation of approximately 7.74 metres on the ground floor and 6.97 metres on the first storey. It would have a width of approximately 2.91 metres. The total maximum height of the two storey extension would be approximately 7.14 metres and the maximum eaves height 4.76 metres. The extension would be constructed from materials which would harmonise with the existing dwellinghouse, including facing brick, concrete tiles and white UPVC.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS7 Cheadle Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 – 14
Section(s) 4 – Decision making, 12 – Achieving well designed places

Staffordshire Moorlands Design Guide SPD

Part 5 – Alterations, Extensions and Conversions

Staffordshire Moorlands Space About Dwellings SPD

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1996/0751 – Domestic extension (conservatory). Approved.
SMD/2001/0345 – Two storey side extension. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 03/12/2024
Neighbour consultation period ends: 01/11/2024
Press Advert: N/A

Public Comments

One comment of objection has been received from Cllr Whitehouse on behalf of some direct neighbours relating to the planning application. The comment states as follows:

“They have had issues with extensive flooding in to and on to their property from this particular household which has been ongoing for a quite a while. I had visited previously and Mr. Clewes managed to come to a neighbourly agreement to manage the water further down the garden and out the back instead of directly down in to his property. When Mr. Clewes had asked about the issue of flooding from this new

development the applicant didn't provide an acceptable solution. The existing garage currently has guttering and drainage that further moves the water down the garden, this guttering will be removed and not replaced, which Mr. And Mrs. Clewes are not happy with as this will then mean even more water now pouring on to their property. There has been talk about underground pipes to move water but this isn't shown on the planning documents so can't be taken in to account."

Town / Parish Comments

No comments have been received from Cheadle Town Council.

Staffordshire County Council Highways

The proposal is to demolish the existing garage and the construction of a 2-storey extension to the side elevation of the property. The extension will provide a new garage (2.5m wide x 4.6m long maximum internal dimensions) with a storeroom to the rear and above it is proposed to create a bedroom and wet room. The property's footprint will increase from the current 3 bedrooms to 4.

Staffordshire Moorlands Parking Standards state: Detached/Semi-detached property of 4 or more bedrooms requires 3 spaces (2.4 x 4.8m each space) for residents and visitors. The proposed garage at (2.5m wide x 4.6m long) does not meet with Staffordshire Moorlands Parking Standards and Manual for Streets (MfS) which state the minimum internal dimensions for a single garage are 3m wide x 6m long.

It was noted at the site visit that there is a tarmacadam hardstanding for parking and a vehicle access crossing the full width of the property. The hardstanding is sufficient to accommodate parking for 3 vehicles and therefore the proposal therefore meets with the Parking Standards.

The proposal would not have a detrimental impact on the highway. I have no objection to the proposal (application number SMD/2024/0442).

Environmental Health

Natural Water Flows

I must inform you that,

"The proprietor of land has a natural right to collect and discharge the surface water run-off from his land onto adjoining lower land, even where he has created an increase in flow by an improved system of drainage or by other means", Durrant v. Branksome Urban District Council (1897).

It follows that natural flows and increased natural flows from upstream, culverted, piped or not must be accepted and dealt with by the proprietor of land downstream. The flow may flood the downstream land unless adequate drainage works are carried out by the proprietor of that land being flooded.

Individual owners are therefore responsible for the drainage of their own lands, and for accepting and dealing with the natural catchment flows from adjoining land (riparian ownership). A key principle is that owners are obliged to deal with water arriving on their land and have the right to pass this downstream to lower land. In brief, a person owning lower-level or adjacent level land must accept natural water, this applies to overland and underground flows as well as flows in watercourses (that is rivers, streams, brooks, spring water, ground water, surface water run-off, land drainage, field ditches and rainfall) from adjacent land at a higher or equal level. Many owners are surprised by this when water from next-door is flooding their garden or patio.

In addition to the above, if flooding is caused by inadequate capacity further downstream, the downstream riparian owner has no common law duty to improve the water course or water flow.

“This right does not permit an owner or an authority to act in a wilful manner, as where a highway authority deliberately drained its land onto the land of adjoining occupiers”, Thomas v. Gower Rural District Council (1922).

“However, a lower occupier of land is under no obligation to receive water and may take steps to pen back the flow of water, even if this causes damage to higher land. Moreover, the right to prevent water entering land is not an absolute one and will only allow the lower landowner to take reasonable steps to prevent the entry of water”, Home Brewery plc v. Davis and Co (1987).

New developments

While riparian owners therefore have the responsibility to accept natural water flows, it might be unfair to expect them to carry out extensive and important works to deal with substantial additional flows, from a neighbouring new development. This may include the increasing or raising of ground levels. A developer wishing to obtain planning permission for a development will need to satisfy the relevant planning authority that adequate drainage arrangements will be made to prevent flooding.

Natural Watercourses

I must also inform you that all natural water, watercourses (that is rivers, streams, brooks, springs) and associated culverts are policed by the County Council (CC) or the Environment Agency (EA) and not the District or Borough Councils and they again fall under riparian ownership, i.e. each section of culvert/watercourse is owned by each owner of the land through which the culvert/watercourse passes and any disputes with neighbours will have to be dealt with by themselves as a civil matter or by enforcement via the CC and/or EA.

Conclusion

Therefore, I can only conclude from the information supplied to me is that the flood waters that you refer to, is natural water run off due to the rain fall. An owner of land has a natural right to collect and discharge their surface water run-off from their land onto adjoining lower land. Owners of that lower land are obliged to deal with natural

water arriving on their land and therefore responsible for the drainage of their own lands. Any disputes with neighbours will have to be dealt with by themselves as a civil matter.

Building Control Officer

Existing historic drainage will not come under the building regulations regarding this application. Any drainage from the proposed extension will be assessed as per in accordance with AD H Drainage and waste disposal. If soakaways are not viable, then any new drainage would exit to a suitable sewer. If drainage is a known issue, I would suggest that drainage layout is provided to prove that it can be disposed of as per Approved Document H.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

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. In compliance with Policy SS7, new development should be directed to the most sustainable locations. The site lies within the market town of Cheadle, which is one of the main urban areas where the focus of new development will be directed, with the aim of crafting all development to enhance the character and appearance of the town.

The proposed site is within the Development Boundary, thus the proposed works are acceptable in principle, subject to conformity with other relevant national and local planning policies. The main issues which need to be considered as part of the assessment of the proposed works include design, neighbour amenity and highway safety.

Design

Policy DC1 seeks to ensure that all development is well designed and of a high quality, contributing to local distinctiveness and harmonising with sense of place. The Council's Design SPD outlines the Council's expectations in respect of design and states that extensions should harmonise with the parent building. An extension should respect the dominance of the original building and be subordinate to it in terms of its size and massing.

Although the proposed side extension would add a two storey element to the Northern side elevation of the dwelling, the proposed extension would reflect the style of the existing building in terms of the roof course to compliment the roof course of the side of the dwellinghouse. The maximum height of the proposed side extension would be set down from the parent building, as well as follow the course of the original dwellinghouse, thus it would be considered appropriate development in accordance with the Council's Design SPD. The first storey element of the two storey side extension would be set back from the principal elevation of the dwellinghouse, again reiterating its subordinate nature to the parent dwelling, avoiding any terracing and preventing mismatch of materials.

Materials used in the construction of the proposed extension would match those used in the construction of the existing dwelling, as well as from surrounding dwellings in the area. Although the surrounding street scene is comprised of a varied selection of house types, a prominent feature of the street scene is the brick used in the construction of the dwellinghouses. Facing brick, concrete tiles and white UPVC would be used in the construction of the proposed extension. Thus, the proposed materials would match the existing materials and harmonise with the surrounding street scene, not detracting from the character of the original property.

The proposal, by virtue of its size, scale and siting maintains the character of the existing dwelling and area. The proposal would therefore accord with the provisions of local plan policy DC1 and section 12 of the NPPF in this regard.

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 application site is bound by No. 33 Masefield Close to the North and No. 31 Masefield Close to the South. The rear curtilage of the site adjoins the rear curtilages of Hildell, No. 87 Froghall Road and No. 89 Froghall Road, to the East. Therefore, it becomes important to assess whether the amenity of these neighbours would be compromised.

The proposed two storey side extension would be located on the Northern side elevation. As the neighbouring dwellinghouse at No. 31 Masefield Close is positioned to the South of the site, the two storey extension on the Northern side

elevation will be tucked behind the host dwelling on the opposite side to the neighbour. Furthermore the distance between the proposed two storey extension and the neighbouring dwelling would eradicate any chance of overshadowing which could be caused as a consequence of the erection of the proposed extension, due to a breach of the 45 degree rule not being possible.

The proposed extension would be within close proximity of the neighbouring dwellinghouse at No. 33 Masfield Close, to the north. This neighbour has a single storey side and rear extension, on lower ground level than the application site, but similar in design and scale to the application site. Following the completion of a site visit and assessment of the plans submitted, it has been established that there would be no breach of the 45 degree rule to the closest rear windows of No. 33. The two storey extension would predominantly align parallel with the side elevation of No. 33, which is completely blank, thus it is clear that no detrimental shadowing or overbearing impacts would be caused. There would be no side windows on the two storey side extension which would face the neighbours at No. 33 Masfield Close, thus their privacy amenity would not be impacted at all by the extension. Overall, there would be no harm the residential amenities of this neighbour.

Due to the approximately 48.71 metre distance between the proposed extension and the rear elevations of the neighbouring dwellings at Hildell, No. 87 Froghall Road and No. 89 Froghall Road, it is clear that no overshadowing would occur as a result of the proposed extension.

Although a new first storey window would be added to the rear elevation of the two storey side extension which would face the neighbours at Hildell, No. 87 Froghall Road and No. 89 Froghall Road, this window would be located approximately 48.71 metres from the rear elevations of these neighbours. Thus, privacy amenity impact would not occur upon the neighbours, due to compliance with the 22 metre window separation distance guidance set out in the Space About Dwellings SPD.

Highway Safety

Paragraph 108 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 proposed extension would increase the number of bedrooms of the dwelling from three to four. Although this means that an additional off-highway parking space will be required for the number of people inhabiting the dwellinghouse, the driveway to the front of the dwelling would accommodate 3 off road parking spaces. The development proposals therefore comply with Policy T1. Staffordshire County Council Highways have confirmed that they have no objections to the proposed extension based on this assessment.

Thus, the proposed extension would have no impact on highway safety, in accordance with Policy T1.

Other Matters

The Council have received an objection from Cllr Whitehouse on behalf of some of the adjoining neighbours, in relation to flooding and drainage issues. The neighbours are concerned about the issue of flooding from the new development. The existing garage currently has guttering and drainage that further moves the water down the garden, which is proposed to be removed and not replaced. The neighbour is concerned as this would mean that even more water would pour onto their property. Consequently, advice has been sought from both the Councils EHO and Building regulations officer.

Environmental Health have confirmed that *“I can only conclude from the information supplied to me is that the flood waters that you refer to, is natural water run off due to the rain fall. An owner of land has a natural right to collect and discharge their surface water run-off from their land onto adjoining lower land. Owners of that lower land are obliged to deal with natural water arriving on their land and therefore responsible for the drainage of their own lands. Any disputes with neighbours will have to be dealt with by themselves as a civil matter.”*

Furthermore, although Building Control confirm that although any historic drainage and any associated problems would not come under Building Regulations, it is the responsibility of the applicants, in respect of their current proposals to demonstrate compliance with Approved Document H – Drainage and Waste Disposal as part of their building regulations approval. Therefore, drainage and any subsequent flooding concerns are not a reason to refuse this planning application as this matter is addressed by Building Regulations.

CONCLUSION / PLANNING BALANCE

In consideration of all of the above, the application is recommended for approval. Due to the application having no adverse effect upon neighbour or street scene amenity and no overall impact on the highway, it is deemed acceptable under planning policy. Therefore, the proposed development is recommended for approval, subject to compliance with all conditions.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Varley

Recommendation Date: 02/12/2024

X *J Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council