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From: planningcomments@staffs Moorlands.gov.uk
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Subject: Comment Received from Public Access

Categories: [REDACTED]

Application Reference No. : SMD/2026/0324 Site Address: THE SHAMBLES SUGAR STREET RUSHTON SPENCER
STAFFORDSHIRE SK11 0SH MACCLESFIELD Comments by: Alison Newsome

From:

Portobello
Sugar Street
Heaton
Macclesfield
Staffordshire
SK11 0SH

Phone: [REDACTED]

Email: [REDACTED]

Submission: Objection

Comments: Dear Staffordshire Moorlands District Council

I am writing as the owner and occupier of Portobello, the neighbouring property immediately adjoining the eastern boundary of The Shambles, to formally object to the retrospective planning application.

Having carefully considered the submitted covering letter and the proposed plans, I do not believe it provides a complete or balanced assessment of the development or its impact on neighbouring properties. Furthermore, a number of statements within the letter are inconsistent with what has actually taken place on site.

Retrospective Nature of the Development

The Planning Statement states that the applicants have "made a conscious effort to always get works regularised ahead of development." However, this statement is inconsistent with the events that occurred.

Scaffolding was erected and works commenced, including the removal of the existing roof, before any planning application had been submitted. It was only after concerns were raised by myself, that the need for planning permission may be required, was acknowledged and a retrospective application submitted.

Unsafe Removal of an Asbestos Roof

One of the most concerning aspects of these works to date was the manner in which the existing roof was removed. The covering letter makes reference to it as a corrugated roof, however the roof is a material which contains chrysotile (white asbestos). It should also be noted that to date only 2 thirds of the roof has been removed and there is still some remaining on the building.

At no point before works commenced were we informed that the roof contained chrysotile (white asbestos).

Consequently, no opportunity was given to protect ourselves, our children or our animals from any potential risks associated with its removal.

During the removal works, fragments of roofing material fell into our garden. Had we been informed that asbestos-containing materials were being disturbed, we would have ensured we remained away from the garden until the works had been completed safely.

Whilst I appreciate that asbestos management is governed primarily by separate health and safety legislation, these events are directly relevant to understanding why we have serious concerns regarding the applicant's approach to carrying out this development immediately adjacent to our garden and the boundary line.

Should the Council be minded to grant planning permission, I respectfully request that any remaining asbestos-containing roofing materials are removed strictly in accordance with all relevant health and safety legislation and current guidance by suitably qualified and competent contractors. Appropriate control measures should be implemented to minimise the risk of asbestos fibres or debris affecting neighbouring properties, and adjoining occupiers should be given reasonable prior notice before any further asbestos removal works are undertaken so that appropriate precautions can be taken.

Increased Scale and Impact

The Planning Statement describes the increase in roof height as being only approximately 270mm and suggests that this increase is insignificant. However, when viewed from our property and the garden, this increase is clearly noticeable. The outbuilding sits immediately on our shared boundary, meaning even relatively modest increases in height have a much greater visual impact than they would elsewhere.

Historic Use of the Building

Historically the building was known as a *şhippon*, and this can be evidenced on a copy of a transfer document at Land Registry dated 21st July 1983. By definition a *şhippon* refers to a cowshed or a shed used for housing of cattle.

In the 9 years that we have lived at Portobello, the building has always been used as a storage building. It has never been used as habitable accommodation or as an extension of the main living space. Whilst the covering letter describes the building as a future "garden room", I remain concerned that the scale and nature of the works are inconsistent with its long-standing use as a storage building and could facilitate a much more intensive use in the future.

I respectfully request that the Local Planning Authority carefully considers whether the extent of the alterations is proportionate to the stated purpose and whether sufficient information has been provided to demonstrate that the building will remain genuinely ancillary to the main dwelling.

Concerns Regarding the Intended Use

The applicant states that the building is intended to be used as a garden room. However, the supporting covering letter and the submitted plans do not adequately explain or illustrate a number of significant alterations that have either been undertaken or are proposed.

In particular, they fail to justify:

- ¿ why a building that is already in excess of 3.25 metres in height requires the roof to be raised by a further 270mm;
- ¿ why substantial new oak roof trusses have been installed, which appear excessive for a garden room;
- ¿ why high-quality residential-style windows and doors, designed to match the main dwelling, are proposed;
- ¿ why a soil waste pipe has been installed to the building and is not shown on any of the submitted drawings.

Previously, the building simply had an electricity supply and a water tap.

The addition of foul drainage represents a significant and concerning change, which has not been detailed within the plans. This would suggest the addition of a toilet and potential washing facilities at a later date for this simple garden room.

The installation of substantial oak roof trusses appears more consistent with the creation of a high-quality permanent structure than with the refurbishment of a simple storage building or occasional garden room.

Whilst I appreciate that applicants are free to choose the materials used in construction, the quality and extent of these works appear disproportionate to the stated purpose. Taken together, these alterations raise legitimate concerns that the building is being prepared for a more intensive or potentially habitable use.

I therefore request that the Council seeks clarification regarding:

- ¿ why the roof height needed to be increased;
- ¿ the purpose of the newly installed soil waste pipe;
- ¿ whether any WC, kitchenette, shower or other domestic facilities are proposed or have already been installed;
- ¿ how the building is intended to be used once completed.

Proximity to Our Septic Tank

The outbuilding is located in close proximity to our septic tank.

Whilst I appreciate that Building Regulations are considered separately from planning, the installation of foul drainage together with the apparent upgrading of the building raises legitimate questions regarding whether the building is intended for more intensive occupation than stated. Should the building ultimately be used as habitable accommodation, I understand that separation distances between septic tanks and habitable buildings become an

important consideration. I therefore request that the Council satisfies itself that the intended use of the building is fully understood before determining this application.

Concerns Regarding the Extent of the Development

The covering letter suggests that the building is not being enlarged other than the increase in roof height. This is a comment that I would respectfully disagree with.

During construction, a timber board has been fixed projecting over our boundary, appearing to mark the intended line of the new roof.

Currently this board is trespassing on our property, and this raises several questions.

¿ The presence of the timber board gives the appearance that the new roof may project beyond the line of the previous roof and over our boundary. This does not appear consistent with the statement that the building is not otherwise being enlarged. Does the new roof project further than the previous roof?

¿ The submitted drawings should not be relied upon for this application and they do not accurately reflect what the proposed construction is.

Impact on Residential Amenity

The covering letter concludes that there will be no overbearing impact and no harm to neighbouring amenity. As the neighbouring property owner, I respectfully disagree.

The increased height, upgraded structure and apparent intensification of the building have all increased its visual presence adjacent to and trespassing on our boundary. The cumulative effect of these changes has altered the character of the building and its relationship with Portobello.

In addition to the visual impact, I also have concerns regarding the potential for increased noise and disturbance. The building is located immediately on the shared boundary. It is also situated in close proximity to our chicken coop, where we spend time caring for our chickens on a daily basis with our children.

Importantly, this is a quiet rural location, and one of the reasons residents choose to live here is to enjoy the peace, tranquillity and rural character of the area. The close proximity of this building to our boundary means that any increase in its use or occupation has the potential to erode that tranquillity.

If the building is used regularly as a garden room or for any purpose involving prolonged occupation, it is likely to result in increased noise from conversations, music, televisions, entertainment or social gatherings, particularly during the evenings and weekends when our family is most likely to be enjoying our garden. Given the peaceful nature of the surrounding area, even relatively modest increases in noise are likely to be far more noticeable than they would be in a more urban setting.

Should the building ever be used for overnight accommodation, business purposes or any other form of regular occupation, the impact on our residential amenity would be significantly greater due to its close proximity to our boundary and the quiet rural setting in which both properties are located.

For these reasons, I do not agree with the applicant's assertion that the proposal gives rise to no amenity concerns. I respectfully request that the Council carefully considers the likely impact of the development on neighbouring occupiers, including the potential for increased noise and disturbance, and the effect on the peaceful rural character of the area, before determining this application.

Conclusion

This objection is not based upon opposition to reasonable improvements to neighbouring properties. Rather, it reflects genuine concerns regarding the scale of the alterations, the retrospective nature of the application, the manner in which the works have been undertaken, and the apparent inconsistency between what has been built and what is described within the covering letter and plans, all detailed above.

Given these concerns, I respectfully request that the Local Planning Authority refuses this retrospective planning application.

Should the Council nevertheless be minded to grant planning permission, I would request that a planning officer visits the site and robust planning conditions are imposed to ensure that:

- ¿ the building shall only be used for purposes incidental to the enjoyment of the main dwelling and shall not be occupied as separate or independent residential accommodation;
- ¿ no overnight or permanent habitation shall take place within the building;
- ¿ the building shall not be used as a holiday let, Airbnb, guest accommodation or any other form of commercial residential use;
- ¿ no commercial trading business, workshop, office open to visiting clients, or other commercial enterprise shall be operated from the building; and
- ¿ no further alterations that would facilitate independent occupation shall be undertaken without the benefit of a further planning permission.

These conditions would provide reassurance that the building remains genuinely ancillary to the main dwelling, consistent with the description contained within the application, whilst protecting the residential amenity of neighbouring properties.

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