

DELEGATED REPORT

FILE REFERENCE: SMD/2014/0270

MAIN ISSUES:

- Impact on setting of listed building
- Impact on neighbours
- Impact on character and appearance of the area
- Impact on public right of way.
- Access
- Level of amenity for future occupiers

PUBLICITY/REPRESENTATIONS:

- Parish Council: Objection - see case officer assessment.
- Press advert, site notice and neighbour notifications have resulted in several objections - see case officer assessment.
- SMDC Conservation - No objection - see case officer assessment.
- SMDC Policy - No observations received
- SMDC Environmental Health - No observations received
- SMDC Ecologist - Agree with finding of Preliminary Ecological Appraisal that there are no fundamental ecological issues of concern subject to appropriate conditions.
- SCC Highways - No objection - see case officer assessment.
- Severn Trent Water - No objections subject to conditions.

CASE OFFICER ASSESSMENT: The main planning policy context relevant to the determination of this application is contained in the adopted Staffordshire Moorlands Core Strategy (SMCS), the National Planning Policy Framework (NPPF), and the Staffordshire Moorlands Space about Dwellings Design Guide (SMSaD)

In particular from the SMCS, Policy SS6 - Rural Areas and Policy SS6a - Larger Villages Area Strategy provide the policy context on the principle of whether the application site is an appropriate location for a new dwelling.

Within these policies, and based on the principles of a sustainable pattern of growth advocated by the NPPF, the village of Kingsley is defined as one of the District's larger villages having an important role in serving and supporting their immediate surrounding rural areas and smaller villages. Hence, Kingsley is one of 12 larger villages in the District where housing growth is provided for in the development plan, the SMCS.

The Development Boundary of the village, within which appropriate new housing is likely to be acceptable, has yet to be defined in the development plan. This plan, the Site Allocations Development Plan Document is currently being prepared by the Council. However, the principle of housing within the village's built up area is already established in Policy SS6a. Albeit open and mainly greenfield land, the application site is considered to lie within the main built up area as there are other examples of built development behind frontage housing in the village.

Having established that the principle of a new dwelling is acceptable here, a new dwelling on the application site raises a number of other planning issues. These are dealt with in turn below and are:

- 1) Impact on the setting of a listed building;
- 2) Impact on neighbours;
- 3) Impact on Public Right of Way;
- 4) Impact on ecology;
- 5) Impact on the character and appearance of the area;
- 6) Access; and,
- 7) Level of amenity for future residents of the proposed dwelling.

Impact of the Setting of a Listed Building: The Council's Conservation Officer has been consulted on this proposal and reports that "*No 44 High Street is a Grade II Listed Building which is viewed primarily from the High Street. The land at the rear rises quite significantly and views of the rear are limited by the topography and screened by adjoining buildings. The construction of a dwelling on the application site will have no detrimental impact on the setting of the Listed Building.*" The rear of the Listed Building would be viewed by users of the public right of way along the back edge of the application site at a higher level. However, with these views are already seen within the context of existing buildings, domestic curtilages, garden paraphernalia and parked cars. The applicant has submitted a heritage report which concludes that a scheme that is subservient to the listed building should be easily achieved.

Impact on Neighbours: The front wall of the proposed bungalow would be within 15 metres of a neighbouring dwelling. However this dwelling fronts onto the existing driveway and has no principal windows facing towards the proposed new bungalow. A neighbour's rear garden space would also be within similar distance to the proposed dwelling and is currently quite open to the application site. With appropriate design and location of windows in the proposed dwelling inappropriate overlooking and loss of privacy can be avoided. Furthermore the boundary wall between these neighbour's properties and the application site appear to be in the applicant's ownership. Appropriate new boundary treatment can therefore be provided as part of any new development to ensure a satisfactory relationship between properties.

The private access way proposed to be used for pedestrians and vehicles in association with the new dwelling is also used by No 40 and 44 High Street for vehicular access. This proposal would increase the activity and vehicular movements along this private access way compared to the existing. This would have a negative impact on the neighbour's local amenity, but in the light of the existing shared nature of the access way, it is not considered that this is sufficiently harmful to refuse the proposal.

A standard two storey dwelling on the application site is unlikely to be appropriate in terms of its impact on neighbouring properties and its surroundings. A bungalow is likely to be the appropriate scale of development here. However, if this outline application is approved, the design, scale and massing will be a matter for later consideration. Any unacceptable design or scale of development can be rejected by the Council.

Impact on public right of way: A public footpath runs along the northern boundary of the application site, which according to the drawings submitted by the applicant is about a couple of metres higher than the lower parts of the site. The footpath already runs along the back of the adjacent bungalow. Careful treatment of this application site boundary would be required to ensure the public footpath is retained, the loss of rural character minimised and to minimise overlooking into the new dwelling's garden and principal windows.

Impact on ecology: The site is a potential habitat for species of flora and fauna and there is a wood to the north east. Following a request by SMDC a Preliminary Ecological Appraisal was completed and submitted for assessment. The Ecology Officer has commented that the conclusions and findings of the appraisal suggest that there are no fundamental ecological issues of concern but conditions should be applied to include the provision of bird and bat boxes whilst restricting bright lights shining upwards.

Impact on character and appearance of the area: The introduction of a new dwelling on this

site would result in built form well set back from the main road. Set back between the buildings on either side of the private access way, it would not make a significant impact on the character and appearance of the area from the main road. From the north footpath users would see a new dwelling and garden, but with an existing modern bungalow to the east, and other built form in view, an appropriately designed dwelling would not adversely affect the character and appearance of the general area. The application site does not lie within a Conservation Area.

The construction of a dwelling on the application site would require changes to the levels of the site. The illustrations provided by the applicant show earth being removed from the centre of the site to provide a level base for the dwelling. The dwelling would then sit about 2 metres below the height of the public right of way and the height of the garden of the adjacent bungalow. The details of exactly how much earth would need to be removed and what retaining structures would be used would be a detail for consideration at reserved matters. However what would be an inevitable consequence of siting the proposed dwelling as proposed in this layout would be the need for the construction of some form of retaining structure (about 2 metres high) within the application site along the south eastern boundary with the neighbouring property. This does cause concern for the well being of a number of trees within the neighbours property along their boundary. However these trees have been assessed by the Council's Trees and Woodland Officer and are of poor quality and are not judged to be of significant amenity value. If approved the Trees and Woodland Officer recommends conditions to be attached to secure appropriate control of the removal of any trees and the submission of an appropriate landscaping scheme for the site at reserved matters stage.

The above works and the construction of a new dwelling would clearly change the character and appearance of the site itself, but this change is not considered to have a significant adverse impact on the overall character and appearance of the area.

Access: As previously referred to in this report, the proposed dwelling would be accessed off the main road via an existing private access which already serves two dwellings. The Staffordshire County Council Highways (SCCH) have no objection to this arrangement, nor the increase in cars entering and exiting the site, but no development will commence before appropriate arrangements for car parking and vehicle turning are submitted and approved by the local planning authority and the private vehicular access immediately behind the public highway must be widened to 4.2 metres. SCCH has commented on the presence of parked cars on the High St close to the existing driveway as follows: "The presence of the parked cars allows the emerging vehicle to pull further out of the access than would otherwise be the case, protected by the parked cars. They also slow passing vehicles and effectively turn the road into a single track road – unofficial traffic calming. They are marked parking bays, anyone using them does so legally.

I would not recommend refusal of this application because of the presence of parked cars."

Any legal issues relating to the use of the private access way by the future residents in conjunction with the existing users is a private matter between those parties. This is not a planning matter.

Level of amenity for future occupiers of the proposed dwelling: To achieve a satisfactory level of privacy in the rear garden of the new dwelling a 2 metre high boundary treatment would be required along the northern boundary with the public right of way. To achieve a satisfactory boundary treatment that would not be visually jarring at this elevated position will be challenging. The rear garden of the new dwelling would be overlooked by a side bedroom window in the adjacent bungalow. Such overlooking is considered as acceptable in the Council's Space about Dwellings Design Guide. Principal windows of the new dwelling can be positioned so as to avoid conflict with the same Design Guidance. The rear garden area should be able to satisfy the Council's minimum area standard of 65 sq metres, but would be well below the preferred 11 metre distance from dwelling to rear curtilage. This deficiency in itself is not considered to carry sufficient weight to refuse the proposal.

The Parish Council opposes this proposal by reason of

- Poor access and highway safety

- Lack of character
- Overdevelopment of a small site
- Lack of privacy of neighbouring properties
- Impact on adjacent listed building and footpath No 7

Eight letters have been received from neighbours objecting to the proposal for similar reasons to the Parish Council and also because of:

- inappropriate infilling out of character with the village and surrounding buildings
- a similar proposal was raised in the past and rejected due to the access.
- the access track is only currently used by No 40 and 44 High St and not for farm vehicles as indicated in the application.
- No off street parking appears to be included in the proposal
- the spoiling of views across the village and countryside
- the lack of need for larger housing
- the parking of cars on the High Street restrict visibility for cars exiting the private drive.

The above reasons for objection have been considered in this officer report and are not considered to be substantive planning reasons for refusal. There will be some challenges to the design and satisfactory integration of a new dwelling and garden on this relatively small and sloping site close to neighbouring properties and these will have to dealt with at an approval of reserved matters.

RECOMMENDATION: Approve, subject to conditions.

Date 26/01/2015

Signed

David Sykes and R J
Duckworth

DEVELOPMENT CONTROL MANAGER COMMENTS:

Date

Signed
