

DELEGATED DECISION REPORT

SMD/2025/0093
Valid 17/02/2025

**LAND ON NE SIDE OF
RIVENDELL LANE
LEEK**

**ERECTION OF DETACHED
GARAGE**

(FULL - MINOR)

MAIN ISSUES

- Design
- Appearance in the street scene

DESCRIPTION OF SITE

Development plot with dwelling under construction. The location is within the Leek Town Development boundary. The dwelling was allowed on appeal. There was also a later scheme approved by committee though this is not being implemented.

The site is prominent in the street scene and previously it was the visual impacts including scale of development at this location that were the main considerations.

In the allowed scheme the part of the site where the garage is proposed is shown as retained vegetated ground rising as an embankment to the rear boundary of the site. This is further confirmed for example by the approved DOC landscape scheme drawing 1797-06. At the site visit it was found that this ground has been excavated to a level and there is an exposed vertical bank to the rear [see file photo 0809].

PROPOSAL

Detached single garage in brick with dual pitched tile roof. Brick to match the dwelling under construction: Wienberger Kassandra Multi Red. Tile also to match: Marley Modern (Anthracite).

BNG

As first submitted the garage exceeded 25m² meaning the statutory BNG requirements applied. As residential use has not taken effect – due to the development not being substantially complete – householder exemption is not in force. BNG details were not submitted as required by the legislation. The applicant proposes to resolve matters by reducing the development ground plan of the proposed garage to just under 25m² at c.24.7m².

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS5 Leek Area Strategy
DC1 Design Considerations
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2024)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2017/0038 – Proposed erection of 2 No. detached two-storey dwellings and new vehicular access – Refused

SMD/2018/0168 – Two detached, two storey dwellings. Resubmission of SMD/2017/0038 – Refused

APP/B3438/W/18/3210497 – Appeal against refusal of application SMD/2018/0168 Erection of 2 No. detached, two storey dwellings – Appeal dismissed

SMD/2018/0321 – Erection of detached dwelling – Approved

NMA/2020/0022 – Non-material amendment relating to SMD/2018/0321. Repositioning of the vehicular access, additional planting and erection of dwarf wall and provision of visibility splay of 2.4m x 27m from the proposed access to the south east across the frontage – Approved

SMD/2021/0145 – Erection of 1No. Detached Dwelling – Refused

APP/B3438/W/21/3284785 – Appeal against refusal of application SMD/2021/0145
erection of 1No. Detached Dwelling – Appeal Dismissed

SMD/2023/0085 – Erection of 1no. detached bungalow – refused – allowed on
appeal – building under construction

SMD/2023/0454 – Erection of 1no. detached bungalow – allowed – not commenced

DOC/2024/0080 – Discharge of Conditions: 5 Landscaping; 6 External facing
materials; 7 details for completion of access – application SMD/2023/0085

CONSULTATIONS

Publicity

Site Notice expiry date: 04.04.2025

Neighbour consultation period ends: 03.04.2025

Press Advert: N/A

Public Comments

None

Town / Parish Comments

None

Waste Collection

No issues regarding waste collections.

SMDC Environmental Health

The proposed development is close to residential properties so we would advise the following timings and pollution control measures are placed on any permission granted in order to protect local neighbourhood amenity and environmental quality. Conditions are consistent with those advised for the adjacent associated development of the 'parent' dwelling. [Four conditions recommended.]

Staffordshire Wildlife Trust

Recommend 'holding objection' pending receipt of further information:

- Confirm developed area is below 25m²
- Alternatively confirm if retrospective and apply a biodiversity gain condition
- Demonstrate net gain in accordance with SMDC LP policy NE1 and the NPPF
- Mitigation hierarchy needs to be followed to show no net loss – not evidenced
- Attach conditions (i) to secure biodiversity net gain; (ii) to impose 'reasonable avoidance measures' with regard to terrestrial mammals, reptiles and amphibians by way of CEMP and LEMP

Staffordshire County Council Highways

The SCC comments are based on the application as first submitted noting: "The garage will measure (minimum internal dimensions) 4m wide (narrowing down to 3.6m) by 5.8M long. This does not meet with Staffordshire Moorlands District Council

Parking Standards for a single garage which are 3m wide by 6m long (minimum internal dimensions).”

They go on to say: “However, there is sufficient space within the curtilage of the dwelling, measurements taken from the submitted Drawing Ref:1797-07 (Site Plan) confirm the parking area can accommodate the parking of 2 vehicles. The Parking Standards parking requirements for a 3-bedroom property (2 vehicle spaces) is met.”

No objection subject to condition that the development shall not be brought into use until the parking area has been provided in accordance with submitted Drawing Ref:1797-07. The parking area shall thereafter be retained unobstructed as parking area for the life of the development.

OFFICER COMMENTS

Principle of Development

The application site is a slightly adjusted version of the red edge for which the appeal scheme was allowed (SMD/2023/0085) for the single dwelling. The changes to the red edge are very slight and reduce the plot rather than increase it. The main effect is in the easterly corner against Birchall Lane.

The allowed appeal has confirmed acceptance in principle for the residential use of the land for a single dwelling. In principle the development of a detached domestic garage is consistent with the permitted land use following the appeal decision. Relevant conditions have been discharged and construction of the dwelling is well underway. The location is also within the Leek town development boundary which therefore means development is acceptable ‘in principle’ in any event.

The main issues are matters of design and the appearance of the development in the street scene.

Householder Permitted Development ‘within the curtilage of a dwellinghouse’ is not currently available as the development is not as yet substantially complete – though that is likely to be imminent. In any event however the proposal would exceed the limitations of Class E where, within 2.0m of the curtilage of the dwelling the height must not exceed 2.5m and along the north east edge the building would be within about 1m to 2m. It would also exceed the 4.0m max for a dual pitched roof building.

Design

The roof ridge is aligned to continue in the same arrangement as that of the house with roof slope facing forward to Rivendell Lane and presenting a gable to Birchall Lane. The eaves height is c.2.5m and the ridge c.4.7m. Due to site levels the garage would be very slightly set down further relative to the house which has eaves also to 2.5m and a ridge height of 5.5m to which the garage would be obviously subordinate.

By matching the approved dwelling the materials proposed are fully appropriate.

Issues in the various appeals have in part been about impacts on the lane side appearance and setting as a result of the development. This garage would to some extent add to the sense of development. However it is a modest and subordinate structure and set back in the site. The plain brick gabled elevation to Birchall Lane should appear relatively innocuous and un-intrusive. There is an existing boundary hedge and separation from the lane is further helped by there being a grassed verge between the lane edge and the hedge. The hedge should be conditioned for retention.

There is likely to be visibility from Rivendell Lane but the garage should appear well co-ordinated with the dwelling and not seem out of place. Modest tree planting was agreed by condition on the allowed dwelling. It would be appropriate to augment this slightly by further condition.

Amenity

There are no grounds for concern about impacts on the living conditions of any neighbouring residents. Birchendell to the south east and Birchall House to the east are both some 30m away or more. Links View to the west is some 40m away. The development is close to the boundary with the extensive garden of The Moorings but this is at a higher level and only the roof slope at most is likely to be seen.

Only the condition to limit noise during the construction work is necessary in case the work occurs separately from that for the dwelling which work is already subject to this condition. As excavation etc has already occurred during a period when the site is subject to the same conditions in association with the dwelling there is no need to repeat those relating to pollution and potential contamination.

Highway Safety

Based on the advice of the HO the proposal can be agreed as being acceptable in highways terms.

Biodiversity / BNG

The application was accepted and validated as exempt from BNG on grounds of not exceeding 25m² in area of development / area of 'habitat' affected and an amendment was received to bring the building within that limit. Inevitably the actual area affected would be greater. In this case though the garage is being created within a development site for a dwelling where the approval pre-dates the BNG requirements and creation of the access and turning area has been approved as part of that development as now underway. Although embanked grassland has currently been cut away the revised plans as now received show that it would be restored up to built elevations of the garage. On this basis there arguably would be no net habitat loss (though the species composition and ecological quality of the grassland is not known).

The LPA has seen at the site visit that excavation of the previously sloping land has already taken place which has in effect cleared the ground in readiness for the footings. It would appear in a sense therefore that the application is partly retrospective. The Government's advice is that the BNG condition cannot be applied to retrospective developments.

If this were a householder application it would be exempt from BNG but as noted above this is not as yet possible for this incomplete dwelling – though it soon will be.

Taking all of the above into consideration it might reasonably be concluded that exemption from BNG requirements should be accepted on the basis that not more than 25m² of habitat is being impacted.

CONCLUSION / PLANNING BALANCE

That subject to conditions including provisions for additional landscaping / biodiversity measures the application be approved.

OFFICER RECOMMENDATION : Approve

Case Officer: Arne Swithenbank

Recommendation Date: 29.05.2025

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council