STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ
Tel: 0845 605 3013 • Fax: 01538 483586 • Web: www.staffsmoorlands.gov.uk

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995

REFUSAL OF PLANNING PERMISSION

Application No: 09/00736/FUL

To:
Mr G Thornton
c/o Mr Robert Docker
Unit 3
Swaffield Park
Hyssop Close
Cannock
Staffs
WS11 7FU

Location of Development:
6 Dales Close Biddulph Moor Staffordshire Moorlands ST8 7LZ

Description of Development:
Rear Conservatory

The Council of the Staffordshire Moorlands District in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: SMDC 01; SMDC 02; for the reason(s) specified below:-

1. The proposed development due to its siting, design and location would result in a form of development that would have an adverse impact on the level of amenity currently afforded by the occupiers of the adjoining property no. 4 Dales Close, by virtue of loss of outlook and over dominance resulting in a tunnelled effect that also breaches the horizontal 45 degree line from a neighbouring habitable room window and therefore fails to comply with the Appendix 3 'Space About Dwellings' standards. The scheme is thus contrary to the provisions of policy B13 and Appendix 3 'Space About Dwellings' of the Staffordshire Moorlands Local Plan as well as policy D1 & D2 of the Staffordshire and Stoke on Trent Structure Plan and national planning policy in the form of PPS1 'Delivering Sustainable Development'.

Signed on behalf of Staffordshire Moorlands District Council

2 NOV 2009

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NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

3. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

DELEGATED REPORT

FILE REFERENCE : 09/00736/FUL	DECISION : REFUSE TOWN/PARISH COUNCIL LETTER : YES

PUBLICITY/REPRESENTATIONS :

Town/Parish Council: No comments received
Neighbours: One letter of objection received.

CASE OFFICER ASSESSMENT :

The application site is located off the south side Dales Close. To the north of the site is no. 41 Wraggs Lane, to the south are rear gardens belonging to properties on Wraggs Lane and Leek Lane, to the west is no. 2 Dales Close and to the east is no. 8 Dales Close and open fields beyond.

Visual Amenity: Due to the siting of the proposal at the rear of the property it will have little or no impact on the wider visual amenities in the area or the streetsene that it forms part.

Residential Amenity: Due to the siting and design of the proposal and more so its relationship with the adjoining property no. 4 Dales Close, an unacceptable impact on the current level of residential amenity afforded by the occupiers of no. 4 Dales Close would arise. The proposed conservatory is to be located off an existing rear extension and would have a projection of 4.6m into the rear garden.

Whilst it is acknowledged that the adjoining property has been extended too, it has not been done so to the same depth as the extension undertaken at the application site, which extends approximately 0.45m further into the rear garden. This factor would mean along with the proposed depth of 4.6m that no. 6 Dales Close would extend over 5.0m further into the rear than the adjoining property and as the proposal is only located 0.3m from the common boundary with the adjoining property, no mitigating factors are present to allow such a projection. The proposal will also breaches the horizontal 45 degree line from the neighbouring habitable room window.

Therefore due to the siting, design and location of the proposal it is considered that the proposal will have an adverse impact on the level of residential amenity currently afforded by the occupiers of the adjoining property, by virtue of loss of outlook and over dominance. The proposal is therefore contrary to the policies listed below.

PLAN NOS : SMDC01 & SMDC02

SITE NOTICE POSTED: n/a **CONSULTATION EXPIRY DATE:** 08/09/09

PRE-APPLICATION ADVICE: No

The application is recommended for refusal as it does not accord with the following policies

Staffordshire and Stoke-on-Trent Structure Plan

D1 - Sustainable Forms of Development
D2 – The Design and Environmental Quality of the Development

Staffordshire Moorlands Local Plan "Saved Policies"

B13 – Design
Appendix 3 – Space about Dwellings

National Policies

PPS1

RECOMMENDATION :

REFUSE for the following reason:

1. The proposed development due to its siting, design and location would result in a form of development that would have an adverse impact on the level of amenity currently afforded by the occupiers of the adjoining property no. 4 Dales Close by virtue of loss of outlook and over dominance resulting in a tunnelled effect that also breaches the horizontal 45 degree line from a neighbouring habitable room window and therefore fails to comply with the Appendix 3 'Space About Dwellings' standards. The scheme is thus contrary to the provisions of policy B13and and Appendix 3 'Space About Dwellings' of the Staffordshire Moorlands Local Plan as well as policy D1 & D2 of the Staffordshire and Stoke on Trent Structure Plan and national planning policy in the form of PPS1 'Delivering Sustainable Development'.

DATE 15/10/09 **SIGNED** / **CASE OFFICER**

DEVELOPMENT CONTROL MANAGER COMMENTS :

DATE 21/10/09 **SIGNED** .....