

DELEGATED DECISION REPORT

SMD/2024/0541
Valid 18/12/2024

THE FOX BEAT LANE
RUSHTON SPENCER

**ALTERATIONS TO THE
FENESTRATION OF THE
EXISTING PROPERTY, SINGLE
GARAGE EXTENSION AND
HARD LANDSCAPING WORKS**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Impact on the Green Belt
- Impact on the character and appearance of the area

DESCRIPTION OF SITE

A stone 19th Century Inn on a rural road some distance from a defined village settlement in the Green Belt. The property is surrounded by rolling farmland countryside. The Inn has been converted to a dwelling, sensitively, so that its origins remain apparent. The long side principal elevation presents to the roadside within relatively close proximity. The dwelling's detached garage is to the rear and provides double car width within a gable front. The applicant's garage is half of a long building that crosses the curtilage boundary and provides garaging for the dwelling to the rear in its other half. The garage is timber clad with plain clay tiles. In varying degrees, a laurel garden hedge and hawthorn hedge provides screening from certain aspects along the road to the east.

PROPOSAL

The application proposes the extension of the applicant's existing double garage with a further single bay with an addition to the side that would run with a roof ridge at right angles to that of the existing. The materials would match the existing with timber cladding and plain tiles.

A previous proposal to double the size of the existing garage provision was refused and dismissed at appeal, considered that together with an extant permission to provide a dwelling extension it would result in a disproportionate size increase to the original building.

This proposal is for a smaller garage extension reduced by half to a single bay, and the application includes a signed Unilateral Undertaking that relinquishes the existing permission to extend the dwelling, the UU has been amended to the satisfaction of the Council solicitor and has been signed by the applicant as landowner.

The proposal also includes a proposal to install bifold glazing at ground floor in the existing east facing gable end of the dwelling, a building alteration that would be made in lieu of the wrap around flat roof extension that is approved for this end of the building (SMD/2019/0291 Appeal Allowed & SMD/2023/0159 extant approval). A revised plan

has been submitted that omits full height glazing that would have extended into the height of the gable apex and limits the glazing to the single storey ground floor bifold doors.

The bifold doors would face onto the proposed flagged and walled patio area to the east of the gable.

Operations such as the installation of the glazing and the construction of the patio requiring planning permission because permitted development rights provided by the GPDO were removed by a condition of the original 2004 planning permission to convert the original public house and provide the dwelling.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting

SMDC Design Guide 2018

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

04/00431/FUL Conversion of commercial premises to 3 dwellings. APPROVED.

SMD/2019/0291 Extension to dwelling. ALLOWED at appeal ref. 3237305

SMD/2023/0159 Extension to dwelling. Permission granted at appeal 'renewed' with APPROVAL.

SMD/2023/0437 Extension to Garage. REFUSED DISMISSED AT APPEAL.

CONSULTATIONS

Publicity

Site Notice expiry date: 12th Feb 2024

Neighbour consultation period ends: 12th Feb 2024

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Rushton PC: No Comments within consultation period

Staffordshire County Council Highways

No Objection

OFFICER COMMENTS

Impact on the Green Belt

The property is in the Green Belt where development is inappropriate and, by definition, harmful, unless it is provided for by one of the exceptions on the closed list at paragraph 145 of the NPPF. One of those exceptions is the extension of a building provided it does not result in a disproportionate addition over and above the size of the original.

Planning permission has been granted to make an extension to the dwellinghouse that would add a footprint of some 45sqm, that extension has not been built out. The proposed development was allowed at appeal, and the Council went on to renew the Inspector's approval with a fresh permission before it expired. The permission SMD/2023/0159, for an extension to the dwelling is therefore extant.

Following that grant of permission, an application was made to make further extension to the dwelling in the form of a double width addition to the existing detached garage. The Council refused to grant permission for that further addition and the subsequent appeal was dismissed. In consideration of the appeal plans relating to the previous application, the Inspector found that it was evident that the previously proposed, double width, garage extension in combination with the existing garage (already added as an extension to the 'original' public house building), and the permitted extension to be attached to the dwelling, would represent a substantial increase to it in both floorspace and volume. The resultant additional built form would dominate the scale and massing of the dwelling.

Furthermore, she considered that the proposed extension would have almost doubled the size of the existing garage. The proposed extension would not appear subordinate to the garage building. Therefore, whether the existing garage is deemed to be an extension to the original building, or an original building in its own right, it was found that the previous proposal would result in a disproportionate addition and it would not meet the exception under paragraph 154(c) of the Framework.

With this current application the proposal is for a reduced, 50% smaller, addition to the existing garage – an additional single bay with a footprint of just 21 sqm. The proposed addition of a single bay would still increase the size of the double garage building by 50% and, in combination with the dwelling extension that could be built out under the extant planning permission (SMD/2023/0159), it would result in disproportionate size increase over and above that of the original building as a whole (the dwellinghouse/former PH).

With this application, the applicant seeks to relinquish/rescind the existing permission for the dwellinghouse extension, so that if this planning application is approved, they would not, by their own agreement, be able to build out the extension to the dwellinghouse. The application includes a 'unilateral undertaking' under s106 of the Town and Country Planning Act that has been revised by the Council's solicitor and signed by the applicant. The Council is satisfied that the terms of the undertaking are robust and enforceable.

That would mean that if this permission were granted, development would be limited to the smaller garage addition and the development proposed with this application would result in smaller size increase than what could be otherwise carried out. The development would therefore result in much lesser size increase to the dwellinghouse development, considered as a whole. If it has previously been found that the 45 sqm dwelling extension would not result in disproportionate size increase to the original building, then it must follow that the addition of just the proposed 21 sqm to the garage, would not result in disproportionate size increase to the original building.

The smaller garage extension proposed with the omission of the approved dwelling extension, would, on its own, not result in a disproportionate addition to the original building (the dwellinghouse provided by the conversion of the former PH). The development proposed with this application, therefore, would be provided for by the exception under paragraph 154(c) of the NPPF and the development would not be inappropriate.

Design and Impact on Character and Appearance of the Area

The proposed addition would adjoin existing building form and match it in terms of form, design and use of materials. It would appear adjacent to an existing grouping of buildings and would not cause intrusion into the landscape or harm the character and appearance of the area. There would be no conflict with policies SS10, DC1 or DC3 of the SMDC Local Plan 2020.

With revised plans, the height of the bifold glazing, across the width of the end east facing gable elevation, would be limited to the ground floor and would be well below the eaves of the existing roof. The glazing therefore would not be visible from the roadside, largely concealed by the hedge line, see in the photograph below. The part of the gable exposed above the hedge line would retain the appearance of solid stone. The proposed patio and dwarf wall enclosure would be concealed behind hedge line and would have no adverse impact on the character and appearance of the area.



This would ultimately be an improvement to the flat roof, boxy, wrap around addition that might have otherwise been made to this end gable under the extant permission. Elevational detail of the approved addition provided below:



The alterations effect upon the street scene would be limited given its height and situ to the side. For the most part views of the site will be from those passing to the front and the existing hedge line would screen the glazed element from that aspect. When viewed from the principal elevation to the front the vernacular form of the building would appear unaltered. The existing dense hedging and trees limit views of the gable from the road.

In that sense the alteration would not affect the prevailing character of the property in the wider landscape. Consequently, the alteration would conserve the prevailing character of the building and the rural character of the area.

The proposed alteration would not have a significant adverse visual effect upon the character and appearance of the host building and street scene.

Accordingly, the proposal would comply with Policies SS10, DC1, and DC3 of the Staffordshire Moorlands Local Plan; Staffordshire Moorlands Design Guide Supplementary Planning Document (2018); and the National Planning Policy Framework.

Impact on Amenity

The rear of the garage extension would back onto the shared curtilage boundary with 'The Coach House', the neighbouring dwelling to the north. However, the area of garden to the rear is behind the neighbour's own garage and in this location the neighbour has a timber garden shed. In these respects, the development would not affect a primary or essential area of amenity space or the outlook of the neighbour's dwelling.

CONCLUSION / PLANNING BALANCE

On balance, this proposal should be favoured over the already approved scheme that would be relinquished by virtue of a 'unilateral undertaking' and planning condition. The garage extension would be smaller and have less impact on the Green Belt than the approved development. The alteration to the building's east facing gable elevation would be largely concealed behind hedgerow with the gable limited to a height below the existing eaves line. From above the hedge the solid stone of the existing gable would appear unaltered and therefore there would be no harm to the character and appearance of the host dwelling or that of the area.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 09/06/2025

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council