

## DELEGATED DECISION REPORT

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**SMD/2024/0476**  
**Valid 04/11/2024**

**6 BROOK CLOSE**  
**ENDON**

**ONE STOREY REAR**  
**EXTENSION**

**(FULL - HOUSEHOLDER)**

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### MAIN ISSUES

- Design
- Amenity
- Highway Safety
- Other Matters

### DESCRIPTION OF SITE

The site comprises a semi-detached brick and tile dwellinghouse and its associated curtilage, situated in the Brown Edge and Endon Ward. The site is within the Endon (The Village) Development Boundary, where the Staffordshire Moorlands Local Plan seeks to concentrate development. No. 8 Brook Close is situated to the North-West of the site and No. 4 Brook Close is located to the South. The Endon and Stanley 75 public right of way separates the rear curtilage of the site from the rear curtilage of No. 3 Forgeside to the East. The rear curtilage of the site also adjoins the rear curtilage of No. 4 Brook Cottage to the North. The Brook Close highway runs adjacent to the proposed site on the South-West.

### PROPOSAL

The proposed development comprises of two single storey rear extensions. The proposed rear extensions would allow for a larger kitchen / dining space and a W/C on the ground floor. The larger proposed single storey rear extension would have a depth of approximately 3.6 metres beyond the rear elevation of the dwelling and have a width of approximately 5.89 metres. The maximum height would be approximately 2.93 metres (the proposed extension would have a flat roof). The smaller rear extension would adjoin an existing single storey structure to the side of the dwellinghouse, having a depth of approximately 2.29 metres and a width of 2.56 metres. It would have a maximum height of approximately 3.53 metres and an eaves height of 2.36 metres. It would be constructed from materials which would harmonise with the existing dwellinghouse, including red brick, grey 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

SS8 Larger Villages Areas 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

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

N/A

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 30/12/2024

Neighbour consultation period ends: 06/12/2024

Press Advert: N/A

### **Public Comments**

Some comments have been received from the adjoining neighbour. The crux of the comments is as follows:

*“My concern is regarding the length of the extension as my living room window is 49.53cm from the boundary wall and this would breach the 45 degree planning rule.*

*I would also not agree to removal of the boundary fence without a party wall agreement in place, could you advise if this is part of the planning application or something I need to discuss with the homeowner.”*

### **Town / Parish Comments**

No comments have been received from Endon With Stanley Parish Council.

## **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. A concentrated focus on future growth is to be directed to larger settlements, including Endon. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

In compliance with Policy SS8, new development should be directed to the most sustainable locations. The site lies within the town of Endon, which constitutes a larger village within the Staffordshire Moorlands. The Larger Villages Areas Strategy is based around areas where a focus of new development will be directed, with the aim of ensuring that all development enhances the character and appearance of the settlement.

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.

The proposed rear extensions would be single storey, therefore the eaves and maximum heights of the extensions would be set down from the parent building. Thus, they would be considered appropriate development in accordance with the Council's Design SPD. I note that the rear extensions would clearly be set back from the principal elevation of the dwellinghouse, again reiterating their subordinate nature to the parent dwelling.

The proposed larger rear extension would have a flat roof. Although flat roof extensions are generally discouraged in the adopted Staffordshire Moorlands Design Guide SPD, it is considered that the rear extension would not form a prominent addition in the area and when viewed from the street scene. It would not be visible at all from the public domain due to it being located to the rear of the dwelling. On balance, although the proposed rear extension would conflict with the Design Guide SPD in terms of its flat roof, its' lack of visibility from the wider public domain would not result in a visually harmful addition to the dwelling.

The smaller rear extension would adjoin an existing single storey structure to the side of the dwellinghouse. Its roof form would be a continuation of the roof of the single storey structure to the side of the dwelling, meaning that it would clearly reflect the character of the existing dwelling.

Materials used in the construction of the proposed extensions 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. Red brick, grey tiles and white UPVC would be used in the construction of the proposed extensions. Thus, the proposed materials would match the existing materials and harmonise with the surrounding street scene, not detracting from the character of the original street.

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 130 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. 8 Brook Close to the North-West and No. 4 Brook Close to the South. The Endon and Stanley 75 public right of way separates the rear curtilage of the site from the rear curtilage of No. 3 Forgeside to the East. The rear curtilage of the site also adjoins the rear curtilage of No. 4 Brook Cottage to the North. Assessment of amenity impact will therefore be required on the direct neighbouring dwellinghouses to the sides and rear of the site.

The extensions are sufficiently far from the boundary to avoid any breach of the 45 degree line from principal windows in the rear elevation of No. 4 Brook Close. Furthermore, the oblique angle between the rear elevation of the site and the rear elevation of No. 4 would be a factor which would mitigate shadowing impact during the morning hours caused by the East to West sunlight trajectory.

It is clear that the larger extension would breach the 45 degree line to the closest rear fenestration at No. 8 Brook Close, which has been demonstrated on the plans submitted. Due to the East to West sunlight trajectory, the extension would cast shadowing over No. 8 during the morning hours. However no impact would occur during the afternoon hours. The neighbours at No. 8 have objected to the proposed development, based on loss of light into their living room window due to the breach of the 45 degree rule.

Notably, the applicants could complete a single storey 3 metre extension under permitted development, without the requirement of planning permission and neighbour consultation. I highlight that a single storey 3 metre extension would also breach the 45 degree rule to the aforementioned rear fenestration at No. 8. Thus, the applicants can benefit from utilisation of a strong permitted development fallback position. A 3 metre rear extension would already impact the light amenity of No. 8, therefore the marginal additional 0.6 metre would not be considered to have a materially greater impact.

The proposed smaller W/C extension would be located on the South-East facing side elevation, infilling an existing area of undeveloped land and running flush with the rear elevation of the dwelling. Therefore, it would be tucked away out of sight from No. 8 and would have no impact on the amenity of this neighbour.

The approximately 21 metre distance between the rear elevation of the extensions and the rear elevation of No. 3 Forgeside would eradicate any loss of light from occurring. Additionally, the approximately 1.8 metre high boundary fencing and mature soft landscaping comprising the common boundary treatment would largely screen the extensions from this neighbour.

The rear curtilage of the site only slightly adjoins the rear curtilage of the neighbours at No. 4 Brook Cottage to the North-East. No. 4 Brook Cottage is located approximately 51 metres North-West of the site, therefore it is clear that no light amenity impact would occur for this neighbour as a result of the proposed North-East facing extensions.

There would be no new windows on any side elevations which would face towards No. 8 Brook Close or No. 4 Brook Cottage, therefore the privacy amenity of these neighbours would not be impacted at all.

There would be a new set of patio doors and a new window on the side elevations of the extensions which would face towards the neighbours at No. 4 Brook Close. Although this could impact the privacy of this neighbour by causing overlooking, the approximately 1.8 metre high fencing and area of soft landscaping on the common boundary as well as the existing shed outbuilding adjacent to the common boundary

would mitigate a large amount of the overlooking impact which could occur. As the new small window would be within closer proximity to the neighbour at No. 4, it shall be conditioned that this window is obscure glazed, to further protect privacy amenity.

Although there would be a new window on the rear elevation of the kitchen extension which would face towards No. 3 Forgeside, the oblique angle of the site from this neighbour means that this window would only look towards the rear curtilage of this neighbour. Furthermore, the approximately 1.8 metre high boundary fencing and mature soft landscaping comprising the common boundary treatment would prevent any overlooking from occurring.

### **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 proposed extensions would not increase the number of bedrooms of the dwelling. Therefore, it is clear that no additional parking spaces will be required for the number of people inhabiting the dwellinghouse. Additionally, as the proposed extensions would be to the rear of the dwelling, the spaces for off-street parking on the driveway to the front of the dwelling would not be compromised, in compliance with Policy T1.

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

### **Other Matters**

The adjoining neighbours have objected to the proposed development based on the removal of the boundary fence without a party wall agreement in place. This would be dealt with under the Party Walls Act 1996 and would be a civil matter. Therefore, this is not a material consideration in the planning decision making process and would not be a reason to warrant refusal of the application.

### **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 the character of the host dwelling, wider area, neighbour amenity and no overall impact on highway safety, 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: 18/12/2024**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**