

DELEGATED DECISION REPORT

SMD/2025/0414
Valid 10/11/2025

110 HIGH LANE
BROWN EDGE

PROPOSED DWELLING ON
LAND ADJACENT

(FULL - MINOR)

MAIN ISSUES

- Impact on character and appearance
- Impact on residential amenity
- Impact on highway safety
- Risks from historic coal activity
- Impact on biodiversity and ecology

DESCRIPTION OF SITE

The application site is land forming part of the existing plot at 110 High Lane Brown Edge, a detached, two-storey, hipped roof, prewar, dwelling fronting High Lane. The land provides space to the side, south, of the dwelling which includes driveway parking to the side of the dwelling, a turning point, and access to a garage at the rear of the property.

The land provides a gap, approximately 25m, between the two-storey dwelling at 110 (the southern end to a row of two storey prewar dwellings) and 104 High Lane at the northern end to a row of mid-20th Century Bungalows. Prior to 2020 the land provided a wooded area, and to the front, adjacent to the highway, there were two protected trees (TPO SM004T092 and SM004T093). One of the protected trees closest to the driveway access has already been removed and the whole of the wooded area has been cleared. The remaining land is patchy, short-strimmed grassland strewn with piles of building rubble left over from extension work to the dwelling and demolition of garden boundary.

The dwelling 110 High Lane and its plot, including the application site, is elevated above the highway to the front and the adjacent bungalow to the south. The land to the front of 110 High Lane provides driveway access that falls steeply to the highway. The land adjacent extends at the front toward a band of frontage tree and shrub line that grows behind a stone retaining wall. A narrow footway to the edge of the carriageway passes beneath the retaining wall. At the side of the land, levels fall away steeply toward the edge of the adjacent bungalow.

For the purposes of the SMDC Local Plan the application site is located within the 'larger village' of Brown Edge. The site does not lie within a Conservation Area, is not a Listed Building and does not form part of any Listed Building setting. Planning records show that there is a protected Horse Chestnut tree to the western corner of the application site adjacent to the boundary with number 104 High Lane (property numbers jump from 104 to 110 on this side of the road). The site also lies within an area marked as a High-Risk Coal Area.

PROPOSAL

The application proposes the erection of a single detached dwelling on the land between 110 and 104 High Lane.

Site excavations would be carried out to reduce levels at the front of the site so that they coincide with the highway. This would make provision for a split-level dwelling with three storeys at the front and two at the rear. The scheme would depend on the construction of retaining walls at each side of the plot. A new access with the highway would be created centrally by clearing all of the trees and shrubbery from across the frontage and creating an opening through land that is currently at raised level behind retaining wall.

The dwelling would have a width of 14.3m and span the full width of the application site. The front elevation would present a large central gabled column with a ground floor entrance hall and full height glazing on the upper floors. At ground floor to the side of the central entrance hall there would be a single bay integral garage.

The top floor would be provided within large roof space that would have flying hips to each side. At the front there would be a large peaked roof dormer positioned either side of the central gable. At the rear, there would be two projecting gables and a central peaked roof dormer window between each gable.

The dwelling would provide 4 bedrooms plus an office, gym and games room.

The application is submitted with a design and access/planning statement, A Coal Mining Risk Assessment from Geotechnical Consultants, and an Arboricultural Report.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS8 Larger Village Area Strategy
- DC1 Design Considerations
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2019/0432 Second storey side extension & single storey rear extension.
APPROVED.

CONSULTATIONS

Publicity

Site Notice expiry date: 5th January 2026
Neighbour consultation period ends: 5th January 2026
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Brown Edge PC: No response within consultation period

Coal Authority

Not consulted

Environmental Health

Not consulted

Staffordshire County Council Highways

Not consulted

OFFICER COMMENTS

Principle of Development

The site is in the Local Plan designated 'larger village' of Brown Edge under the terms of the settlement hierarchy at policy SS2. In a larger village Local Plan policy SS8 applies.

These settlements shall retain and enhance their role as rural service centres, providing for the bulk of the housing requirement of the rural areas and also for employment needs of a scale and type appropriate to each settlement having regard to infrastructure capacity and character. This means meeting rural housing requirements by, inter alia, supporting the development of housing windfall sites within the village boundaries, subject to wider Local Plan policies

The authority cannot demonstrate a 5-year supply of deliverable housing sites. In those circumstances the development plan policies most relevant to the development shall be considered out of date and paragraph 11 of the NPPF, and the 'tilted balance', applies. Planning permission should be granted unless there would be adverse impacts resulting from the development that would significantly and demonstrably outweigh the benefits associated with the proposal when considered against the policies of the NPPF taken as a whole. There would be some small economic and

community benefit associated with the delivery of a single dwelling and its contribution to housing supply.

Design and Impact on Character and Appearance of the Area

Local Plan area strategy SS8 for the 'larger villages' requires housing development to be of a scale and type appropriate to the settlement having regard to, inter alia, character. Supplementary Local Plan housing policy H1 requires all development to be assessed according to the extent to which it provides for high quality and sustainable housing, having regard to the location of the development, the characteristics of the site and the economics of provision.

Local Plan policy, specific to design considerations, DC1 requires all development to be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character of the area in line with the Council's Design Guide SPD. In particular, to comply with DC1, new development should be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area; and be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.

The requirements of the Local Plan policies, in these regards, are reflective of those set out at Chapter 12 of the NPPF in particular, concerned with achieving well designed places where decisions ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character including the surrounding built environment and landscape setting.

The proposed dwelling would be built between a two-storey prewar dwelling, at the end of a row of similar dwelling types distinctive in terms of their age and character, and a bungalow that occupies a plot on a stepped down ground level. The proposed dwelling would not be of a design or appearance that relates well to either of the adjacent dwelling types or provide a form of development that would assist with the transition between dwelling types. The proposed dwelling by reason of its comparatively massive width and height (particularly in respect of a proportionately heavy roof height and mass, and a three-storey presence at front elevation) would appear as a visually dominant and prominent building form that would be harmful to the street scene and the character and appearance of locality. Particularly, when viewed from the side to the south, the dwelling would because of its height, bulk and proximity to the boundary, tower over the adjacent bungalow from an elevated plot.

Additionally, the proposed dwelling would incorporate, what might be considered, contemporary architectural features and detailing, such as wide central gables and full height glazing, that has no reference to the architecture of the locality. The development would not relate well, and would be at odds with, the rhythm, pattern, spacing and arrangement of the surrounding development in the locality.

These adverse impacts would be exacerbated by the removal of established roadside trees and shrubs and retaining wall. Removing the plots containment, sense of place

and enclosure. The proposed dwelling and the plot would become very exposed and open to the wider environment.

The proposed development in this case would not be compliant, and would conflict, with the design policies of the SMDC Local Plan, listed and discussed above, and the NPPF.

In these regards, the development would result in harm or adverse impacts that would significantly and demonstrably outweigh the benefits that would be associated with the provision of a single dwelling.

Impact on Neighbour's Residential Amenity

Local Plan design policy DC1 requires development to protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, and soft landscaping. To assist with the assessment of impacts the Council has a Space About Dwellings SPG that provides standards and guidance relative to distances between existing and proposed developments.

The side wall of the proposed dwelling would flank the side wall of the existing bungalow to the south. The proposed side wall would be 3m from the shared boundary and some 7m from the side wall of the existing bungalow. The bungalow is on a lower plot level, and the side wall of the proposed dwelling would have, essentially, two storey presence on an elevated plot. The side elevation of the bungalow has windows in its flank wall which at ground floor face on to the retained ground level and a 2m high close boarded fence on the boundary. In the bungalow's gable apex at upper floor, there is what is assumed to be a bedroom window. That window has alignment above the top edge of the fence and outlook onto the plot which, until some five years ago, would have provided wooded edge and tree line.

The bungalow windows in the side wall face northeast and so direct sunlight to the windows would be limited and development impacts from overshadowing and loss of light would not be significant. The bedroom window currently has outlook onto the open plot to the side of the house, essentially part of their neighbour's private garden. There would be some visual impact on the bungalow's upper floor window from the height and proximity of the proposed side wall. However, this would not be an adverse impact which, on balance, would be unacceptable or significantly and demonstrably outweigh the benefits associated with the proposal.

The rear of the proposed dwelling would not extend beyond the rear of the proposed bungalow and therefore, the proposed side wall would not flank rear outlook from the bungalow. However, a large full height window to serve open plan living space, proposed for the side elevation would provide an unacceptable opportunity for the overlooking of the bungalows plot and rear garden at the expense of their privacy.

At the rear of the proposed dwelling, a first-floor balcony and bedroom window would be 11- 13m from the garden boundary shared with the bungalow dwelling behind. The height and vantage of balcony and first floor window, exacerbated by the elevated height of the plot in comparison to that of the bungalow behind. This would introduce an unreasonable vantage and the overlooking of the property behind. Overlooking and

the perception or feeling of being overlooked would have an unacceptable impact on that neighbours living conditions and amenity.

In these regards, the development would result in harm or adverse impacts, by reason of the overlooking of the property adjacent and behind, that would significantly and demonstrably outweigh the benefits that would be associated with the provision of a single dwelling.

There would be conflict with policy DC1 of the Local Plan and the terms of the NPPF.

Impact on Highway Safety

The County Highway Authority were not consulted at validation stage; there are no consultee comments to rely on. There are, however, apparent concerns relating to the traffic impacts of the development.

The proposed development would take existing parking and turning space relied on by the existing dwelling to the side of the property. The existing dwelling is large, at least 4 bedrooms, and requires 3 off road parking spaces to comply with Council parking standards. Submitted plans do not demonstrate that three cars can park and turn within the remaining plot so that cars can exit onto the B5051 in a forward gear. All parking would be forced directly to the front of the existing dwelling where driveway space is limited and steeply sloping.

Similarly, the submitted plans do not demonstrate that the parking and turning space for three cars could be provided within the plot for the proposed dwelling. Again, all parking would be forced onto a narrow strip of paving across the front of the proposed dwelling. There does not appear to be the depth to provide parking and there is no turning space indicated. Moreover, the proposed dwelling would have a new access to the front of the dwelling that would break through retained land where it would be necessary to clear all shrubbery and a protected tree from the frontage to provide anywhere near necessary visibility.

Local Plan Policy DC1 requires development to provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use; and, requires new developments to be well integrated for car, pedestrian and cycle use as well as other sustainable transport links;

It seems clear that the development would result in parking on the highway and an increased number of vehicles reversing out onto the highway from accesses with substandard visibility. This would result in an unacceptable impact on highway safety and conflict with policy DC1 of the Local Plan and the terms of the NPPF.

In these regards, the development would result in harm or adverse impacts that would significantly and demonstrably outweigh the benefits that would be associated with the provision of a single dwelling.

Risks From Historic Coal Mining Activity

The site is in a development high risk area from historic coal mining activities. There is also indication of coal bearing strata at surface. The proposed development would require significant excavation and ground works to create a highway access through

retained land levels and to construct the split-level arrangement with the three-storey elevation to front.

The Coal Authority were not consulted at validation stage. However, the application has been submitted with a Coal Mining Risk Assessment from a geotechnical consultancy, the assessment includes the Coal Authority's Consultants Coal Mining Report. The Risk Assessment concludes that there are high risks to development and recommends that ground intrusive site investigations are carried out before development commences. There is no evidence that such site investigations have been carried out to establish the extent to which unstable ground or voids might affect foundations. This is potentially a matter for address pre permission.

Impact on Biodiversity and Ecology

The applicant claims exemption from Biodiversity Net Gain regulations under the self/custom build criteria. Presumably, the applicant who owns and lives at 110 High Lane, wants to live in the proposed dwelling and has had input in the design process albeit the description of development does not refer to self build. A permission could though be conditioned and if minded to approve an amended description could have been sought.

However, it is clear that the development would have significant impact on biodiversity habitat. Significant clearance of wooded environment has already taken place to the side of the dwelling, presumably to prepare the land as a future building plot, and the development would see further clearance at the front of the land to provide access arrangements. Much of the land would be covered over by paved hardstanding, building footprint, and lawn. The application proposal does not include details of any mitigation for the loss. Policy NE1 requires all development to demonstrate a net gain in biodiversity

The NPPF at Chapter 15 requires plans to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. The NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

In these regards, the development would result in harm or adverse impacts that would significantly and demonstrably outweigh the benefits that would be associated with the provision of a single dwelling.

CONCLUSION / PLANNING BALANCE

The authority cannot demonstrate a 5-year supply of deliverable housing sites. In those circumstances, the development plan policies most relevant to the development shall be considered out of date and paragraph 11 of the NPPF, and the 'tilted balance', applies. The adverse impacts discussed and identified above, that would result from the proposed development, would significantly and demonstrably outweigh the economic and community benefits associated with the proposal and the contribution to housing supply, when considered against the policies of the NPPF taken as a whole.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date:

X

J Curley

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council