

DELEGATED DECISION REPORT

SMD/2025/0096
Valid 24/02/2025

37 HEATH AVENUE
CELLARHEAD

**MODIFICATIONS TO EXISTING
GARAGE AND PORCH ALONG
WITH NEW REAR SIDE
EXTENSION**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The site comprises a detached brick and tile dwellinghouse and its associated curtilage, situated in the Cellarhead Ward. The site is within the Werrington Development Boundary, where the Staffordshire Moorlands Local Plan seeks to concentrate development. The proposed site is enclosed by neighbouring dwellings comprising a section of Heath Avenue. No. 39 Heath Avenue lies to the East of the proposed site and No. 35 Heath Avenue is situated to the West. The rear curtilage of the site adjoins open greenbelt countryside land to the North. The Heath Avenue highway runs adjacent to the proposed site on the South.

It is noted that a number of properties within the street have been extended; however the established character of the street has been retained.

PROPOSAL

The proposed development consists of single storey extensions to the rear and front of the existing garage extension, as well as modifications to the existing garage and porch. The plans show that the side wall of the existing garage extension would be retained, therefore there would be no change in this instance. The combined extended area would have a hipped roof, wrapping around the principal, side and rear elevations of the host dwelling in a 'U' shape. The plans also show a new pitched roof to an existing rear extension. Materials used in the construction of the proposed extension would include red brick and plain concrete pan tiles.

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

SMD/1978/1239 – Extension to lounge / dining room. Approved.
SMD/1988/1435 – Rear extension to form larger kitchen and front extension to form porch and larger garage. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 29/04/2025
Neighbour consultation period ends: 28/03/2025
Press Advert: N/A

Public Comments

Two comments of objection have been received. These neighbours are objecting based on the following concerns:

- The proposed extension would be built right up to the boundary fence line to the front and rear elevation.
- The applicant wishes to extend at the front elevation, where there is no room to do so. They would need to take land from somewhere else so that the boundary fence line is not impacted.
- The pathway between the two houses belongs to them and they do not wish for this to be impacted. Could impact ability to carry out maintenance on their property. At the same time, the occupier of no. 37 is unable to access their side of their property to carry out any repairs or maintenance if the extension goes ahead.
- The proximity of the proposed extension to their house will visually impact their house and the form of the street.

- The proposed rear extension would have a visual impact on No. 39. They would be looking at a brick wall from their lounge, conservatory, dining room and kitchen and their natural sunlight into these rooms would be reduced, which would have a great impact on them.
- Unsure about what the blue line represents.

Additionally, one public comment of support has been received, as follows:

“Having reviewed the proposed plans, the extension is in keeping with the existing streetscape and I fully support the application.”

Town / Parish Comments

No comments have been received from Werrington Parish Council.

Cheddleton Parish Council have objected to the application based on its close proximity to the boundary, which is in dispute.

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 Cellarhead. 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 Cellarhead, 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 total extended area would wrap around the principal, side and rear elevations of the host dwelling, having a 'U' shape. It would have a hipped roof, including a new hipped roof over the existing flat roof rear extension and garage, which would complement the hipped roof of the host dwelling. The proposed extension would be single storey, therefore the maximum height of the extension would be set down from the parent building. Thus, it would be considered appropriate development in accordance with the Council's Design SPD.

One of the neighbours to the site has raised an objection regarding the proposed extension visually impacting their house and the form of the street. From the completion of a site visit and assessment of the submitted plans, it is considered that the proposed extension is well designed, proportionate and complimentary to the host dwelling. An established space comprising of the pathway belonging to No. 39 would ensure adequate spacing is maintained between the dwellings, as is present between other dwellings amongst the street scene. It is also noted that No. 39 has a similar front extension to that proposed, along with a pitch roof over the garage. Therefore, the proposed extension is considered to compliment the character of the host dwelling and would not be out of keeping with the wider streetscape due to its design.

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 comprises a varied of house types, a prominent feature of the street scene is the brick used in the construction of the dwellinghouses. Red brickwork and plain concrete pan tiles and 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. 39 Heath Avenue to the East and No. 35 Heath Avenue is situated to the West. Therefore, it is important to assess whether the amenity of these neighbours would be compromised.

The proposed single storey extensions would be located on the Eastern section of the principal and rear elevations. As the neighbouring dwellinghouse at No. 35 Heath Avenue is positioned to the West of the site, the bulk of the single storey extensions will be located at a sufficient distance from the neighbour to ensure that no breach of the 45 degree rule would occur. The rear section of the proposed extension would adjoin an existing single storey extension to the rear of the site. This existing extension is within closer proximity to No. 35, thus the new rear addition would not be considered to impact the amenity of these neighbours more than the existing extension. The section of the extension on the principal elevation of the dwelling would not breach the 45 degree rule to the closest window on the principal elevation of No. 35. Furthermore the distance between the proposed single storey extensions and the neighbouring dwelling would eradicate any chance of overshadowing or overbearing impact which could be caused as a consequence of the erection of the proposed extension.

There would be no new fenestration on the side elevations of the proposed extension facing towards the neighbours at No. 35 Heath Avenue.

The neighbours at No. 39 have expressed concern regarding the visual impact which the proposed extension would have on them in terms of their outlook and loss of light. They are concerned that they would be looking at a brick wall from their lounge, conservatory, dining room and kitchen windows on the front, side and rear elevations and that their natural sunlight into these rooms would be reduced.

The proposed front and rear extensions would be within close proximity of the neighbouring dwellinghouse at No. 39 Heath Avenue. Notably, the existing garage side wall would remain; the proposed extended areas would be to the front and rear of the existing garage. 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 front and rear windows of No. 39 (serving the conservatory extension and what looks to be the living room). Whilst the neighbour also refers to loss of light into their kitchen and dining room, their own conservatory is to some degree, already restricting light to these rooms, and the proposed extension would not exacerbate this situation. The rooms at No. 39 have been identified based on plans submitted to the Council in relation to a proposed extension at No. 39 under

the application reference SMD/1986/0495. Accordingly there would be no adverse impact on terms of loss of light.

Furthermore, the proposed rear extension would not protrude outwards as far as the conservatory at No. 39, therefore it is not considered that the outlook of these neighbours would be detrimentally impacted. The neighbours at No. 39 are already looking at a close boarded fence from their side facing windows to the conservatory which ultimately already has an impact on their outlook. Whilst the brick elevation to the extension is higher than the existing fence, given that the extension would sit behind the rear elevation of the conservatory is not considered that the extension would have an overbearing impact. The rear facing windows/door to the conservatory ensure that sufficient outlook remains.

Notably, there are no side facing windows on the original side elevation of No. 39 which could be impacted. However, some of the side windows on the neighbours' conservatory would be impacted as a result of the proposed extension. Regardless of this, the conservatory would continue to obtain a plentiful amount of natural sunlight through the majority of its glazed area. Moreover the roof appears to have a translucent type material which would continue to allow a certain level of light into this room. Therefore, the proposed extension is not considered to cause a detrimental loss of daylight/sunlight to the neighbours conservatory.

As raised in the neighbour objection, the neighbours would have some view of the brick wall of the extension from their front windows. The proposed front extension would protrude approximately 0.9m beyond the front elevation of number 39. Thus whilst they would see some brick walling from their closest front bay window, there would be no breach of the 45 degree rule, therefore it is considered that the extension would not cause any loss of light to the neighbours front facing window closest to the extension. There would be no adverse impact on outlook. Indeed the proposed extension would have a similar relationship as number 39 with its front and side extension, has with number 41.

The neighbours at No. 39 have raised an objection in relation to the pathway between the two houses and the section of the extension on the principal elevation. They have stated that this pathway belongs to them and they do not wish for this to be impacted. Additionally, the neighbours believe that the applicants would need to take land from somewhere else so that the boundary fence line is not impacted, in order to accommodate for the front extension. The proposed extensions would be built on the same building line to the boundary as the previous garage extension, which can be found at the site. With the exception of the kitchen element, which would be set in 0.2m, from the common boundary, the other extension would be built up to the site boundary, on land owned by the applicants. There is nothing in planning policy which restricts an applicant from building up to the common boundary. Certificate A has been signed on the application form submitted, which confirms that the applicant is the sole owner of the land that the extension would be built upon.

If there is a dispute between the neighbours as to the precise location of the boundary, this would be a civil matter which both parties would need to resolve.

There would be no new fenestration on the side elevations of the proposed extension facing towards the neighbours at No. 35 Heath Avenue. Therefore, their privacy would not be adversely affected. Although two new roof lights would be incorporated into the side facing roof plane of the single storey extension which would face towards No. 39 Heath Avenue, their privacy amenity would not be impacted. As roof lights are positioned above natural eye level, it is not considered that their addition would create any detrimental overlooking issues.

Properties on the opposite side of the road are positioned in excess of 25m from the front elevation of the proposed front extension, and therefore would more than meet the Council's privacy distance (22m).

Overall, despite the concerns raised by the neighbour, and commented on by the Parish Council, it is considered that the proposed extension would not cause any loss of light, have an overbearing impact or cause a loss of outlook.

Highway Safety

Paragraph 109 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 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. Although part of the proposed single storey extension would be on the front elevation of the dwellinghouse, it would not be large enough to compromise the available off road parking, comprising two off road spaces, in compliance with Policy T1.

Thus, the proposal complies with Local Plan Policy T1 in this regard.

Other Matters

The neighbours have raised an objection based on the proposed extension being built right up to the boundary fence line to the front and rear elevation. The comment has been raised that both the applicants and themselves would have a reduced ability to complete house maintenance if the proposed extension were to be built. Notably, the existing garage is already built up to the boundary line between the two properties and already restricts the ability for both parties to complete any maintenance. The extensions to the front and rear would make no material difference to either party to maintain their respective properties.

Any dispute regarding boundary / party walls is a civil matter which would need to be dealt with under The Party Walls Act 1996. Thus, it is not a material planning consideration which would be considered in the planning decision making process.

The neighbours have also raised concern due to lack of clarity in terms of what the blue line on the plans represents. The blue line (which can be seen on the proposed front and rear elevation drawings) appears to represent the boundary line between No. 37 and No. 39 Heath Avenue.

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. Although a neighbour objection has been received regarding loss of light, overbearing impact, the proximity to the boundary fence line, impact on their side pathway and lack of clarity in relation to the blue line on the plans, for the above reasons, the Council cannot justify a refusal of this application. Based on a site visit and assessment of the submitted plans, a full amenity impact assessment has been completed, which concludes that the proposed extension would not have a detrimental impact on the neighbours in terms of loss of light, overbearingness or outlook. Furthermore, other reasons for objection comprise civil matters. Therefore, the proposed development is recommended for approval, subject to compliance with all conditions.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Varley

Recommendation Date: 28/04/2025

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council