

DELEGATED DECISION REPORT

SMD/2024/0505
Valid 08/11/2024

19 TRENT GROVE
BIDDULPH

**SINGLE STOREY SIDE
EXTENSION INCLUDING
INTERNAL AND EXTERNAL
ALTERATIONS TO CREATE
AN IMPROVED ACCESS**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Principle of development
- Design and visual impact
- Neighbouring amenity
- Highway safety

DESCRIPTION OF SITE

The application relates to a red brick end terrace at the far end of a cul-de-sac within the residential area of Biddulph. The property has off road parking to the front, capable of accommodating 2 vehicles and gated access to the rear garden. Given the position of the site, on a bend, the curtilage has a triangular form whereby the front of the property is narrower in width than the rear garden.

PROPOSAL

Planning permission is sought for a single storey side extension. The extension has a width of 2.6m to the front elevation then chamfers out to utilise the space available to the side of the property such that the width to the rear is 3.8m. It has a length of 6.3m, eaves height of 2.3m and the hipped-roof ridge height of 3.5m. It will feature a top-hung window to the front, serving a shower room and a rear window and door, serving a bedroom with separate access to the garden. The extension will serve as accommodation for disabled person who is resident of the property.

The extension will use materials that match the existing.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

SS6 – Biddulph Area Strategy

DC1 – Design Considerations

T1- Development and Sustainable Transport

National Planning Policy Framework

Section 12: Achieving well-designed places

SITE HISTORY

None

CONSULTATIONS

Publicity

Site Notice expiry date: 30/12/24

Neighbour consultation period ends: 4/12/24

Public Comments

Having recite proposed plans, also following numerous complaints to Your Housing Group with reference to the hard standing and sheds that is in the location of proposed extension. and sheds that have been constructed. I hope that additional land drains will be installed to stop water ingress onto our property following the building of sheds, and levelling of the garden to the height of the gravel boards, (I'm sure you know what gravel boards are actually designed to do.) as water runs from these roofs and has flooded the side of my garage and also created algae growing tarmac drive. Also the provision of some form of retaining wall to support the proposed footpath that will be at the side of the fence, as I do not want to be responsible of having to do works on repairing any footpath when I alter all my fence.

Biddulph Town Council Comments

No objection

OFFICER COMMENTS

Principle of Development

The site is within Biddulph Town where the Local Plan area strategy SS6 applies. The strategy generally provides for development that enhances its role as a significant service centre by, inter alia, improving the local housing market. Such development might include the alteration and enlargement of a dwellinghouse to meet the needs of a resident. However, to be sustainable and strategy or NPPF compliant, the development must represent good design that does not harm the character and appearance of the area or the amenity of neighbours to accord with policy DC1 of the Local Plan and section 12 of the NPPF.

Design

Paragraph 131 of the NPPF (2024) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

The side extension will be set back from principal elevation and lower than the host dwelling, appearing sympathetic and subservient. It is considered a basic addition that is appropriate in scale for its intended purpose of the serving a bedroom with accessible facilities . Furthermore, the extension would sit behind a wooden gate to

the side of the property. Therefore, whilst the chamfered corner may look somewhat awkward most of the build will be screened off from the immediate street-scene and on balance in this instance it is found to be acceptable..

The materials used for the extension will match the existing dwelling so to reflect the character of the dwelling. Overall, the extension is considered visually acceptable and accords with Policy DC1 and the NPPF.

Impact to neighbouring amenity

Paragraph 130 of the NPPF (2024) and policy DC1 seeks to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The main neighbouring properties that this proposal would likely impact upon are 21 Trent Grove to the west of the site boundary and where the extension will sit closest to and, 86-88 Church Close to the rear of the site.

The single storey extension is not considered to cause any overlooking to 21 Trent Grove as there are no proposed windows to the side elevation which would otherwise look onto 2m high shared boundary fence. The extension will also not breach the neighbour's 45° direction of daylight. The neighbour's amenity is maintained.

In terms of no. 86-88 Church Close, the extension will sit at an oblique angle to the properties situated 24m from proposed bedroom therefore, there will be no direct overlooking. The applicant's detached garage together with high mature hedging to the rear of the garden will provide ample screening to all parties. The neighbours' amenity is maintained.

Taking the above into account, this application is therefore considered to be in accordance with Policy DC1 of the Local plan.

Highway Safety

Policy T1 of the Local Plan relates to parking provisions to ensure as far as possible, development minimises traffic problems and maximises the potential benefits of accessibility and new infrastructure to the wider community. Under para 3, considering appropriate parking provision can be made on a case by case basis with recourse to the parking guidance set out in Appendix 2.

The property benefits from off highway parking for 2 cars (driveway, per space 2.4m by 4.8m). No first floor plan were provided however, the agent confirms the current property serves 2 bedrooms. On the basis that the proposal will increase the property's floor plan from 2 bedrooms to 3 bedrooms, 2 parking spaces are required under Appendix 2. No additional parking has been proposed but would meet the parking standards for a 3 bedroom property.

On the assumption that the property serves more than 3 bedrooms as per the immediate neighbouring properties within the cul-de-sac (checked on Rightmove), the current parking arrangement would be short of the parking standards as a 4 or more bedroom property requires 3 parking spaces as set out in Appendix 2 parking

guidance. However in the case of this application, the extension will serve a disabled person to improve access, safety and comfort. It is not envisaged that the resident in need of ground floor accommodation would create additional parking as the resident currently resides at the property and on balance, the person's disability needs should outweigh the parking guidance in this instance.

As such, the proposal will not have a detrimental impact on the adopted highway.

This application is therefore considered to be in accordance with Policy T1 of the Local Plan.

Other matters

A neighbour representation has raised concerns regarding drainage, particularly in respect of ground raising and sheds. However, this application relates only to the side extension and not sheds or land level changes. Adequate disposal of foul and surface water from the extension would be a building control matter.

Furthermore the Council's Environmental Health Officer has advised that:

Natural Water Flows

*"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).***

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.

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. However, as noted above in this case, the application does not relate to changes in ground levels and Building Regulations will deal with water arising from the extension.

Conclusion

It would appear from the representation that the water referred 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.

CONCLUSION

The proposal would respect the scale and character of the existing dwelling and would not adversely affect the amenities of the neighbouring properties. Accordingly, the application is to be considered to be in accordance with the NPPF and the Local Plan. It is therefore recommended for approval subject to conditions.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Li

Recommendation Date: 29/01/25

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council