

DELEGATED DECISION REPORT

SMD/2025/0165
Valid 23/04/2025

30 BUXTON ROAD
LEEK

**RETROSPECTIVE
APPLICATION FOR
EXTERNAL AND INTERNAL
ALTERATIONS FOLLOWING
APPROVAL OF PLANNING
PERMISSION SMD/2022/0373
(CHANGE OF USE INTO 2
FLATS AND ASSOCIATED
DEVELOPMENT)**

(FULL - MINOR)

MAIN ISSUES

The principle of the change of use
The impact on the character and appearance of area
The impact on residential amenity
The impact on highway safety

DESCRIPTION OF SITE

The site is within the development boundary of Leek and is a short distance to the east of the town centre. It comprises a Victorian building which faces Buxton Road (A523) to the north and which stood out from the adjoining typical terraced dwellings in that it had a blue painted timber projecting box window on first floor and blue painted shopfront on the ground floor on the front elevation, before recent works were undertaken which removed these. It is opposite the Lidl supermarket and Park Medical Centre. The adjoining building to the west has a sign outside which reads "Moorland Medical Centre" and "The Coach House Annexe". The site itself is a vacant former chiropody/podiatry practice which occupied the ground floor but the first floor was used for associated storage purposes. The site is adjacent to a Conservation Area which lies immediately to the west and includes "The Coach House Annex" and also immediately to the rear (south) where the backs of Victorian terraced properties lie on Regent Street.

In September 2024, works commenced to convert the building into two flats (one on the ground floor and one above) following the grant of permission under a 2022 planning application for the change of use to residential. According to the application forms the works have not been completed.

PROPOSAL

This is a full planning application which seeks retrospective planning permission for works in connection with the change of use of the former podiatry practice into

residential (in the form of two flats). The works are not in accordance with planning permission SMD/2022/0373 which approves the change of use of the building with works to convert it into two 1-bed flats, one on the ground floor (and with a basement to become a storage area) and one on the first floor. The unauthorised works comprise a single-storey extension to the rear of the rear outrigger to form a shower room for the ground floor flat, the removal of the pitched roof above first-floor part of the original outrigger and replacement with a flat roof and the additional of a rear flat-roofed dormer on the main roof of the building to allow the conversion of the attic into a “study” for the first floor flat. On the front elevation, the new brickwork in place of the shopfront and other openings does not match the original brick and is therefore a breach of the condition applied to the previous planning permission. The new replacement windows are a different design to those shown on the approved elevation drawings. The new windows are dark grey uPVC windows which is also a breach of the conditions attached to the previous permission which required the new windows to be white painted timber.

Amended plans were received on 19.6.25 which show the removal of a partition wall on the ground floor that was separating a single bedroom with a “study” room, to become one larger double bedroom. The ground floor flat would become a one-bedroom flat (as previously approved) whilst the first floor flat becomes a 1-bed flat with “study” room above it in the attic.

A Planning & Heritage Impact Assessment Statement has been submitted.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorlands Local Plan (adopted September 2020)

SS5 – Leek Area Strategy
H1 – New Housing
DC1 – Design Considerations
DC2 – The Historic Environment

NPPF (Revised February 2025)

Sections 5 (Housing), 12 (Design) and 16 (The Historic Environment).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2022/0373: Previous planning permission for the change of use of the former Podiatry practice into two apartments. Approved in September 2022.

CONSULTATIONS

Publicity

Site Notice expiry date: 24/6/25.
Neighbour consultation period ends: 24/6/25.
Press Advert: 7/5/25.

Public Comments

None.

Town / Parish Comments

None.

Conservation Officer

In comparison to the conditions of the previous approval (SMD/2022/0373), the windows are dark grey stormproof upvc with projecting trickle vents. The brick used to infill the shopfront removal does not match the existing. It is too pale in colour and they have also installed a blue engineering brick band. The adjacent Dyson House has a blue engineering brick, but this is a separate building in terms of design in comparison to the rest of the terrace. Overall, the proposed retention of these alterations would have a harmful impact on the setting of the Conservation Area (par.215 of NPPF).

Whilst no.30 is not within the conservation area, it is immediately adjacent to the boundary and the stark contrast of the brickwork certainly is a distracting feature to the immediate setting of the designated heritage asset, particularly as this is a key route into Leek town centre. From a conservation perspective, the harm caused by the retention of the windows could probably be justified as the rest of the terrace has modern upvc windows. However, the inappropriate brickwork could not be justified in terms of the heritage harm caused to the setting (par.212 of NPPF).

It would be recommended that they look at some options for rectifying the inappropriate brickwork, such as brick tinting to match the orange-reddish hues of the historic brickwork.

For any consent granted, we would suggest the following condition:

- Within 3 months of the consent hereby granted, a method statement for the tinting of the modern brickwork shall be submitted to and approved in writing by the Local Planning Authority. Following agreement of the method statement, a sample panel of the tinting shall be made available on site for inspection and the sample panel details agreed in writing by the Local Planning Authority. The works shall thereafter be carried out only in strict accordance with the approved details and retained for the lifetime of the development.*

OFFICER COMMENTS

Planning permission was granted in September 2022 for the change of use of the Podiatry clinic into two apartments and works have commenced. The change of use remains acceptable in principle. A 1-bedroom ground floor flat would remain and would be slightly enlarged with the addition of a small shower room in the unauthorised rear extension to the outrigger. The upper floor flat has a single bedroom and also the addition of a converted attic to provide a “study” although this

could be easily utilised as a double bedroom resulting in a 2-bedroom flat which adds positively to the mix of residential units on offer.

The works to the rear, comprising flat-roofed single-storey rear extension, flat roofed wide rear dormer and the addition of a new flat roof in place of the previous pitch roof on top of the outrigger are discordant features which do not harmonise with the Victorian character of the building and are contrary to the Council's Design Guide. The use of a lighter modern brick in contrast to the darker red of the traditional Victorian brick results in further harm. However, the site is outside of the Conservation Area and these features cannot be seen from roads or public footpaths or the public realm including from within the neighbouring Conservation Area and would only be visible from the back rooms or rear yards of terraced houses, where such modern additions are not uncommon (and could normally be built under permitted development).

The unauthorised additions to the rear are not resulting in any overall harm to the visual amenities of the area or the character and appearance of the adjacent Conservation Area and help to provide an enlarged and improved configuration of the layout for the flats to the benefit of the living conditions of the occupants of the proposed flats once works are completed. If the upper floor flat was deemed to be a two-bedroom three person flat, the resultant floorspace provided would accord with the government's Nationally Described Space Standards (NDSS) (as was the case with the previous application) which requires 61 sq.m for a single-storey unit and 62 sq.m is proposed including the attic space above. I take the view that as the flat is primarily for intents and purposes a single-storey flat, it is not unreasonable for the single-storey floorspace standard to be applied, as opposed to the two-storey dwelling standard. The attic room floorspace would accord with the standards for a double bedroom as set out in the NDSS requiring 11.5 sq.m of usable floorspace above a floor to ceiling min height of 2.3m for 75% of the gross floorspace of the room.

The slightly enlarged ground floor flat would remain compliant with the NDSS, as with the previous application. Furthermore, in accordance with the amended plans which enlarge the bedroom and remove the study from the original plans submitted with this new application, all of the bedroom sizes in both flats are compliant with the NDSS. Overall, the amended proposal complies with the NDSS and would provide acceptable living standards and no harms to the residential amenities of the future occupants. With regard to the residential amenities of existing neighbouring residents, there are no changes to the window positioning from that previous approved and the proposed rear dormer window would not lead to a significant additional level of overlooking which may result in a harmful loss of privacy given the numbers of existing windows on the backs of the row of terraced houses which directly face those opposite at a closer distance. As with all opposing rows of terraced housing, any overlooking is purely mutual and does not affect the long established actual levels of privacy that residents are used to.

The windows installed are a dark grey UPVC material which is contrary to one of the planning conditions attached to the previous permission which required them to be white painted timber. However, the rest of the row of terraced houses at the front also have modern UPVC including the adjoining house which also has the same

dark grey colour windows as those recently installed at the application site. The row of terraced houses is outside of the Conservation Area. I therefore consider the new windows are acceptable.

The only harmful addition is the new brickwork on the very prominent front elevation which replaces the void left by the removal of the shopfront. A brighter more modern brick has been used which harmfully contrasts with the darker red traditional Victorian bricks. This distracts from the view of the characterful adjoining "coach house" type building (Dyson House) to the west which is included in the Conservation Area. It is a breach of a condition applied to the previous condition which required any new bricks and tiles to match the existing. However, this problem can be rectified by adding a planning condition which requires the brickwork to be tinted a more matching colour in accordance with a Method Statement to be submitted and approved by the Council along with a sample board of the material to be used in order to approve the right colour.

The enlargement of the approved flats would not lead to any parking provision requirements or likely additional vehicular movements.

Although a BNG Plan has been submitted, there is no requirement for BNG for this proposal as the works do not result in any loss of habitat.

CONCLUSION / PLANNING BALANCE

The proposal remains acceptable in principle and the unauthorised works would not significantly harm the character and appearance of the area including the adjacent Conservation Area with the addition of a condition requiring brick tinting to ensure the recently applied modern brick better matches the traditional Victorian brick on the rest of the façade and on the adjoining buildings. The amended plans would also not result in any harm to residential amenity. Therefore retrospective planning permission can be granted to regularise the unauthorised works and breaches of the previous planning conditions, with new conditions added. The application would therefore comply with the Council's Local Plan and the governmental planning guidance contained in the National Planning Policy Framework (NPPF).

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston

Recommendation Date: 24.6.25

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

