


**Agenda Item:** 5.2

**Report of Head of Service (Section 151 Officer)**

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

<b>Application Number</b>	P/2020/01095 <u>Map of Site</u> 
<b>Planning Officer</b>	Gary Shilton
<b>Application Type</b>	Householder
<b>Impact on Heritage Assets under S66(1) and S72</b>	No impacts.
<b>Site Address</b>	8 Calais Road Burton Upon Trent DE13 0UH
<b>Proposal</b>	Erection of a single storey rear extension
<b>Ward</b>	Horninglow and Eton
<b>Ward Members</b>	Councillor KJ Builth Councillor D Florence- Jukes Councillor M Shrive
<b>Date Registered</b>	19 October 2020
<b>Consultation Expiry Date</b>	Overall Expiry 30/11/2020

<p><b>Date Expires</b></p>	<p>Statutory Expiry Date 11 December 2020</p> <p>An extension of time has been agreed to allow for the application to be considered by the Planning Committee until 22<sup>nd</sup> January 2021.</p>
<p><b>Reason for being Agenda</b></p>	<p>This application was called in by Councillor Shrive for the following reasons:</p> <p>‘Traffic and parking challenge, on an already busy highway. The location is in close proximity to a major petrol station, roundabout and Queens hospital- this could affect the throughway for emergency vehicles and public transport. The back of the property would not be in keeping with others in that locality.’</p>
<p><b>Officer Recommendation</b></p>	<p><b>Approve subject to conditions</b></p>
<p><b>Relevant Planning Policy</b></p>	<p><b><u>Government Documents</u></b></p> <p>National Planning Policy Framework (NPPF) The National Planning Practice Guidance (NPPG)</p> <p><b><u>Local Plan Policies</u></b></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</p> <p><b><u>Supplementary Planning Documents (SPD)</u></b></p> <p>East Staffordshire Design Guide Separation Distances and Amenity Supplementary Planning Document 2019 Parking Standards Supplementary Planning Document September 2020</p> <p><b><u>Horninglow and Eton Neighbourhood Plan (Horninglow NP)</u></b></p> <p>HE5 – Parking Standards</p>
<p><b>Relevant Planning History</b></p>	<p>PA/05364/002 Alterations to Front and Improvements. Permitted Development 30/05/1977</p>
<p><b>Consultation and Neighbour Responses (including Parish Council)</b></p>	<p><b>SCC Highway Authority:</b> There are no objections on Highway grounds to this proposal.</p> <p><b>Cadent:</b> No objections as the intermediate and high pressure gas pipelines in the area would not be affected by the application</p>

	<p><b>Health and Safety Executive:</b> Does not cross any consultation zone</p> <p>Representations were received from 1 local resident. The Material planning considerations raised have been summarised below:</p> <p><b>Residential amenities</b></p> <ul style="list-style-type: none"> <li>• The length and height of the extension will have a negative impact on our leisure time. Our patio where we sit and relax will be totally overshadowed, taking away our sunlight</li> </ul>
<p><b>Human Rights Act Considerations</b></p>	<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>
<p><b>Crime and Disorder Implications</b></p>	<p>It is considered that the proposal does not raise any crime and disorder implications.</p>
<p><b>Equalities Act 2010</b></p>	<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>
<p><b>Planning Officer’s Assessment</b></p>	<p><b><u>Site Description</u></b></p> <p>This application relates to a mid-terrace dwelling house located within a residential area with a mix of terraced dwellings and semi-detached dwellings opposite with later semi-detached dwellings to the rear. The dwelling benefits from a long rear garden. The dwelling is set back from the public highway, Calais Road with a small area of hardstanding to the front of the dwelling.</p> <p>The dwelling does not benefit from any off road parking. There are double yellow lines restricting parking at all times to the eastern side of Calais road which the dwelling is sited on with on road parking to the opposite western side.</p> <p>The proposal lies within the Settlement boundary of Burton Upon Trent as defined by the Local Plan and is within the Parish of Horninglow and Eton.</p> <p>The dwelling has been previously extended to the rear with a single storey extension under permitted development allowances.</p> <p><b><u>Proposals</u></b></p> <p>This proposal seeks permission for single storey rear extension to a mid-terrace dwelling house. The proposal would form a bedroom and en-suite on the ground floor. The proposed extension has commenced during the process of this application. The extension measures 6.3m (depth) x 3.67m (width) x 3.15m (overall height) and would have a flat roof over.</p>

The proposal has been constructed from facing brickwork rather than render to match the host property and the drawings have been amended to reflect this change in external materials.

### **Assessment**

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, impact on heritage assets, drainage/ flooding implications and impact on biodiversity.

### **Principle of the Development**

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:

- 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.

### **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 proposed extension is sited to the rear of the property off an existing extension. The flat roof design of the existing extension would be continued through to this proposal. The proposal would not be readily visible from the public highway due to the rearward location and surrounding development. Given this it is not considered to cause demonstrable harm to the character and appearance of the dwelling or locality.

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 SP1, SP24, DP1 and DP3 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, Separation Distances and Amenity SPD and the NPPF 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.

There is a proposed ground floor bedroom window which faces down the garden is sited approximately 20m from the rear boundary fence. This separation complies with the separation distance requirement set out in the Separation Distances and Amenity SPD. It is noted that there is a 1.8m high boundary fence enclosing the rear garden of the application site, it is not considered that the proposed ground floor bedroom window would cause any overlooking of the neighbouring dwellings gardens. Similarly, the proposal would cause no unacceptable loss of light or outlook to the principal windows of the adjoining properties.

The scheme would ensure that the minimum amenity space provision is retained to serve the host dwelling in line with the guidance set out in the Separation Distances and Amenity Supplementary Planning Document.

The extension is therefore not considered to cause any unacceptable 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.

Policy HE5 of the Horninglow and Eton Neighbourhood Plan sets out minimum standards for parking provision unless a lower provision can be justified in the terms set out below, new residential development requiring planning permission, including extensions that create additional bed-spaces, to ensure that developments provide adequate parking provision. A lower provision than that set out will only be acceptable if it can be demonstrated satisfactorily to the planning authority that any on-street parking likely to occur as a result of the development will not create, or exacerbate, on-street parking problems for local residents or businesses, or prejudice highway (including pedestrian) safety through increasing the likelihood of dangerous parking.

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 is for the erection of a single storey rear extension to form an additional bedroom. This would increase the number of bedrooms in the property from two to three. Other internal works at first floor level are shown which indicate that a further bedroom would be formed within the existing bathroom, however these works do not require consent as they only relate to internal alterations. The site currently has no on-site parking and neither does any other property in the immediate vicinity which is characteristic of this street.

The proposed extension which increases the number of bedrooms from two to three within the dwelling would not require additional parking provision under the Councils Parking Standards SPD. The Parking Standards SPD would expect a dwelling with four or more bedrooms to have a minimum of three on-site car parking spaces. However the Horninglow and Eton Neighbourhood Plan policy HE5 requires one additional parking space per bedroom created unless it can be demonstrated satisfactorily to the planning authority that any on-street parking likely to occur as a result of the development will not create, or exacerbate, on-street parking problems for local residents or businesses, or prejudice highway (including pedestrian) safety through increasing the likelihood of dangerous parking.

The dwelling is considered to be located within a sustainable location within easy reach of nearby bus routes. The additional bedroom at first floor which is formed through internal alterations does not require planning permission and the additional bedroom to the rear within the proposed extension would be unlikely to result in a harmful effect on highway safety or add significant parking demand to the existing situation. Whilst it is acknowledged that the proposal would have a shortfall in parking provision when assessed against the Neighbourhood Plan Policy HE5, it is not considered that the proposal in reality would lead to a significant adverse impact on the highway network given that there are parking restrictions in place to control where people park. Furthermore, the Highway Authority have raised no objections to the proposal on highway safety grounds stating that "it is not considered that the development will lead to increased highway dangers or a severe impact on highway capacity."

Taking into consideration the above it is not considered in this instance that insufficient parking provision would be a sustainable reason to refuse the application.

Given the above it is considered that the development would not result in any significant parking problems or result in any significant highway safety implications and is therefore considered to comply with the objectives of Local Plan Policies SP1 and SP35, Horninglow and Eton Neighbourhood Plan Policy HE5 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 500 metres away to the south east of the proposal. 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 a Canal milepost situated within the Trent and Mersey Conservation Area on the eastern side of the canal, this is approximately 690m away. There is no intervisibility between the proposal and this milepost.

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.

	<p><u>Flood Risk</u></p> <p>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.</p> <p>Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS).</p> <p>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.</p> <p><u>Biodiversity</u></p> <p>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.</p> <p>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.</p> <p>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 action plan species and supporting developments with multi-functional benefit.</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><b>Conclusion</b></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 sufficient to warrant a refusal and is considered to be in accordance with the policies of the Local Plan, Horninglow and Eton Neighbourhood Plan and the Design Guidance.</p> <p>The proposed extension would not have a detrimental impact on the amenity of neighbouring occupiers to warrant a refusal of the proposal on these grounds. The development and 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 require additional parking provision in accordance with Policy HE5 of the Horninglow and Eton Neighbourhood Plan. However, given the location and size of the dwelling</p>



	<p>and that the Highway Authorities has raised no objections on highway safety grounds is not considered to be a sustainable reason for refusal in this instance.</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 design is considered acceptable within the context of the area and would cause no harm to existing residential amenity of the neighbouring occupiers. The proposal would not result in significant impacts or a danger to the safe and free flow of the highway. The application is acceptable in principle and is in accordance with Policies SP1, SP24, SP25, SP27, SP29, SP35, DP1, DP3 and DP5 of the Local Plan, Horninglow and Eton Neighbourhood Plan Policy HE5, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Revised Parking Standards SPD and the National Planning Policy Framework.</p>
<p><b>Planning Officer's response to Parish Council and Neighbour's Comments</b></p>	<p>Neighbour comments have been addressed within the body of the report.</p>
<p><b>Engagement</b></p>	<p><b>003b: Engagement (Acceptable as submitted)</b>                  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.</p>
<p><b>RECOMMENDATION</b></p>	<p>To <b>APPROVE</b> the proposal, subject to the conditions and informative set out below:-</p>
<p><b>Recommended conditions</b></p>	<p><b>00002: Approved Plans</b>                  The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission:</p> <p>Drawing No's:                  20101-P-001 Revision A scaled at 1:100 and 1:500 dated as received on 16 October 2020                  20101-P-002 scaled at 1:50 dated as received on 2 October 2020                  20101-P-102 Revision A scaled at 1:50 dated as received on 6 January 2021</p>

	Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, SP27, SP29, SP35, DP1, DP3 and DP5, Horninglow and Eton Neighbourhood Plan Policy HE5, the Separation Distances and Amenity Supplementary Planning Document, Parking Standards Supplementary Planning Document, the East Staffordshire Design Guide, and the National Planning Policy Framework.
<b>Recommended informative</b>	<b>003b: Engagement (Acceptable as submitted)</b> 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.
<b>Section 106 Required?</b>	No
<b>Background Papers</b>	The following papers were used in the preparation of this report:- <ul style="list-style-type: none"> <li>• The Local and National Planning policies outlined above in the report.</li> <li>• All papers and drawings on the planning application file reference <b>P/2020/01095</b></li> </ul>

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