

Agenda Item 5.2

Committee Report for Application ref: P/2019/01545

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

Application Number	P/2019/01545
Planning Officer	Gary Shilton
Application Type	Householder
Site Address	23 Claymills Road Stretton Staffordshire DE13 0JQ
Proposal	Erection of a two storey rear extension (Revised Scheme to include raising of ridge height by 145mm)
Consultation Expiry Date	Neighbouring occupiers were notified of the application and a site notice was posted. Overall Expiry for comments: 5 th March 2020
Screening Opinion	Environmental Impact Assessment not required.
Date Expires	13 February 2020. An extension of time has been agreed to allow for the application to be considered by the Planning Committee until 31 st March 2020
Details of call in	The Interim Planning manager has referred this to planning committee, this decision has been reviewed and agreed by the current Planning Manager.
Officer Recommendation	Approval subject to conditions.
Relevant Planning Policy	<p><u>Government Documents</u></p> <p>National Planning Policy Framework The National Planning Practice Guidance (NPPF)</p> <p><u>Local Plan Policies</u></p> <p>Principle 1: Presumption in Favour of Sustainable Development SP1: East Staffordshire Approach to Sustainable Development SP24: High Quality Design SP25: Historic Environment SP27: Climate Change, Water Body Management and Flooding SP29: Biodiversity and Geodiversity SP35: Accessibility and Sustainable Transport DP1: Design of New Development DP3: Design of New Residential Development, Extensions and Curtilage Buildings DP5: Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and Archaeology DP7- Pollution and Contamination</p> <p><u>Supplementary Planning Documents (SPD)</u></p> <p>East Staffordshire Design Guide Separation Distances and Amenity Supplementary Planning Document 2019 Parking Standards Supplementary Planning Document 2017</p>

	<p><u>Stretton Neighbourhood Plan (Stretton NP)</u></p> <p>S4 – Wildlife Corridors and Stepping Stones S6 – Flooding</p>
Relevant Planning History	<p>P/2019/00216 – Erection of a two storey rear extension. Approved 14/05/2019</p> <p>P/2019/01213- Construction of vehicular access - Withdrawn by applicant 28/02/2020</p>
Consultation and Neighbour Responses (including Parish Council)	<p>No neighbour representations or comments from Stretton Parish Council have been received at the time of writing this report.</p>
Human Rights Act Considerations	<p>There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.</p>
Crime and Disorder Implications	<p>It is considered that the proposal does not raise any crime and disorder implications.</p>
Equalities Act 2010	<p>Due regard, where relevant, has been taken to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.</p>
Planning Officer's Assessment	<p><u>Site Description</u></p> <p>This application relates to a detached dwelling located on a prominent corner site on the northern side of Claymills Lane. The area is residential in character and consists of a mixture of bungalows and detached and semi-detached 1930's style dwellings. Several of the dwellings have been extended previously.</p> <p>The dwelling is set at an angle to adjacent dwellings with gardens to the front, sides and rear. The driveway is sited to the east of the dwelling with the access onto Claymills Road.</p> <p>The proposal lies within the Settlement boundary of Burton Upon Trent and is within the Parish of Stretton.</p> <p><u>Proposals</u></p> <p>This proposal seeks permission for the retention of a two storey rear extension. A rear extension was previously granted planning permission under reference P/2019/00216.</p> <p>The extension differs from that which was previously granted due to the ridge height of the extension being increased by 0.145m. This has resulted in the ridgeline of the extension to the rear exceeding that of the original dwelling.</p> <p>The extension has render finish to match the existing dwelling and roof tiles which are of a similar appearance to those of the existing dwelling.</p> <p><u>Assessment</u></p> <p>The main considerations in the assessment of this planning application are the principle of the proposal, the impacts on visual and residential amenities, highway safety implications, impact on heritage assets, drainage/ flooding implications and impact on biodiversity.</p> <p><u>Principle of the Development</u></p> <p>The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 11 of the NPPF states that for decision-taking this means:</p>

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Local Plan Policy SP1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant.

Having regard to the adopted Development Plan policies, the application site is located within the settlement boundary for Burton upon Trent as defined in the Local Plan. As such, the scheme would adhere with the sustainability criteria within Policy SP1. The principle of the two storey rear extension has been established under the previous permission, Planning ref P/2019/00216.

Visual Amenities

Policy SP24 of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identity through local distinctiveness.

Policy DP1 states that planning permission will normally be granted for development which responds positively to the context of the surrounding area and in itself exhibits a high quality design.

The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.

The existing dwelling is set back from the highway to the front and given the corner position is prominent within the streetscene. The proposal would retain the existing extension as built, including the increase in the ridge height of the roof over the extension. The height was increased to allow internal access from the roof space of the original dwelling into the roof space of the extension. This application is to vary this permission to allow for the retention of the increase in ridge height of 0.145m.

Although the ridge height of the extension has been marginally increased, the eaves, footprint and general design of the extension remains as previously approved. It is not considered that this increase in height causes demonstrable harm to the character and appearance of the dwelling or locality sufficient to warrant a refusal of the application. The use of the facing materials aids with the integration of the proposal with the host dwelling and within the wider streetscene.

Therefore on balance the proposal is not considered to cause demonstrable harm to the character and appearance of the host dwelling house or the surrounding locality and is therefore in accordance with Local Plan Policies SP24 and DP1 and the East Staffordshire Design Guide.

Residential Amenities

Policy DP3 requires householder extensions to have no materially adverse effects on neighbouring properties through issues including overlooking, loss of light to principal windows or private amenity space or create an overbearing impact. The Local Plan policies are supplemented by the East Staffordshire Design Guide and the National Planning Policy Framework which indicate that developments should have due regard to the future amenities of residents.

The Councils recently adopted Separation Distances and Amenity SPD sets out overall spacing standards for new residential development to ensure that existing and future occupiers have a good level of amenity and privacy to enjoy the place where they live.

Due to the orientation of the dwelling in the plot the extension has ground floor principal windows facing the boundary with No.21 Claymills Road. Given the intervening boundary fence at approximately 1.8m high this is not considered to cause any overlooking of the neighbouring dwelling at ground floor level.

There is a first floor rear facing principal bedroom window which is sited approximately 10m from the boundary fence with No.21 Claymills Road. This separation complies with the separation distance requirement set out in the Separation Distances and Amenity SPD.

There is also a first floor side bedroom window which faces towards the front garden of No.21 Claymills Road. Given that this window does not overlook private amenity space it is not considered this would result in any unacceptable overlooking or loss of privacy to the occupiers of No.21.

The extensions as revised are therefore not considered to cause sufficient harm to the amenities of the occupiers of neighbouring dwellings sufficient to warrant a refusal of the proposal. The application complies with Local Plan Policy DP3 and the Separation Distances and Amenity SPD.

Highway Safety

East Staffordshire Local Plan Policies SP1 and SP35 aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside.

The Council's Parking Standards SPD sets out standards for different uses and different sized dwellings including space size, accessibility and the quantity of car parking spaces required for different uses.

The application site has a large area of hardstanding to the side of the dwelling and a driveway along the eastern side of the dwelling. This proposal would increase the number of bedrooms within from four to five.

The parking standards SPD would expect a dwelling with four or more bedrooms to have a minimum of three on-site car parking spaces. The driveway and associated hard standing are sufficient to provide three car parking spaces to meet the requirements of the parking standards SPD. The existing access with the highway would remain unaltered.

The proposal is therefore considered to comply with Local Plan Policies SP1 and SP35 and the Parking Standards SPD.

Heritage Assets

Paragraph 184 of the NPPF states the Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the secretary of state shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has established that this means that considerable

weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.

Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed Policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.

The nearest Conservation Area, The Trent and Mersey Conservation Area, is approximately 258 metres away. Given the distance between the site and the Conservation Area, there is no intervisibility, particularly as the A38 is an intervening feature. The nearest Listed Building is St Marys Church situated in the centre of Stretton on Church Road, this is approximately 750m away. There is no intervisibility between the proposal and this building.

The separation distances with the heritage assets are such that the proposed development will have no impact on the conservation area or any listed buildings or their setting and Sections 66 (1) and Section 72 are therefore not engaged.

Flood Risk

Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS).

Stretton Neighbourhood Plan Policy S6 seeks wherever feasible development proposals will be expected to incorporate sustainable drainage systems.

The site lies entirely within Flood Zone 1 and as such is at a low risk from fluvial flooding. There is no requirement to submit a flood risk assessment. Therefore the application complies with the provision of Local Plan Policy SP27.

The application will use the existing drainage of the existing property and therefore is not required to submit any further drainage details. As such the proposal is in line with Stretton Neighbourhood Plan Policy S6.

Biodiversity

Paragraph 175 within Section 15 of the National Planning Policy Framework 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, planning permission should be refused.

The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.

Strategic Policy 29 lists criteria including development to retain features of biological interest which produces a net gain in biodiversity, in line with Staffordshire biodiversity

	<p>action plan species and supporting developments with multi-functional benefit.</p> <p>Stretton Neighbourhood Plan Policy S4 seeks for new development proposals to demonstrate support and enhance the wildlife value of these features.</p> <p>Trees/shrubs within the site are, in the most part, to be retained and as such the local habitat will remain fairly constant. The application is for householder development rather than an application for full planning permission and as such ecology surveys are not required. This is considered to comply with Local Plan Policy SP29</p> <p><u>Other Considerations</u></p> <p>The Environmental Health team commented on the previous approval in that the dwelling is sited within an area that is affected by radon gas. An informative was previously attached to the planning permission in relation to this. Although the extension has been subsequently built it is considered reasonable that the same informative is reattached to any grant of planning permission.</p>
<p>Conclusion</p>	<p>The proposed retention of the extension as constructed is not considered to cause demonstrable harm to the character and appearance of the locality or the host dwelling to warrant a refusal and is considered to be in accordance with the policies of the Local Plan, Stretton Neighbourhood Plan and the Design Guidance.</p> <p>The proposed extensions and alterations given the orientation and relationship are a sufficient distance away from the occupiers of neighbouring properties to not have a sufficiently detrimental impact on the amenity of the occupiers to warrant a refusal of the proposal. The development complies with the separation distances and amenity requirements set out in the Separation Distances and Amenity SPD.</p> <p>The increase in the number of bedrooms would not require additional parking provision and there is sufficient off road parking provided within the existing driveway. No alterations are proposed to the access.</p> <p>There are no issues in relation to flooding or biodiversity as part of the scheme.</p> <p>The proposed development is not within a conservation area and given the separation distances, it is not considered that the proposal would have an impact on views into, or those out of, the nearest conservation area, nor is any listed building or its setting affected. The statutory duties under Sections 66 (1) and 72 are therefore not engaged.</p> <p>The application proposal is considered acceptable and appropriate within an existing residential curtilage in a residential area. The amended design is considered acceptable within the context of the area. The application is acceptable in principle and of an appropriate design and is in accordance with Policies SP1, SP24, SP25, SP27, SP29, SP35, DP1, DP3, DP5 and DP7 of the Local Plan, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Revised Parking Standards and Policies S4 and S6 of the Stretton Neighbourhood Plan.</p>
<p>Planning Officer's response to Parish Council and Neighbour's Comments</p>	<p>No response is required.</p>
<p>RECOMMENDATION</p>	<p>Accordingly, taking into consideration the above mentioned planning considerations the recommendation is to APPROVE the proposal, subject to the following conditions:-</p> <ol style="list-style-type: none"> 1. Compliance with the approved plans (00002) <p>The following informative's should also be included with the above recommendation;</p> <ol style="list-style-type: none"> 1. Engagement Informative 2. Radon Gas Informative

Engagement	The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.
Section 106 Required?	No
Background Papers	<p>The following papers were used in the preparation of this report:-</p> <ul style="list-style-type: none"> • The Local and National Planning policies outlined above in the report. • All papers and drawings on the planning application file reference P/2019/00216 • All papers and drawings on the planning application file reference P/2019/01545

For further information contact: Gary Shilton
Telephone Number: 01283 508607
Email: gary.shilton@eaststaffsbc.gov.uk