



Application No: CH/18/363

Location: Land adjacent to 6, Stonehouse Road, Rugeley, WS15 2LL

Proposal: Erection of two storey house

Item no. 6.1

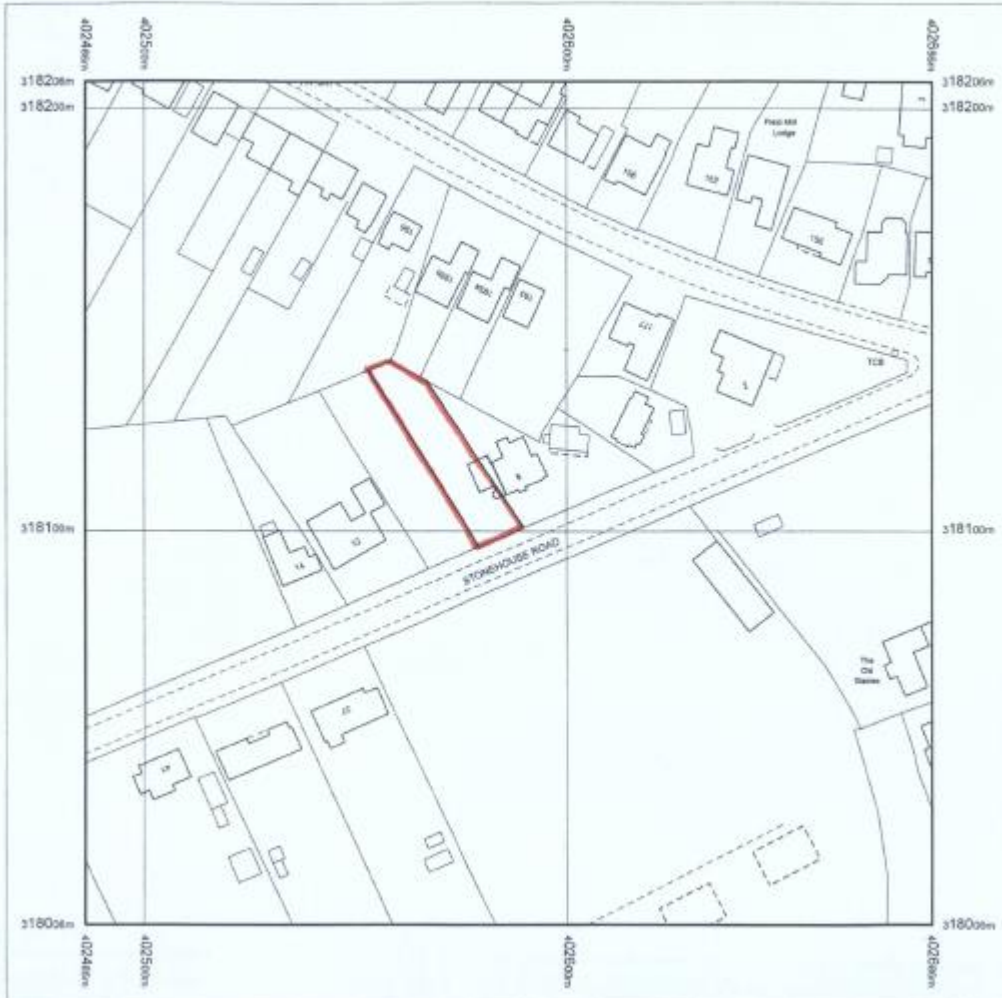


Location Plan

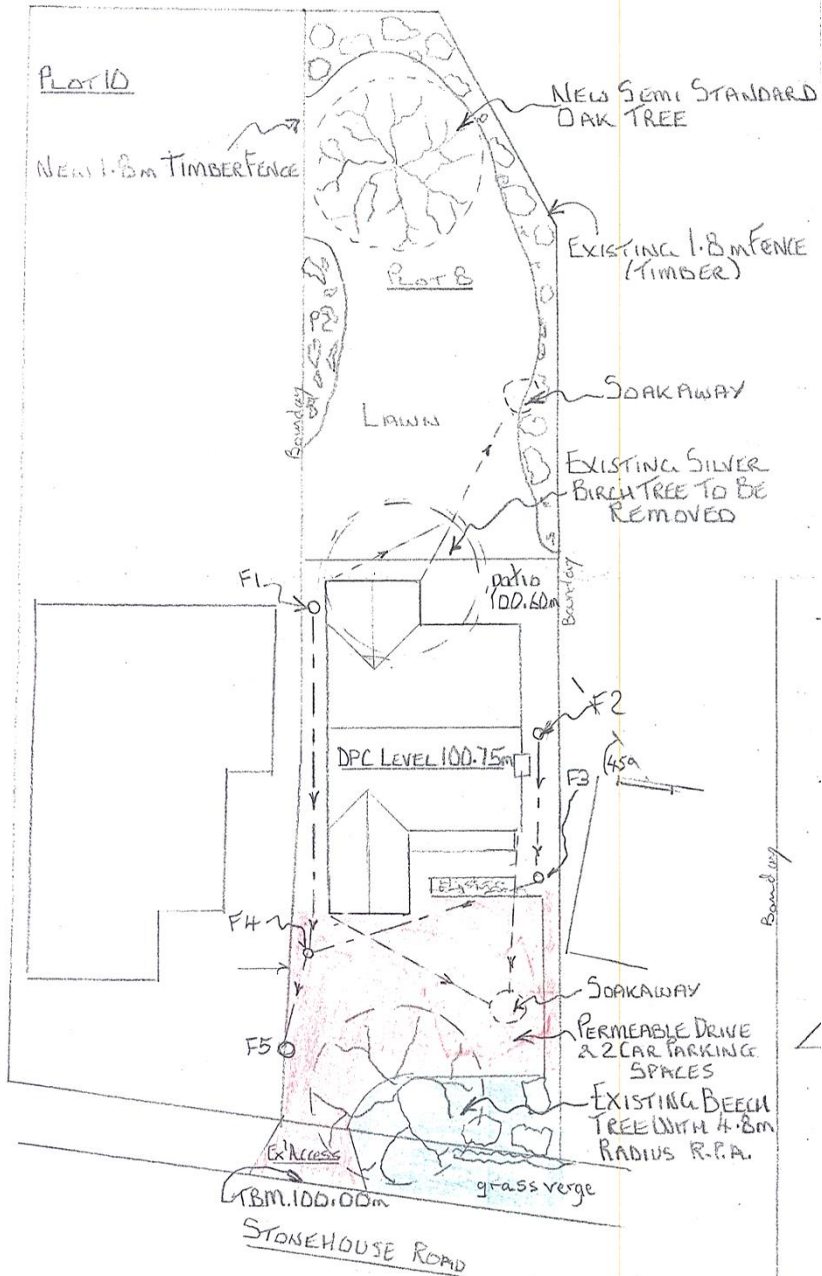


CH / 18 / 363

OS Sitemap®



Site Plan



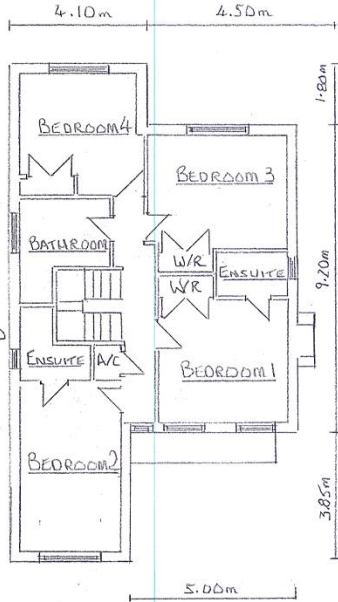
PROPOSED SITE PLAN SCALE 1:200

P1

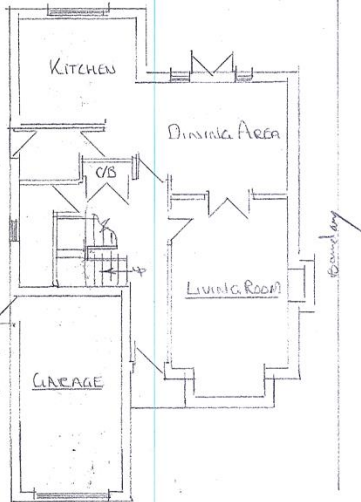
Plans and Elevations

MATERIALS

- PLAIN ROOF TILES - "MARLEY" ANTHRACITE
- FACING BRICKS - 13 STOCK KATHRINA MULTI MIX.
- WINDOWS & DOORS - U.P.V.C. BROWN WOOD STAIN.



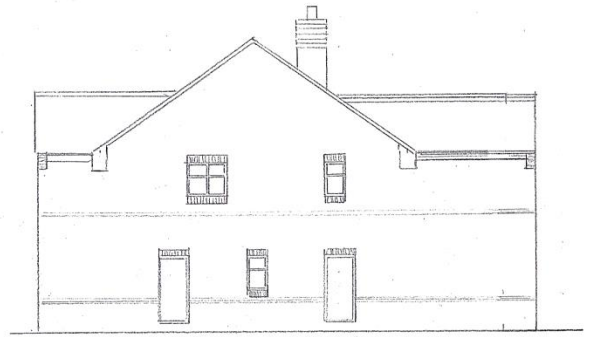
PROPOSED FIRST FLOOR PLAN SCALE 1:100



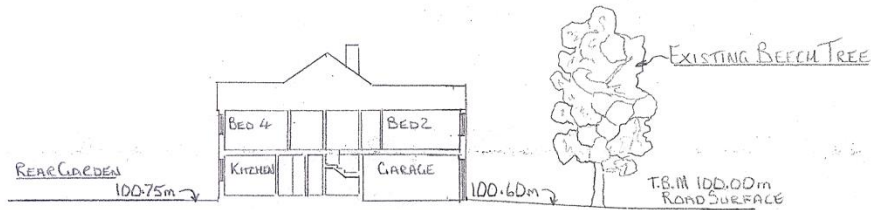
PROPOSED GROUND FLOOR PLAN SCALE 1:100



PROPOSED REAR ELEVATION (N) SCALE 1:100



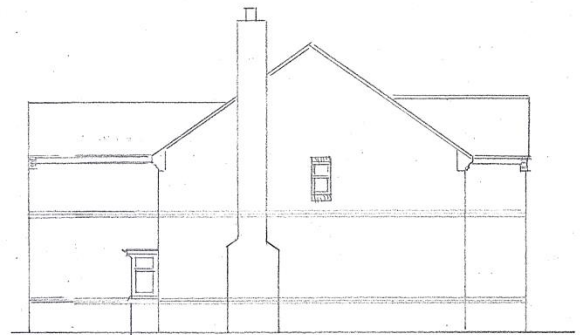
PROPOSED SIDE ELEVATION (W) SCALE 1:100



SECTION (FROM WEST LOOKING EAST) SCALE 1:200



PROPOSED FRONT ELEVATION (S) SCALE 1:100



PROPOSED SIDE ELEVATION (E) SCALE 1:100

Amendment 13/12/18. Length of garage increased from 4.8m to 6.0m

Contact Officer:	Audrey Lewis
Telephone No:	01543 464528

PLANNING COMMITTEE REPORT 10 April 2019	
Application No:	CH/18/363
Received:	12-Oct-2018
Location:	Land adjacent to 6, Stonehouse Road, Rugeley, WS152LL
Parish:	Rugeley
Description:	Erection of two storey house
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:**Reason for Grant of Permission**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ or the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country

Planning Act 1990.

2. No trees or hedges shown as retained on Dwg No.s 23/18 & K1655/01A, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

3. The approved landscape works shown on Dwg. No.23/18 shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.
(pursuant to Condition 2 above)

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

4. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing K1655/01A.

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

To ensure the retention and protection of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

5. The Special Surface Construction for the Access Roads, Drive Ways, Footpaths, Cycleways & Car Park Areas shall be implemented in accordance with the approved details including driveway construction method statement received 29 March 2019, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the protection and retention of the existing vegetation which makes an important contribution to the amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

6. The development hereby permitted shall not be brought into use until the access and parking areas have been provided in accordance with the site plan and shall thereafter be retained for the lifetime of the development.

Reason:

To comply with the objectives and policies contained within the NPPF. Para 109, in the interests of highway safety.

7. The garage indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason

To comply with the objectives and policies contained within the NPPF. Para 109, in the interests of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:
- The enlargement, improvement or other alteration of the dwellinghouse;
 - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - Any other alteration to the roof of the dwellinghouse;
 - The erection or construction of a porch outside any external door of the dwelling;
 - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
 - The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
 - The erection or provision within the curtilage of the dwellinghouse of a

container for the storage of oil for domestic heating; or

- The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

9. The dwelling hereby approved shall not be occupied until the side facing windows of the dwelling have been fitted with obscure glazing for the lifetime of the development. The windows shall be retained with obscure glazing for the lifetime of the development. No other side facing window or door openings shall be formed on the exterior of the dwelling without an express grant of planning permission from the Local Planning Authority.

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

10. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan

Design & Access Statement

Arboricultural report including Drg No. K1655/01A

Materials list - received 16 February 2018

Drg No. 23/18

Reason

For the avoidance of doubt and in the interests of proper planning.

Notes to Developer:

N/A

This application has been called in to be determined at Committee at Councillor request due to potential impact on the streetscene due to the position of the access and the existing pattern of accesses along the streetscene.

Consultations and Publicity

External Consultations

Cannock Chase AONB Unit

Site and proposed Development.

I note that the site comprises a vacant plot in an otherwise built frontage of detached dwellings in mature gardens on the edge, but forming part of, the built-up area of Etchinghill. It formed part a large side garden, which was the subject of a planning permission in 2008 for two detached dwellings, one of which has now been built. Based on the premise that construction of the overall development has begun, the current application is for reserved matters. The application is based on the use of traditional materials and provision is made for the retention of the TPO Beech tree in the front garden.

AONB Issues.

The site is within the AONB, but forms part of the built-up area of Etchinghill. Stonehouse Road is characterised by larger detached houses in spacious plots, but there are examples of infill development and substantial extensions. It is pertinent that the application site is not visible from any open land or public rights of way in the AONB and that the principle of residential development has already been established. The LPA will wish to consider how the proposed design of the dwelling and the development fits in with the surrounding area and matters of residential amenity. Design and massing can be matters of concern from an AONB perspective in more prominent locations, but in this case, there is no demonstrably adverse impact on the landscape and scenic beauty of the AONB. However, it is important that the protected tree is retained, and that other appropriate landscaping is introduced, and I would request that these matters are covered by appropriate conditions. Materials and finishes should be similarly controlled, and it may also be desirable to remove permitted development rights, given the size of the new house in relation to the plot.

Rugeley Town Council

No comments received.

County Highways

No objection subject to the imposition of conditions to remove permitted development rights for garage conversion and to provide the driveway and parking areas.

Internal Consultations

Environmental Health

No objection.

Strategic Housing

No comments received.

Policy Officer – (dated 31.10.18)

The site comprises a vacant plot in a built frontage of detached dwellings in mature gardens on the edge of Etchinghill. It formed part of a former side garden with outline planning permission for two dwellings in 2008; the adjacent dwelling has already been built. It is located within the AONB designation and there is a mature tree protected by TPO in the front garden.

The revised NPPF 2018 (para 47) confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Cannock Chase Local Plan - Local Plan (Part 1) Policy CP1 reflects the national policy position set out in the NPPF.

The NPPF (para 128) states that 'design quality should be considered through the evolution and assessment of individual proposals' and that (para 124) 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.' Para 172 states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in national parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited.'

Local Plan Policy CP14 indicates that landscape character will be considered in all proposals to protect and conserve rural openness and locally distinctive qualities and maximise opportunities for strengthening landscape features. Development proposals must be sensitive to distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity. Local Plan policy CP13 seeks to protect Cannock Chase SAC and in order to retain its integrity all development that leads to a net increase in dwellings will be required to mitigate adverse effects. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment including existing trees and landscape features, employing measures to enhance biodiversity.

The Council's Design SPD 2016 provides local design guidance relating to the western Rugeley suburbs including Etchinghill, recommending

safeguarding/enhancing the 'leafy' character' particularly with density of development, green views between and over buildings and householder 'pd' rights controlled as appropriate; promote use of hedging to front garden boundaries to reinforce this leafy feel; recognise the scope for the variety of good quality design and materials whilst respecting the scale of existing development. It also offers guidance in respect of Mature Suburbs, including Etchinghill. recommending particular consideration given to existing character and appearance of the area and how best to fit new development into its site; plot size and density to reflect existing character; siting of buildings to respect established building lines; existing landscape features (trees and hedges) retained and protected; access design should reflect existing width. design and surfacing and hard surfacing should not dominate the road frontage; and the importance of 'green' views. No objections, subject to the imposition of a condition to provide the driveway and parking areas.

Conclusion

There is no planning policy objection in principle to the proposal providing it addresses relevant policy considerations as set out above using the local guidance offered by the Design SPD on ways of achieving this in order to conserve and enhance the landscape and scenic beauty of the AONB and safeguard or enhance the character and appearance of this 'mature suburb'.

The TPO tree will have grown since the previous consent ten years ago and the advice of the Council's Tree Officer should be taken to ensure the construction and use of the site does not adversely affect it. nor overhanging trees in adjacent gardens, as they all contribute to the natural beauty of the area. It is suggested that the access should be located in the best position to suit the TPO tree.

The written information supporting the application is also ten years old so all the policies referred to are out of date, although current policies do cover similar matters. The written information supporting the application also includes a proposed landscaping scheme so the advice of the Council's Landscape Officer should be taken to ensure the new development fits well into its landscape setting. In particular hedge planting along the road frontage is suggested to reflect the frontage hedging at adjacent dwellings and maintain the 'leafy' character of Stonehouse Road in accordance with the Design SPD 2016.

As a market housing residential development scheme the proposal is CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements. as per Local Plan Part 1 Policy CP13. The Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought

then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

In summary, no planning policy objections are raised in principle subject to the detailed design of the scheme being satisfactory. It is a small scale site within the existing built up area of Etchingill and would help contribute to the Local Plan (Part 1) overall strategy for meeting the District's housing requirements.

Landscaping Officer

Objects to the driveway being right-handed and confirms that the driveway should remain in it's current position, with the crossover being gravel as at present and then graded up to meet a no dig surface.

Objects to the construction method statement for the proposed driveway submitted on 3 January 2019. However, he comments that provided the existing driveway is cleared by hand to the levels during 2009 (see google maps) and topped up by hand with 200mm of gravel hard-surface, that there would be no objection.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Two letters of representation have been received raising the following issues:

- The proposed driveway should be changed to be right hand side, to be in keeping with the rest of the streetscene in Stonehouse Road.
- Upstairs windows should be obscure glazed to ensure no direct overlooking into the neighbouring side facing bedroom window,
- Confirmation of the distance of the proposed dwelling from the boundary line.
- The modern design and materials of the proposed dwelling would be out of keeping with the existing bungalow at No.6 Stonehouse Road.
- The height of the proposed dwelling would appear dominant, exacerbated by the incline in ground levels.
- The proposal would overshadow the existing bungalow, reducing the receipt of light and sunlight to the occupiers.

Relevant Planning History

CH/10/323 - Residential development - erection of a two storey 4 bedroom dwelling (Reserved matters including access, appearance, landscaping, layout and scale. Approved subject to conditions 19/10/10.

CH/08/0214 Partial demolition of 6, Stonehouse Road; double garage and construction of 2 detached dwellings. Outline including layout, access and landscaping. Approved 20/08/08.

1 Site and Surroundings

- 1.1 The application site comprises a parcel of land, principally rectangular in shape having a length of 41-47m and width of 12m area of approximately 5280m² which previously formed part of the garden of no. 6 Stonehouse Road, a detached bungalow within an irregularly shaped plot. The site is generally level but with several changes throughout which require taking into account where development is proposed. There are residential properties either side of the site including a recently completed dwelling which was included in the original outline consent for the land to which this application relates.
- 1.2 Opposite the site is agricultural land which is within the Green Belt, the boundary of which does follow the line of the hedge on the south eastern side of Stonehouse Road. The site is within Cannock Chase AONB.
- 1.3 Within the site is a protected tree covered by TPO 33/1998, a beech tree to the front, immediately adjacent to the shared access with the new dwelling previously referred to.

2 Proposal

- 2.1 The Applicant is seeking consent for erection of a two storey four bedroom house. The design would incorporate a pitched roof with chimney to a maximum height of 8.6m (4.7m to eaves). The materials would comprise red multi brick with brown tiled roof.
- 2.2 The dwelling would have an integral garage (3m x 6m internal dimensions) and two parking spaces on the driveway. The driveway would be in the position of the existing driveway (left handed). The agent has agreed the construction methodology would be carried out as recommended by the Council's tree officer, using digging method by hand and using gravel to top up the drive surfacing.

- 2.3 The TPO tree would be retained with pruning consent, as agreed with the Council's Tree Officer.
- 2.4 A rear garden amenity area would be provided measuring 24m long and measuring approximately 264 sqm.
- 2.5 A gap of at least 1m would remain to either side of the proposed dwelling.
- 2.6 The application is accompanied with a design and access statement, arboricultural report and materials list.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
 - CP1 - Strategy – the Strategic Approach
 - CP2 – Developer Contributions for infrastructure
 - CP3 - Chase Shaping – Design
 - CP6 – Housing Land
 - CP7 – Housing Choice
 - CP13 - Cannock Chase Special Area of Conservation
 - CP14 –Landscape Character and Cannock Chase Are of Outstanding Natural Beauty.
- 3.4 There are not any relevant policies within the Minerals Plan.
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of

sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
170	Conserving the Natural Environment
212, 213	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety
- v) Impact upon the Cannock Chase Special Area of Conservation
- vi) Community Infrastructure Levy (CIL)
- vii) Affordable Housing

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'greenfield' site located within the urban area of Norton Canes. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both

greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 However, paragraph 177 of the NPPF makes it clear: -

‘The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined’.

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 In respect to the principle of the proposal it is noted that the principle of development has been established with the grant of Outline planning permission CH/08/0214. An appropriate Habitats Assessment has also been undertaken by the Council.

4.2.5] However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128, 130 and 172. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to design criteria in relation to new dwellings and is augmented by area character appraisals.

4.3.6 The site is located within the Cannock Chase AONB and hence regard should be had to paragraph 172 of the NPPF which states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in

national parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

4.3.7 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Density
- (iii) Materials, scale and external appearance of the dwellings
- (iii) Landscaping

4.3.7 The streetscene comprises a bespoke mixture of housing type, materials, design and age. The density of the dwellings is varied in terms of the building to plot ratio.

4.3.8 The overall layout, density and design of the proposed dwelling would form a building that would sit comfortably within the plot size, comparable with the established pattern and form of development within the immediate locality. The proposed brick and tile materials for the building would be sympathetic to the existing dwellings within the streetscene.

4.3.9 The proposal scheme would retain the protected beech tree on the frontage, incorporate landscaping with new tree planting and rear 1.8m high timber fence. The left hand arrangement of the gravel driveway would reinstate the original driveway arrangement in order to help preserve the protected tree roots. It is therefore considered that the proposal would be in keeping with the existing dwellings along Stonehouse Road and would not have significant negative impact on the wider AONB.

4.4. Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 The proposed dwelling complies with the distance requirements of the Local Plan. A suitable condition can be applied to restrict the proposed side windows to be fitted with obscure glazing to avoid any direct overlooking into No.6 Stonehouse Road's secondary side facing windows, which serve habitable rooms (bedroom, lounge and dining room) and non-habitable rooms (hall and toilet).
- 4.4.5 The building would conform with the 45/25 standard, measured from the nearest front and rear facing habitable room windows of the neighbouring dwellings.
- 4.4.6 The proposed dwelling would provide a garden area well above the minimum rear amenity requirements of the Design SPD.
- 4.4.7 As such, it is considered that the proposal would provide a high standard of amenity for the potential occupiers of the new dwelling and would also preserve a high standard of amenity for the surrounding residents of the existing dwellings.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.5.2 In order to achieve the above requirements paragraph 111 of the NPPF goes on to state

‘All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed’.

4.5.3 The application has been amended since submission to provide an integral garage measuring 3m x 6m internally, with an additional 2 No. spaces to be provided on the driveway. The proposal would therefore conform with the Parking Standards SPD, which requires 3 No. parking spaces for a 4 bedroom dwelling. County Highways were re-consulted and have no objection, subject to the imposition of a condition to remove permitted development for garage conversion and to retain the parking spaces.

4.6.4 The proposal would therefore comply with the requirements of the Parking Standards SPD, Manual for Streets and the NPPF.

Impacts of Cannock Chase Special Area of Conservation

4.6.5 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.

Community Infrastructure Levy (CIL) and S106 requirements

4.6.6 The Councils CIL Charging Schedule was approved on 19 February 2015 and came into effect on the 1 June 2015. The proposal is CIL liable as it creates a new dwelling and no exemption has been claimed.

4.7 Affordable Housing

4.7.1 Local Plan Policy CP7 requires financial contributions for affordable housing on sites of between 1 and 14 dwellings. However, in light of government guidance the Council is not pursuing S106 Contributions including affordable housing for proposed development of 10 or less dwellings.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

Equalities Act 2010

5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect

to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

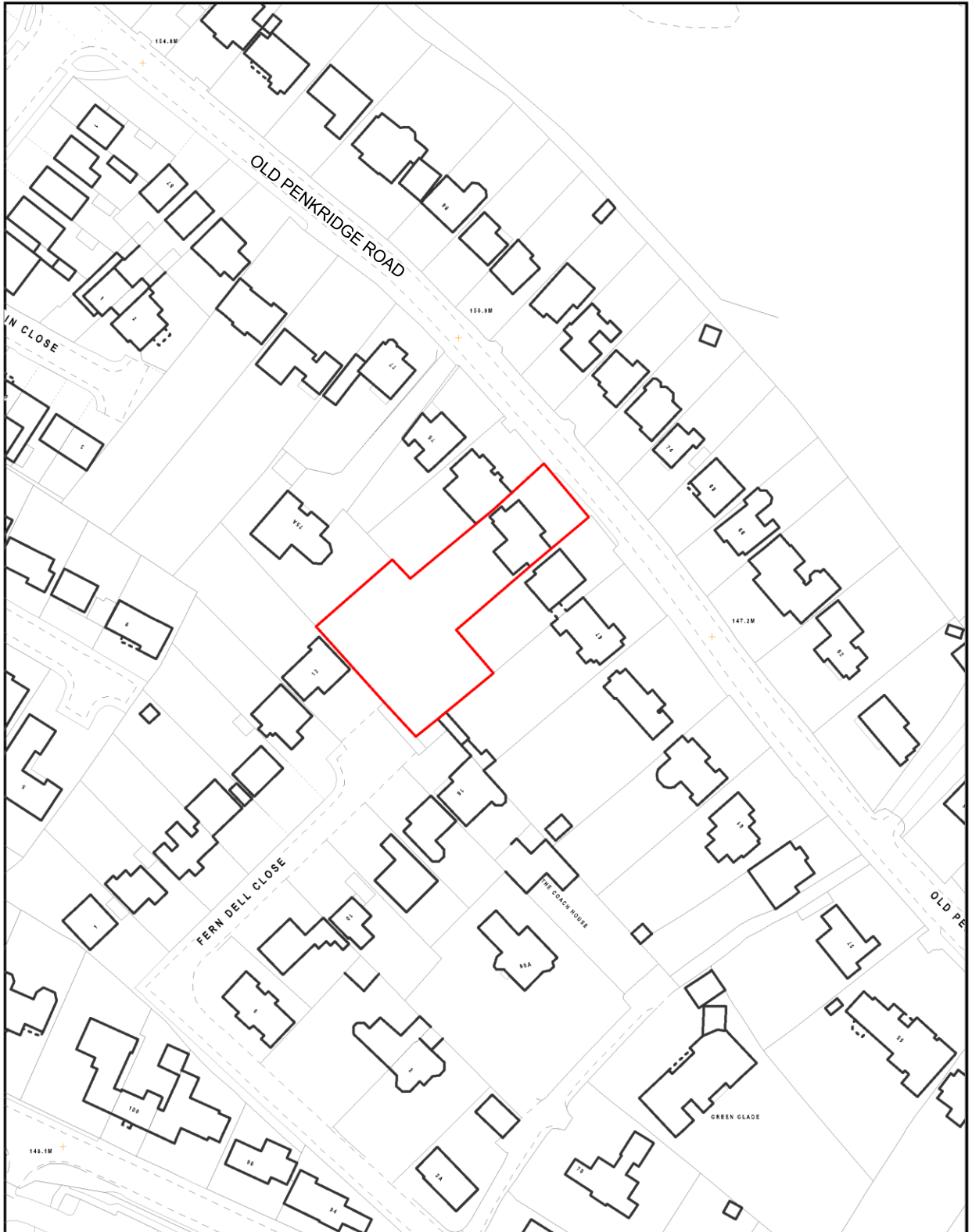


Application No: CH/19/015

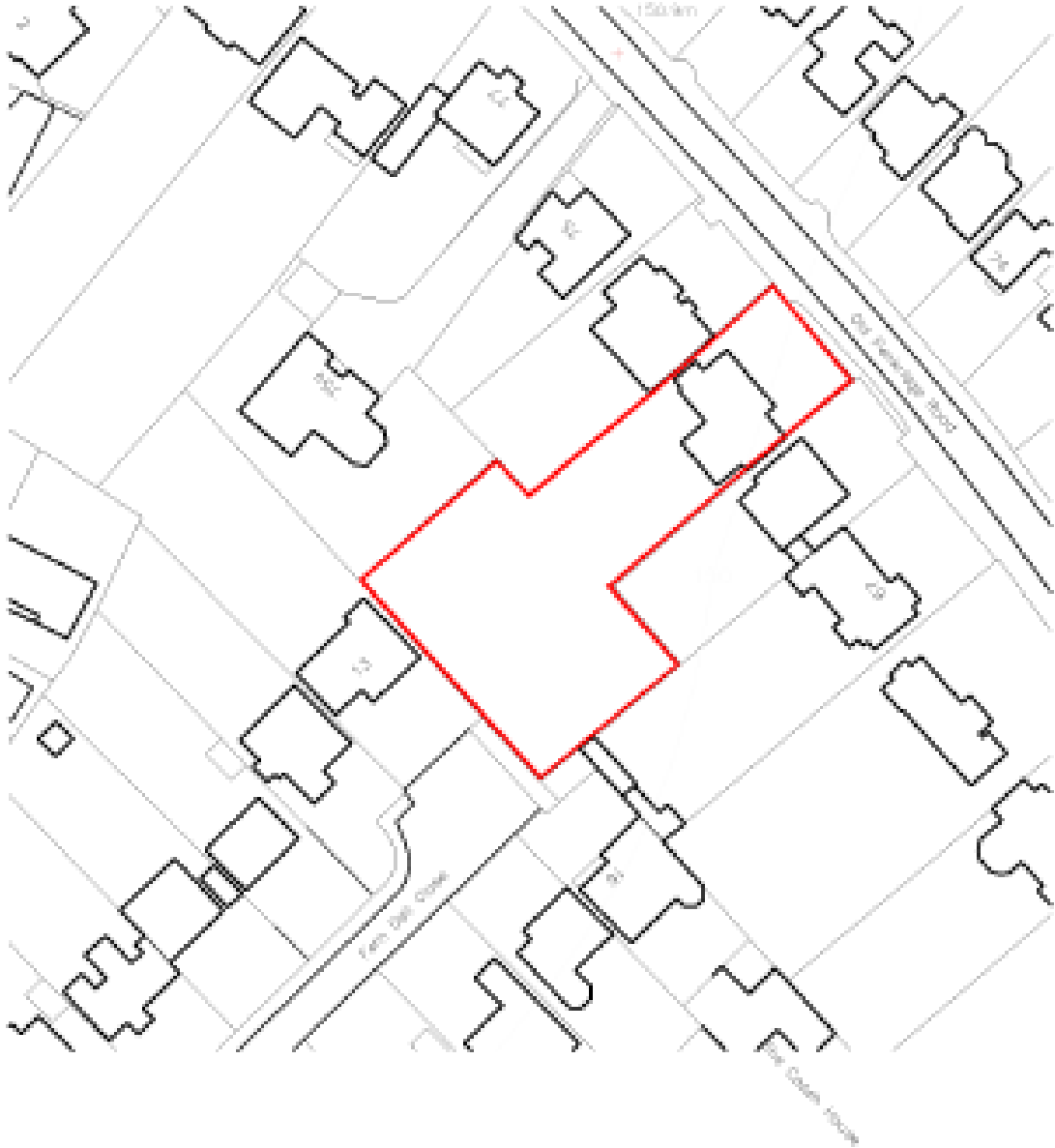
Location: 71, Old Penkridge Road, CANNOCK, WS11 1HY

Proposal: Demolition of existing house, erection of 2 no. detached dwellings.

Item no. 6.23



Location Plan



Site Layout Plan



NOTES:
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 All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.

LANDSCAPING LEGEND

- 1.8m High closed boarded fencing
- Existing Trees to be retained
- Proposed Trees
- Area of turf / soft landscaping to L.A. approval - design and spec by others
- ▨ Allocation access drive
- ▧ 450x400x3mm concrete slabs. Subtle edging to all interfaces
- ▩ Permeable block paved parking bays

DRAINAGE LEGEND

- Indicates storm water drainage discharging into soakaway
- Indicates foul water drainage linked to existing mains sewer
- Proposed location of inspection chamber
- Approximate location of existing inspection chamber

PLANNING

REV	DESCRIPTION	DATE	BY
1	Issue of all on plan for submission	27.07.16	SC
2	Issue of all on plan for submission	22.08.16	SC
3	Issue of all on plan for submission	27.08.16	SC
4	Issue of all on plan for submission	27.08.16	SC
5	Issue of all on plan for submission	27.08.16	SC
6	Issue of all on plan for submission	27.08.16	SC

PROJECT:
 Proposed Residential Development at:
 71 Old Penkridge Road,
 Cannock,
 Staffordshire

CLIENT:
 Mr & Mrs J. Salmon

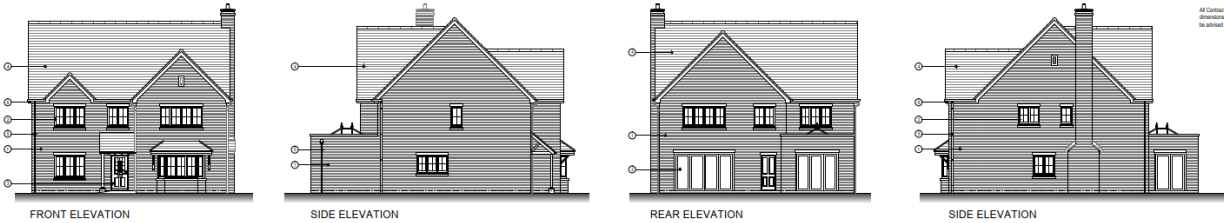
TITLE:
 Proposed Site Layout

SUTTON AND WILKINSON
 CHARTERED ARCHITECTS

Victoria House, 13 New Penkridge Road,
 Cannock, Staffs. ST10 1JH
 Telephone: 01543 46641
 Facsimile: 01543 42483
 e-mail: info@suttonandwilkinson.co.uk

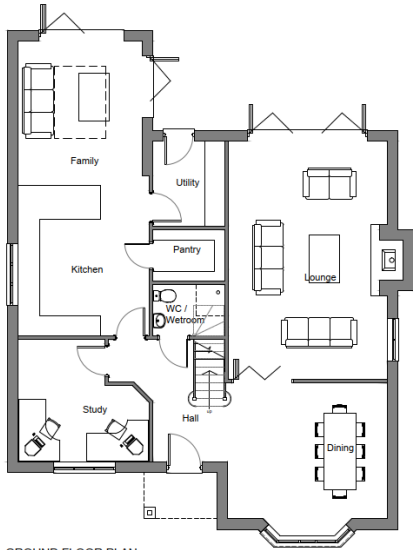
SCALE	DATE	BY
1:200	SC	Sept. 16
ISSUE/NUMBER		A2
2411 - 13		G

Plans and Elevations

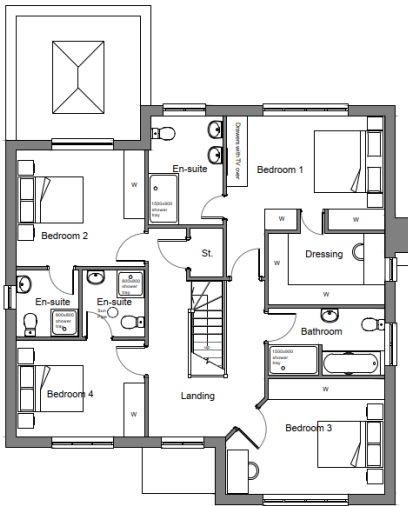


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GROUND FLOOR PLAN



FIRST FLOOR PLAN

MATERIALS LEGEND:

- ① Facing Brickwork to LA Approval
- ② PVCu Double Glazed Windows
- ③ Steel Core GRP Door
- ④ Concrete Interlocking Roof Tiles to LA Approval
- ⑤ PVCu Rainwater Gutters & Down Pipes
- ⑥ PVCu Facias & Soffit Boards

Gross Internal Floor Area	
m ²	sqft
223.28	2403

PLANNING

NO.	REFERENCE	DATE	BY
1	Final plan submitted to Planning Department	17/07/18	J.P.
2	Final plan submitted to Building Control Department	17/07/18	J.P.
3	Final plan submitted to Planning Department	17/07/18	J.P.
4	Final plan submitted to Planning Department	17/07/18	J.P.

PROJECT:
 Proposed Residential Development at:
 11 Old Pennington Road,
 Canwick
 WS11 1HY

CLIENT:
 Mr & Mrs J.P. Salmon

TITLE:
 PROPOSED FLOOR PLANS & ELEVATIONS

SUTTON AND WILKINSON
 CHARTERED ARCHITECTS

Victoria House, 13 New Pennington Road,
 Canwick, South, WS11 1AB
 Telephone: 01927 484441
 Facsimile: 01927 482485
 Email: info@suttonwilkinson.co.uk



NO.	REVISION	DATE	BY
1/02 / 1/100	SD	July 18	A1
2411 - 11			F

Plans and Elevations

NOTES:

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All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.

MATERIALS LEGEND:

- ① Facing Brickwork to LA Approval
- ② Aluminium Double Glazed Windows
- ③ Steel Core GRP Door
- ④ Plain Roof Tiles to LA Approval
- ⑤ PVCu Rainwater Gutters & Down Pipes
- ⑥ PVCu Facias & Soffit Boards
- ⑦ Through Colour Render to LA Approval
- ⑧ Timber Cladding

P L A N N I N G

REV.	AMENDMENT:	INT.	DATE
A	Layout altered in line with comments from meeting with Client.	SC	18.11.18
B	Layout altered in line with comments from Client.	SC	26.11.18
C	Material legend added and Chimney location altered.	SC	28.11.18
D	Based to Planning input and notes.	SC	07.02.19
	Do not scale unless from notes.	SC	11.02.19

PROJECT:
Proposed Residential Development at:
Land rear of 71 Old Penkridge Road,
Cannock, Staffordshire
WS11 1HY

CLIENT:
Mr & Mrs N. Hunt

TITLE:
PROPOSED FLOOR PLANS & ELEVATIONS

SUTTON AND WILKINSON
CHARTERED ARCHITECTS

Victoria House, 13 New Penkridge Road,
Cannock, Staffs, WS11 1SW
Telephone: 01543 455411
Facsimile: 01543 452469
e-mail: office@suttonwilkinson.co.uk



SCALE	DRAWN	DATE	REV.
1:100	SC	Oct 18	A2
DRAWING NUMBER	2411 - 14		REVISION
			E



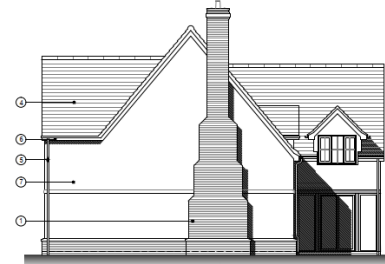
FRONT ELEVATION



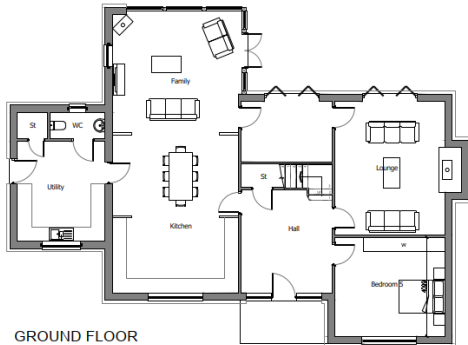
SIDE ELEVATION



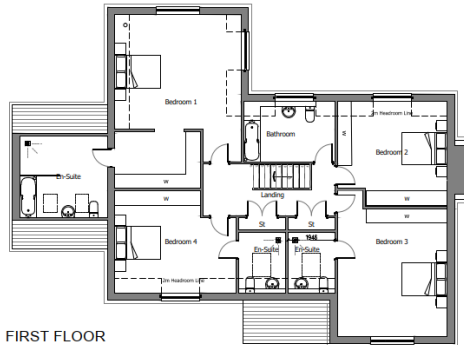
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

PLANNING COMMITTEE REPORT 10 th April 2019	
Application No:	CH/19/015
Received:	11-Jan-2019
Location:	71, Old Penkridge Road, CANNOCK, WS11 1HY
Parish:	Non Parish Area
Description:	Demolition of existing house, erection of 2 no.detached dwellings.
Application Type:	Full Planning Application

RECOMMENDATION:

Approve subject to conditions and the completion of a section 106 agreement for mitigation of impacts on Cannock Chase SAC.

Reason(s) for Recommendation:

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later

than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. No materials shall be used for the external surfaces of the development other than those specified on the application, except with the written approval of the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. The approved landscape works shown on Dwg. No. 2411-13 G shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

4. Notwithstanding the approved plans, the development shall not be occupied until new fencing has been erected to the boundaries to the rear of No.73 Old Penkridge Road. The style, size and location of the fencing to be erected shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, the fencing shall be erected in the approved location and retained for the life of the development.

Reason

In order to retain the privacy of the neighbouring occupiers in accordance with Policy CP3 of the Cannock Chase Local Plan.

5. The development hereby permitted shall not be brought into use until the access, parking and turning area have been provided in accordance with Drawing No.2411-13 Revision G. Thereafter these areas shall be retained for the lifetime of the development.

REASON

To comply with the objectives and policies contained within the NPPF, Para 109, Cannock Chase Local Plan CP10 and in the interests of highway safety

6. The garages indicated on proposed Drawing Number: 2411 – 13 Rev G, shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

REASON

To comply with the objectives and policies contained within the NPPF, Para 109, Cannock Chase Local Plan CP10 and in the interests of highway safety

7. No development (including demolition works) shall take place until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:
- Arrangements for the parking of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development
 - Construction hours
 - Delivery hours
 - Measures to remove mud or debris carried onto the highway

Reason

To comply with the objectives and policies contained within the NPPF, Para 109, Cannock Chase Local Plan CP10 and in the interests of highway safety

8. The development hereby permitted shall be carried out in accordance with the following approved plans:
- 2411-13 G
 2411-14 E
 2411-11 F
 2411-17 A
 241116 A

Reason

For the avoidance of doubt and in the interests of proper planning.

9. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

Reason

In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.

- 10 No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bird boxes has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the

plots to be provided with bird boxes, which shall be either integral or attached to the house in question, and their height and location. Any dwelling shown to be host to such a bird box shall be completed in accordance with the approved scheme'.

Reason

In the interests of compensating for the loss of bird breeding habitat as a result of the development in accordance with Policy CP12 of the Local Plan and paragraphs 175 of the NPPF.

Notes to Developer:

Severn Trent advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Call Severn Trent on 01902 793851.

Prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

Consultations and Publicity

External Consultations

Travel Management and Safety

No objection subject to conditions

Severn Trent Water Ltd

No objections

Severn Trent advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Internal ConsultationsEnvironmental Health

No objection

A Construction Management Plan should be provided for prior approval in particular working hours including site deliveries should be restricted to between 08:00hrs – 18:00hrs weekdays and 08:00hrs to 13:00hrs on Saturdays only.

Strategy Housing

No response to date

Development Plans and Policy Unit

No objection.

The site is in the Cannock urban area on a residential estate and is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. The Design SPD provides additional guidance and Appendix B (p91) should be consulted to ensure that the minimum garden sizes and distances from neighbouring dwellings are taken into account when considering the application.

If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will

satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

Waste and Engineering Services

No objection

All waste containers will be collected from the kerbside on Old Penkridge Road.

Response to Publicity

The application has been advertised by site notice and neighbour letter with 6 letters of representation received. The comments received are summarised below:-

- The land to the top left of the plan and refers to replanting hedges and fence lines is within the ownership of No. 67.
- Neighbours have requested clarity on the border between No.13 Ferndell Close and the application site. The plans state that the hedgerow and fence are being retained but there is no mention of a mature tree which forms part of the hedge. This tree forms a natural screen between the site and the neighbouring dwelling.
- The garage area proposed is open to mis-use should the construction be removed. Neighbours seek assurances that changes of use would not be allowed and that the location suggested for the car port / garage is not used as open parking in the future.
- Confirmation is requested that Ferndell Close cannot be used in connection with the supply of materials or services.
- The construction of a large two storey dwelling with separate outbuildings on existing enclosed land bordered by six established properties would be wholly disproportionate development.
- The recent extensive tree removal within the area has already impacted on the local environment and its ecology and the proposed development would further reduce the amenity value of the District. The tree survey is outdated as some of the trees have already been removed.

- No.69 would be compromised by the new house being built on the land to the rear of No.71. It would block light to the garden and create significant shade in late afternoon. As the new build is on a slope, this would also make the ridge even taller relative to No.69. Can the dimensions of the new dwelling be reduced to reduce its negative impact?
- This example of garden grabbing seems to remove the natural water course and drainage that is currently there and the removal of trees also means less absorption of ground water. There appears to be a large area of garden lost to construction of the dwellings / garages and driveway. The new garage behind No.71 seems excessively large again removing natural drainage. The garage would have a detrimental impact to No.69 due to its imposing size. If essential can it be reduced in height?
- Any permitted building in the rear garden of number 71 Old Penkridge Road be of single storey only, with all accommodation at ground floor level as per Council planning conditions on the existing outline permission granted by the Council.
- The proposed development, in particular the property in the rear garden, would be visually intrusive, create a dominant and oppressive environment to the detriment of neighbouring properties and significant loss of privacy. The proposal appears to disregard the adverse impact it might have on the character of the neighbourhood and on the residential amenity of neighbours. There are 7 adjoining properties to this new build proposal.
- A previous application for two storey dwelling on this same site was withdrawn on council planning advice and replaced with an application for single storey bungalow. The acceptance of this, as outline planning, carried a condition that *"the design of the dwelling shall be single storey with all accommodation at ground floor level. REASON: To safeguard the amenities of adjoining residents and to be compatible in character with adjoining development and to ensure compliance with Local Plan Policies CP3 - Chase Shaping Design."* To further enforce this a condition was included that no enlargement or change to roof should be carried out at a later stage as *"Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area."* We believe these conditions should not be removed.
- This full application appears to totally disregard these outline planning conditions as it is now for a 2 storey, 5 bedroom property. It should be noted that the land on which this additional property would stand is higher than a number of the properties it overlooks and this would further exaggerate the intrusive nature of the development.

- When the outline plans were discussed at planning committee one of the statements on approval was the need for bungalows in the area.
- Another condition of the outline plan was *the erection of a new boundary fencing to the rear of Nos 69 & 73 Old Penkridge Road. REASON: in order to retain privacy of neighbouring occupiers.* There is no mention of this in this much amended plan and needs to be retained in any conditions. We would request that this fencing is erected to the building proposal side of the retained beech trees. Additionally the plans indicate retention of hedges, trees and fencing along all borders except for the top of our garden which is omitted from these statements. We would request that the words "existing boundary treatments including retention of beech trees to be retained" are added to any plan for build. On our top border (G1 & T5) on plan.
- The red line border between the proposed development and our property (73) appears to drift into our property as it goes down to the bottom corner and to the reference point for distance from windows, we ask the Council planners to confirm the correct lineage and reference point in their calculations.
- Additionally, the tree report provided is not fit for purpose as it contains a number of factual inaccuracies. It refers to a previous application for 2 additional plots with a driveway on the other side of the property. It refers to the retention of a good quality early mature Cedar tree that has been already cut down along with a number of other trees referenced in this report. A further planning condition of the outline plan was that *"No trees or hedges shown as retained shall be cut down, topped, lopped, uprooted or removed without prior written permission of the Local Planning Authority". REASON: the existing vegetation makes an important contribution to the visual amenity of the area.*
- From a more personal point of view we currently enjoy far reaching views, a very high degree of privacy, security and utmost peacefulness in our home and garden. We value these amenities very highly, any 2 storey property by means of garden grabbing would significantly impact all of these amenities in a very unjust way. Because of the tranquillity and privacy we enjoy we have invested in property improvements that make the best of these including glass fold back doors and skylight. Whilst a single storey build might impact the vegetation it should not, if well positioned, significantly impact our privacy. A 2 storey building would have significant detrimental impact on all of those amenities.
- The planned driveway to both properties will go alongside the length of our property passing within 6 inches of the side of our house at one point, a side that has 2 ground floor windows from our lounge. The traffic noise from vehicles belonging to these properties including commercial vehicles, any deliveries and visitors will be disturbing.

- The scale of the proposed scale of the two storey dwelling would be visually dominant to the outlook of No.75A including the garden area. There will clearly be a loss of privacy to the garden area of No.75A as a consequence of overlooking from the first floor windows. As a back land location it would be more appropriate if the development were single storey.
- The introduction of housing in this back-land location will inevitably result in an increase in noise and disturbance from vehicles, car doors slamming and general activity including headlights and security lights.

Relevant Planning History

- CH/17/234 Residential Development:- 2 detached dwellings (outline including access and layout). Committee approval.
- 86/31 Permission for two detached houses. Approved.

1 Site and Surroundings

- 1.1 The application site comprises the rear garden of 71 Old Penkrigde Road.
- 1.2 The application site lies along Old Penkrigde Road within a row of large, mainly detached dwellings of differing form and appearance, occupying wide and deep plots. The deep plots allow the dwellings to be set back from the highway which creates an attractive spacious residential frontage.
- 1.3 The existing dwelling is set within a generous curtilage to the front of the plot and comprises of a generous 'T' shaped rear garden. Road. The plot to the host property is generally wider and deeper than surrounding plots. The width of the plot comprises of approx. 17.5m and a depth 44m before the site opens up to a width of 38m and a further depth of 25m.
- 1.4 There are a number of trees on and around the site that contribute to a verdant environment. A number of trees were removed prior to the submission of the current application however, none of the trees are / were protected by a Tree Preservation Order.
- 1.5 The topography of the application site is reasonably flat however, the adjacent dwelling (No.69 is sited on lower ground. The application site backs onto Ferndell Close to the rear.
- 1.6 There is a single storey dwelling to the north of the site, accessed via a private drive off Old Penkrigde Road that was granted approval in 1980's.

1.7 The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

2 Proposal

- 2.1 The Applicant is seeking consent for the demolition of existing house and erection of 2 no. detached dwellings.
- 2.2 The proposed access would be from Old Penkrige Road and would provide access for the proposed new dwelling at No. 71 and the proposed dwelling to the rear.
- 2.2 The layout of the proposed development would provide 2 x two storey dwellings with associated outbuildings, parking and amenity spaces.
- 2.1 The proposed frontage dwelling would be sited in a similar position to the existing dwelling and would be of a similar scale to the existing. The bespoke design of the proposed dwelling would incorporate a walk in bay, cills and header details, finished in brickwork and tile. The frontage would be used for parking and a secondary access to the rear for additional parking and garage / store outbuilding. A private garden is proposed to the rear comprising of approx. 270m². The proposed outbuilding would provide a garage and store and would be sited in the rear garden. The proposed outbuilding would 4.7m in height with a width of 5.5m.
- 2.2 A second dwelling is proposed to the rear of the site on an area comprising approx. 1000m². The proposed dwelling would be of a two storey design with the first floor accommodation in the roof-space in order to provide a low profile. The proposal would incorporate dormer windows, front and rear projecting gables and finished in a combination of brickwork, render and wooden cladding. The parking area would be to the front of the proposed dwelling with an area of 300m² of private amenity space. The proposed outbuilding would provide car port parking with an open frontage facing into the application site. The outbuilding would be constructed using timber cladding.
- 2.3 The existing access off Old Penkrige Road would be used and extended along the side of No.73. The proposed extended driveway would provide access to the proposed rear dwelling and further parking provision for the frontage dwelling.

3 Planning Policy

3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).

3.3 Relevant Policies within the Local Plan Include:

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 -Cannock Chase Special Area of Conservation (SAC)
- CP14- Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

3.4 The policies within there Minerals Plan are:-

Policy 3.2

3.5 National Planning Policy Framework

3.6 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

- | | |
|---------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 124, 127, 128, 130: | Achieving Well-Designed Places |
| 212, 213 | Implementation |

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Crime and the fear of crime
- ix) Waste and recycling facilities
- x) Ground conditions and contamination
- xii) Affordable Housing

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'greenfield' site located within the urban area of Cannock. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 However, paragraph 177 of the NPPF makes it clear: -

‘The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined’.

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an

appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within the Old Penkrige Road area which is approximately 1km from the town centre of Cannock, close to the local primary school and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. In addition the proposal entails the reuse of an existing building and therefore constitutes a sustainable use of resources.

4.2.5 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings. Whilst the title of the document makes specific reference to extensions it also sets out the spaces about dwellings and separations distances expected for new development.

4.3.6 The site is located within the South and West Cannock Character Area, the character of which is described in Appendix A of the Design SPD. Key Local Design Principles [amongst others] are that development should

- Safeguard/ enhance 'leafy character' of Old Penkridge Road area with density of development, green views over and between buildings and householder permitted development rights controlled as appropriate. Promote retention and use of front garden boundary hedging to reinforce 'leafy' feel.

4.3.7 Specific Design Guidance for the 'Mature Suburb' of Old Penkridge Road is provided on pages 79 -80 of the Design SPD. Particular Key Features of the character of this area are that: -

- They usually consist of substantial houses and bungalows on large plots within well established gardens along roads leading to the open countryside of the Chase or Shoal Hill.
- The spacious nature and lower density of these areas has led to pressure for intensification of development, particularly on the larger plots with impacts on/ loss of mature trees and shading effects on the new development itself. Whilst such development can have benefits by increasing housing stock and making efficient use of land, it can also affect local character, amenity and privacy unless development is designed to be sympathetic to the main features which makes these areas unique.

4.3.8 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Density
- (iii) Materials, scale and external appearance of the dwellings
- (iii) Landscaping

4.3.9 The applicant has submitted a Tree Survey Report with which to inform the submission. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention. In this respect it is noted that the trees within the application site are category C to U. It is noted that a number of trees referred to within the Tree Report have since been removed. However, your Officers confirm that these trees were not protected by Protection Orders and could have been removed at any time by the applicant. Notwithstanding this, the removed trees are identified within the Tree Report as being Category B, C and U and therefore no objection would have been raised to their removal. The comments of the neighbour regarding previous planning conditions are noted however Officers can confirm that the previous planning permission was not implemented and therefore the conditions referred to by the neighbour are not enforceable.

4.3.10 Replacement trees are proposed within the curtilage of the application site to mitigate the loss of the removed trees. There is adequate room within the site to plant new trees in locations that would benefit the visual amenity of this location. The comments of the neighbours are noted in respect to the views and visual amenity value of the trees both existing and those that have already been removed. Your Officers confirm however that neighbours do not have a right to a view over third party land and it is not for the applicant to provide vegetation for the enjoyment of neighbouring land owners. The

applicant's agent has confirmed that there will be no further trees lost as a consequence of the proposal.

4.3.11 In respect to the proposed dwellings, part of the proposal would be constructed to the rear behind a frontage dwelling with access provided to the side. The proposed dwellings would sit next to the existing and varied houses against which context they would be viewed. The proposed scheme would retain the appearance of a main frontage house and the remaining landscape within the grounds. As such any harm to the form and character of the area through loss of semi-natural vegetation would be slight when viewed within this context. Notwithstanding this, where there has been a loss of trees, the applicant has proposed replacement planting. Furthermore, it is considered that the proposed dwellings would be a bespoke and traditional design and would sit comfortably within its semi-rural setting. As such the proposed is considered to preserve the character and form of the street scene and wider area.

4.4. Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.

4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.

4.4.5 In this respect it is noted that the proposed frontage property would be constructed in line with neighbouring properties and would occupy a similar footprint to the existing dwelling. The proposed frontage dwelling would

comply with the Council's Space About Dwellings and separation standards as stipulated in the Design SPD.

- 4.4.6 The proposed dwelling to the rear would remain at least 26m from the principle rear elevations of the properties fronting Old Penkridge Road (Nos 69-73). Whilst No.69 does sit on a lower level than the application site, the proposal would retain the existing hedgerow that runs to the rear boundary of No.69 . Notwithstanding this, the proposed dwelling to the rear of No.69 would be orientated with a side elevation facing No.69 at a distance of more than 25m. The Design SPD seeks new development to retain a separation distance of 13.7m between principle and side elevations. There are no windows within the side elevation of the proposed dwelling that would give rise to overlooking the rear garden of No.69.
- 4.4.7 In order to retain a low profile, the proposed dwelling has been designed with first floor accommodation in the roof space. Windows are proposed in the rear elevation of the host proposed dwelling that face the shared boundary with No.67. These windows would be over 13m from this shared boundary. The Design SPD seeks to prevent overlooking of neighbours' amenity by retaining separation distances of over 10m.
- 4.4.8 The comments from neighbours in respect of land ownership are noted. Officers confirm that the applicant was requested to revise the red line accordingly and as a consequence, the red line of the application was amended. The neighbour still raises concern with regard to the position of the red line as revised however both parties refer to land registry plans as evidence. The applicant was requested to confirm land ownership and has signed certificate A stating all land within the red line falls within their ownership. Any further landownership disputes would be a civil matter between both parties involved and would be for the court to adjudicate upon..
- 4.4.9 The proposed dwelling would be orientated towards No.75A however it would remain 29m from the principle elevation of this adjoining property. In this instance, it is acknowledged that there is a conservatory off the principle elevation of No.75A and even when this is taken into account, the proposed dwelling would still retain a 24.8m separation distance which still exceeds the separation distance of 21.3m from principle elevation to principle elevation required by the Design SPD. Furthermore, the proposed dwelling would retain a separation distance of 13m to the shared boundary which again is in excess of the required 10m within the Design SPD. The concerns of this neighbour are noted however, in this instance the proposed dwelling provides in excess of the required standards for space about dwelling and separation distances

and any impact on the neighbouring occupiers would not be significant to warrant refusal.

4.4.10 The occupiers of No. 73 raised concern regarding views into their property however, No.73 is located on an angle to the proposed rear dwelling. As such, any views onto this property as a consequence of the proposed dwelling would be oblique and at a distance of 12m. The trees to the rear of No73 within the application site are identified on the proposed plan as being retained. A condition has been recommended to the shared boundary with No.73 in order to retain the existing occupiers' privacy.

4.4.11 The proposal would use the existing access and driveway off Old Penkrige Road before extending the drive for a further 34m along the side of No.73, running the full depth of the neighbouring property. The objections from the occupiers of neighbouring properties are noted. There is the potential for disturbance due to engine noise, fumes, manoeuvres into and out of the proposed parking area and general human activity associated with parking areas. Whilst there is already a driveway and garage to the side of the host dwelling, as a consequence of the proposal it will be extended further into the plot where vehicle manoeuvring does not currently exist. Notwithstanding this, the one dwelling proposed to the rear would not significantly prejudice the peace and enjoyment of the rear gardens for existing occupiers.

4.4.12 Your Officers consider that the proposal meets and exceeds the guidance set out within the Design SPD having regard to angles and juxtaposition between the proposed dwellings themselves and with surrounding neighbouring properties. There are no windows within the proposed development at first floor level that would give rise to unacceptable levels of overlooking to adjacent dwellings or their gardens with front and rear principle windows meeting the required separation distance or facing out over the application site itself. Whilst there may be some views over neighbouring land, these views would be at a sufficient distance or oblique and not direct.

4.4.13 In addition to the above the proposal would meet the minimum recommendations for outdoor amenity space and parking provision.

4.4.14 Therefore it is concluded that the proposal by virtue of the distance from the nearest dwellings, would achieve a high standard of residential amenity for all existing and future occupiers of the development and those of the neighbouring properties.

4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.5.2 In this respect, the proposed access to the site would be via the existing drive which currently serves No.71 Old Penkridge Road. The Council's Supplementary Planning Document: Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, states that new two or three bedroom dwellings should provide two off-street parking spaces and three spaces should be provided for four or more bedroomed dwellings. The proposal demonstrates parking for 3+ vehicles for the frontage dwelling and adequate room and turning space provided for the rear dwelling.

4.5.3 The proposed access arrangements have been reviewed by County Highways Officers, who have raised no objections but have recommended conditions. It is therefore concluded, on balance, that the proposal provides adequate parking and access provision such that it would not create problems in respect to the capacity of the surrounding highway network to accommodate the additional movements generated by the proposed development. In this respect the proposal is considered to be in accordance with Policy CP16 (a) and (c) of the Local Plan and paragraphs 29, 30, 32 and 36 of the NPPF.

4.6 Impacts of Cannock Chase Special Area of Conservation

- 4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection or which are of particular conservation interest.
- 4.6.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.
- 4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 1 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL where applicable to the development. However, in this instance the application indicates the proposal would be CIL exempt. As such, the application is required to enter into a S106 for SAC mitigation for the additional dwelling.
- 4.6.4 Given the above it is considered that the proposal would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.
- 4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 4.7.3 In addition to the above it is paragraph 165 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;

- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development;

4.7.6 It is noted that the site is within close proximity to a main road and is within a built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. The applicant has demonstrated that soakaways would be incorporated in the scheme and links through to existing drainage. Severn Trent are satisfied that the proposal would not impact on the public sewerage system.

4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.

4.8.4 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

4.9 Crime and the Fear of Crime

4.9.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social

behaviour, substance misuse and behaviour which adversely affects the environment'.

4.9.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.

4.9.3 However, there is nothing within the design of the proposal that would indicate that it would be unacceptable in respect to crime and social cohesion.

4.10 Waste and Recycling Facilities

4.10.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.11.2 Ground Conditions and Contamination

4.11.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application and the proposal is considered acceptable in this respect.

4.12 Affordable Housing

4.12.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.13 Objections raised not already covered above:-

4.13.1 A neighbour has requested clarity on the border between No.13 Ferndell Close and the application site. The plans state that the hedgerow and fence are being retained but there is no mention of a mature tree which forms part of the hedge. This tree forms a natural screen between the site and the neighbouring dwelling. Your Officers confirm that the applicants agent confirms that no further trees are proposed to be removed as a consequence of the proposed dwelling. Notwithstanding this, the tree in question is classified as a Category C tree, in poor form.

- 4.13.2 A neighbour has raised concern that the garage area proposed is open to mis-use should the construction be removed. Neighbours seek assurances that changes of use would not be allowed and that the location suggested for the car port / garage is not used as open parking in the future. Your Officers consider a condition retaining the outbuilding indefinitely would be unreasonable given the residential use of the curtilage.
- 4.13.3 Neighbours seek confirmation that Ferndell Close cannot be used in connection with the supply of materials or services. Your Officers confirm that the application does not include links through to Ferndell Close. A Construction Vehicle Management Plan has been recommended for condition which would allow Officers to control how construction vehicles access the site.
- 4.13.4 The objections raised by neighbours relating to planning conditions imposed on the previous permission are noted. However, the applicant has a right to submit a planning application for a two storey dwelling, and each application received by the Local Planning Authority is determined on its own merits having had regards to particulars of the case. In this instance the proposal seeks permission for 2x two storey dwellings which on its own merits has been found to be acceptable.
- 4.13.4 An objection has been received raising concern that No.69 would be compromised by the new house being built on the land to the rear of No.71, blocking light to the garden and create significant shade in late afternoon. Your Officers consider that given the east – west orientation of the sun, the light to the garden of the eastern neighbour would not be so significant that it would warrant refusal.
- 4.13.5 Concern has been raised that the proposal seems to remove the natural water course and drainage that is currently there and the removal of trees also means less absorption of ground water. And the loss of garden for construction of the dwellings / garages and driveway. Your Officers confirm that the application site is located in Flood Zone 1 which is the least likely to flood. Whilst the proposal does incorporate a large area of hardstanding, the proposed driveway materials are porous and soakaway drainage proposed within the site.
- 4.13.6 A neighbour states that a previous application for two storey dwellings on this same site was withdrawn on Council planning advice and replaced with an application for single storey bungalow. Your Officers confirm that the previous application sought permission for 2 dwellings on the land to the rear. The

previous application differed from the current application by virtue of the number of dwellings proposed on the land to the rear. The previous application would not have complied with the Council's space about dwellings guidance due to the two dwellings proposed being within close proximity to shared boundaries and as a consequence the applicant revised the proposal.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

Equalities Act 2010

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

6 Conclusion

6.0 CONCLUSION


- 6.1 Residential development on this unallocated greenfield site within a sustainable location in a predominantly residential area within the urban area of Brereton is considered acceptable in principle under current local and national policy.
- 6.2 In addition it is considered that subject to the attached conditions and the completion of a section 106 agreement for SAC mitigation the proposal would be acceptable in respect to its impacts on acknowledged interests.
- 6.3 It is therefore recommended that the application be approved subject to the completion of a section 106 agreement and the attached conditions.

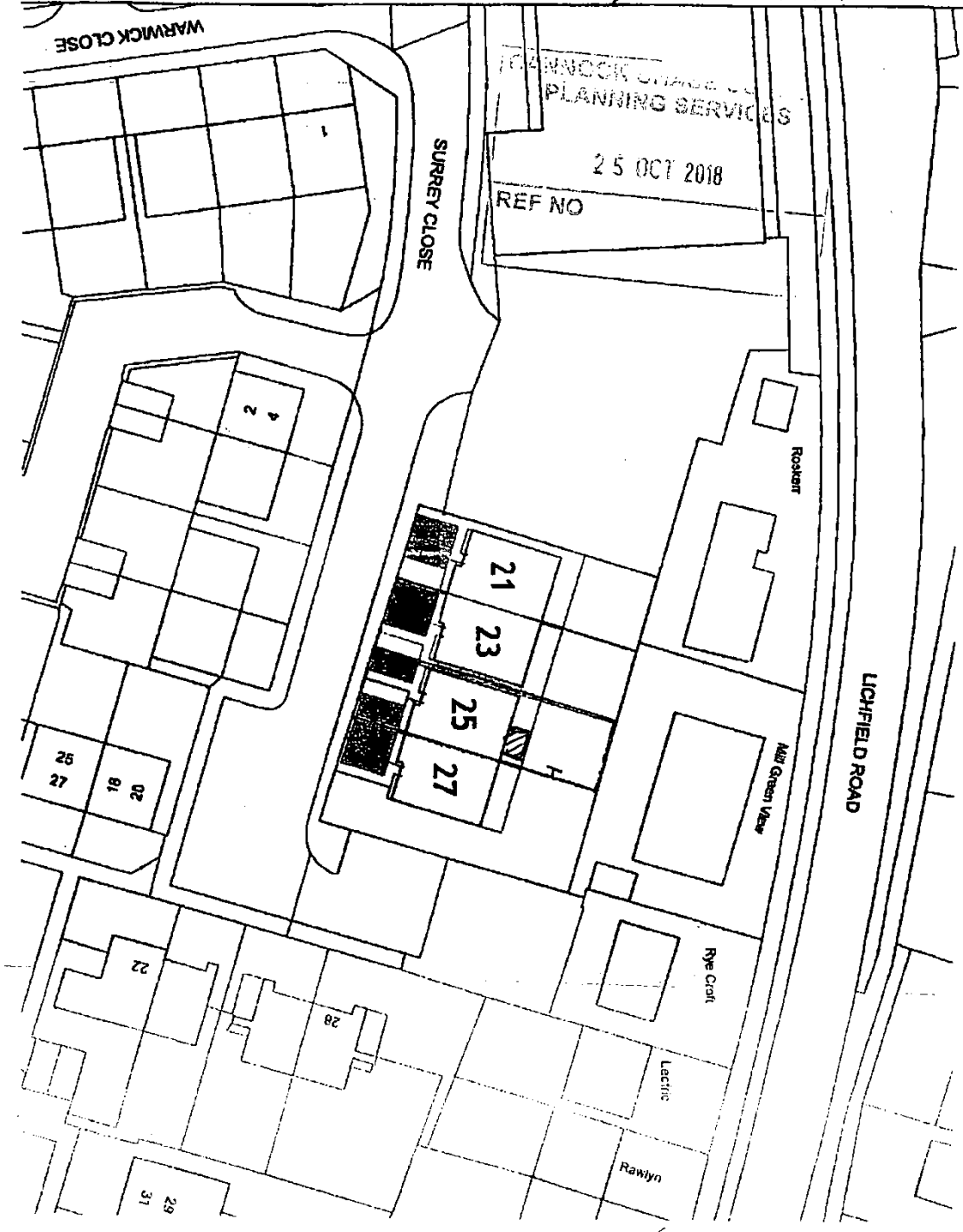
Block Plan

GH/18/398

PROPOSED BLOCK PLAN AT 1:500 SCALE



 - PROPOSED CONSERVATORY

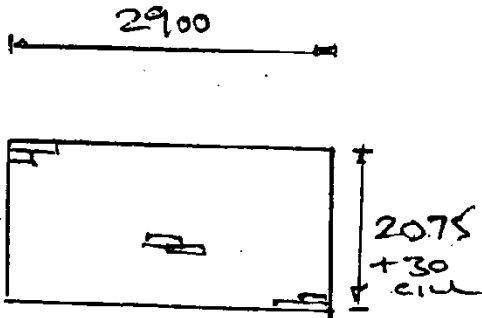


Elevations

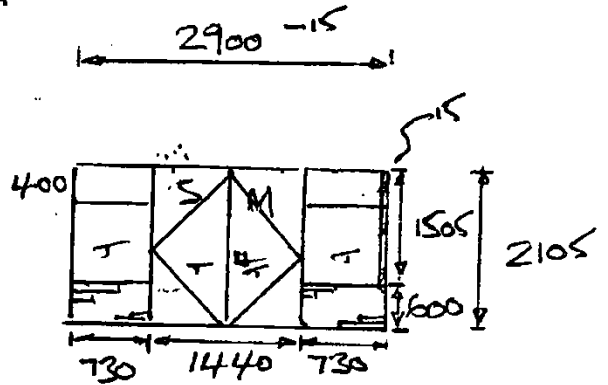
INTERNAL SIZES - EXTERNALLY VIEWED - DEDUCTIONS TO BE MADE FOR CORNER POSTS/POLES

GH/18/399

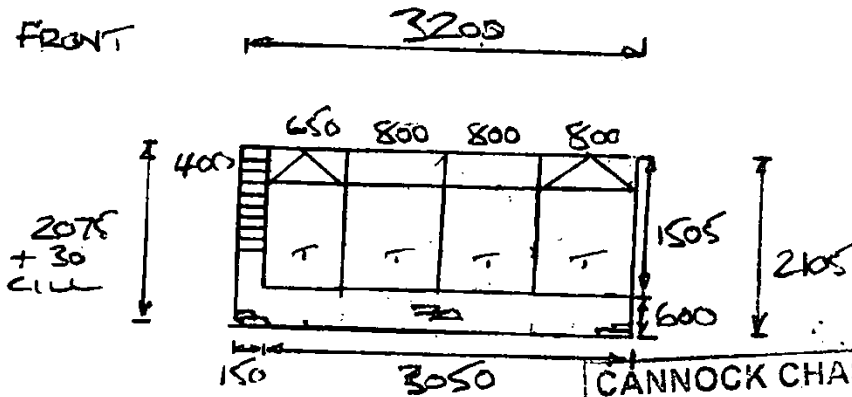
LEFT



RIGHT



FRONT



Right

CANNOCK CHASE COUNCIL
PLANNING SERVICES
16 OCT 2018
REF NO

Roof Plan

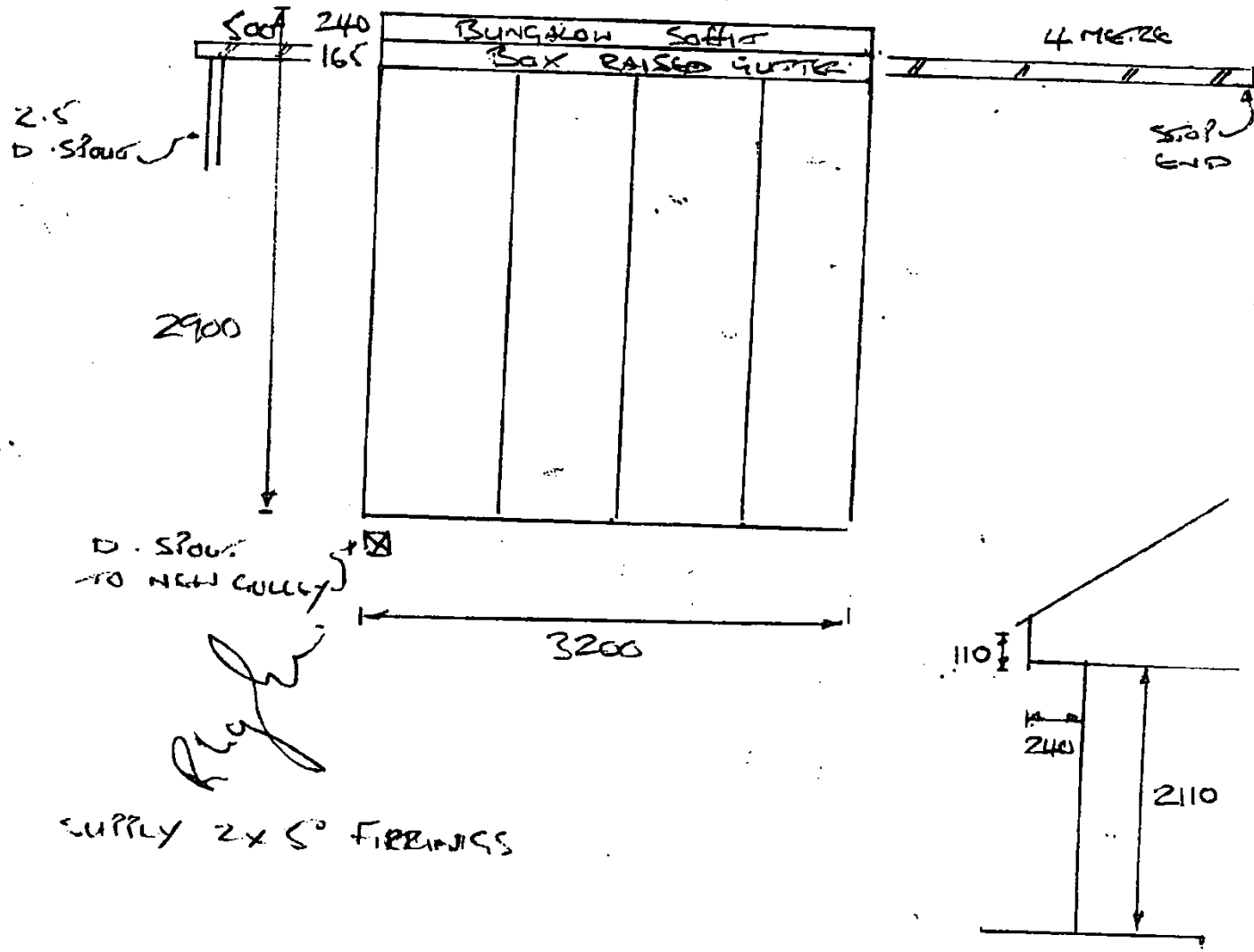
CONSERVATORY ROOF LAYOUT - INTERNAL SIZES SHOWING GLAZING BAR POSITIONS

CANNOCK CHASE CONCRETE
 PLANNING SERVICES

16 OCT 2018

REF NO

CH/18/398



Existing Levels

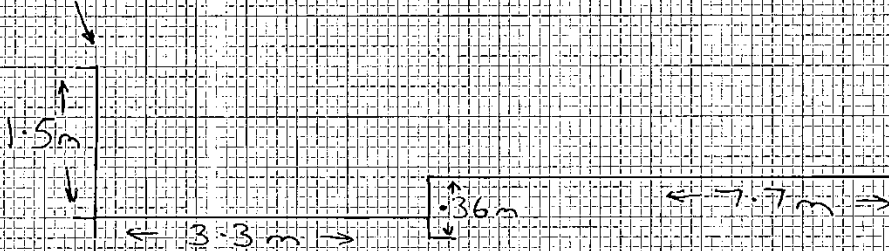
CH/18/398
16 OCT 2018

SECTION DRAWING OF REAR GARDEN

EXISTING LEVELS

FENCE TO REAR OF PROPERTY

REAR OF BUNGALOW



SCALE
2cm = 1m
(1/50)

Proposed Levels

SECTION DRAWING OF REAR GARDENS

16 OCT 2018

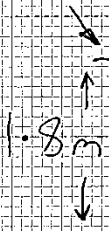
PROPOSED LEVELS

~~CH/18/398~~

FENCE TO REAR OF PROPERTY

ADDITIONAL FENCE

REAR OF BUNGALOW



1.7m

0.6m

7.7m

3.3m

SCALE
2cm = 1m (1:50)



Contact Officer:	Audrey Lewis
Telephone No:	01543 464481

PLANNING CONTROL COMMITTEE

10th April 2019

Application No:	CH/18/398
Received:	25/10/2018
Location:	25, Surrey Close, Cannock, WS11 8UF
Parish:	Non Parish Area
Ward:	Cannock South Ward
Description:	Retention of Conservatory & alterations to rear garden levels
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

Reason for Grant of Permission In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ or the National Planning Policy Framework.

Officer Update

At the meeting of Planning Committee held on 20th March 2019 Members resolved to defer the determination of the application, in order to allow the applicant further consideration for alternative options with regards to the erection of an internal 1.7m high fence shown on plan to enclose the upper patio area. The reason given for Members deferring the decision was because the applicant would be restricting his own rear garden amenity area, so that he could protect the surrounding neighbour amenity.

The applicant has not entered into any further discussions with the Council since the last Committee meeting to consider any other alternative options.

Previous to submitting the part retrospective application for the conservatory, raised patio areas and fencing, the applicant had consulted with the Council's Enforcement Officer and Development Control Manager to discuss various options that may address overlooking issues to the side facing windows of Mill Green View and protect neighbour amenity.

As a result of these discussions, the applicant's preferred option is the submitted scheme – as it would optimise the upper level access area required for his disability, whilst addressing the need to protect neighbouring amenity.

For Members' information, the erection of a 2m high fence within the rear garden would form permitted development under Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 2015 which allows for 'The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure'.

As such, as the applicant could erect a fence up to 2m in height anywhere within his rear garden without the requirement for planning permission. In fact, the fence does not form part of the proposal description on the planning application, because it is 'permitted development.'

As such, Committee Members are advised that there are no planning reasons for refusing an alteration that in effect would benefit from permitted development rights by virtue of the development order.

The original report presented to Planning committee on 27th February 2019 is set out below.

Conditions (and Reasons for Conditions):	
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- | | |
|---|--|
| <ol style="list-style-type: none"> 1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. | |
|---|--|

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

- | | |
|--|--|
| <ol style="list-style-type: none"> 2. The fences as indicated on the details received on 16 October shall be retained unless otherwise agreed in writing by the Local Planning Authority. | |
|--|--|

Reason

The fences protect the privacy and amenity of the neighbouring properties, in accordance with Local Plan Policy CP3 and the NPPF.

- | | |
|---|--|
| <ol style="list-style-type: none"> 3. The development hereby permitted shall be carried out in accordance with the following approved plans: | |
|---|--|

Details received on 16 October 2018.

Reason

For the avoidance of doubt and in the interests of proper planning.

Notes to the Developer:

None.

Consultations and Publicity

External Consultations

None.

Internal Consultations

None.

Response to Publicity

The application was advertised by neighbour letter and site notice. Three letters of representation have been received - 2 No. in support of the development and 1 No. objecting to the development.

The supporting representations stated the following:

- The development has been completed to a good standard and does not affect privacy to the neighbouring property.
- The low maintenance garden is helpful to the elderly occupant.

The objecting representation raised the following issues:

- The development has not been retained in accordance with planning approval CH/14/0285.
- The current planning application shows the ground level of the garden has been raised at both sides of the top patio and would not be lowered, but does show that the patio will be lowered at the boundary adjacent to the Mill Green View. The top patio would still allow overlooking to the detriment of neighbour's privacy and the fence is shown to be raised in this area, but not at both sides - this would also allow overlooking and would be unsightly.
- No.27 had permission to add a conservatory, but a raised patio was rejected by the Council, as it would overlook neighbours.
- The occupier of Mill Green View's wife requires a lot of rest, as she has serious health problems and does not want to be shut into her bedroom with the blinds closed, to prevent loss of privacy from the development proposal.
- Mill Green View has no objection to the conservatory, provided there is no raised patio associated with it.

- If the application goes to committee, then the occupier of Mill Green View wishes to speak.

Relevant Planning History

Relevant planning history to the site is as follows: -

- CH/15/0183 - Non-material amendment to planning consent CH/14/0285 to retain path and wall to side of Plot D - approved subject to conditions on 30 July 2015.
- CH/14/0283 - Erection of 2 pairs of semi-detached 2 bedroom bungalows approved subject to conditions 23 October 2014 .

1 Site and Surroundings

- 1.1 The application site comprises a modern semi detached bungalow of brick and tiled pitched roof construction, that was approved under the permission CH/14/0283. The permission includes a condition that removes permitted development rights, however a conservatory has been added to the rear of the dwelling without first obtaining the necessary planning consent. The rear garden has also been hard-surfaced with paving slabs and retaining walls, providing 2 No. areas of patios stepping down along the length of the rear garden.
- 1.2 The 4 No. semi detached bungalows are built on a common building line in Surrey Close. ground levels increase west to east and levels decrease from south to north across the site.
- 1.3 No 27 is at approximately 0.5m higher level than the application site while No.23 is at approximately 0.5 m lower level.
- 1.4 No 27 has a rear conservatory addition, with obscure glazed windows to the side boundary with the application site. There is a 1.6-2.5m high fence to the common boundary, that steps down in height to the meet the rear fence of the application site (1.5m).
- 1.5 No.23 has a rear facing kitchen window located closest to the common boundary with the application site. There is a 2m high fence to the common boundary.
- 1.6 Mill Green View is a detached bungalow, which is located at lower ground level at approximately 5m from the rear boundary of the application site. It has a bedroom and kitchen window facing the rear of the application site boundary.

2 Proposal

- 2.1 The application seeks planning permission for retention of conservatory and alteration of rear garden levels. The conservatory projects 2.1m to a width of 3.2m and height of 2.1m with a flat roof. It has a solid brick wall to the boundary with No.27.
- 2.2 The lower patio area would be excavated from a depth of 0.36m to 0.66m, which would result in the rear fence height of 1.8m measured from the inside of the lowered patio. The top patio area has been levelled to match the height of the ground level immediately adjacent to the rear of the house.
- 2.3 A fence would be added to the edge of the top patio to a height of 1.7m.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014). Relevant policies within the Local Plan include
 - CP1 - Strategy – the Strategic Approach
 - CP3 - Chase Shaping – Design
- 3.3 National Planning Policy Framework
- 3.4 The NPPF(2018) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be a 'presumption in favour of sustainable development' and sets out what this means for decision taking.
- 3.5 The NPPF (2018) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
108-109	Sustainable Transport
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation
- 3.7 Other relevant documents include: -
 - Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards,
Travel Plans and Developer Contributions for Sustainable Transport.

Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development.
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.

4.2 Principle of the Development

4.2.1 The site is unallocated within the local plan and is within the built up area of Cannock. As such, it is considered that the principle of development is acceptable.

4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) 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,
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities),
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit,

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.

4.3.6 ASSESSMENT

4.3.7 The immediate character of the area comprises bungalows, some of them with small scale rear extension and gardens that decrease in ground levels both across the width and down the length of the rear gardens. As a consequence all of their rear gardens are either stepped, or sloping downwards in a north westerly direction.

4.3.8 The retrospective conservatory is modest in design, size, scale and the materials relate well to both the host dwelling and surrounding dwellings.

4.3.9 The top patio has been levelled to create level access to the rear of the bungalow, while the lower patio area would be dug down 0.3m to the original level and the original height of the fencing to 1.8m. The proposed fence would be 1.8m in height and of the type of materials and design that normally form permitted development at this location. It is therefore considered that the proposal would be sympathetic in design to the host dwelling and character of the area.

4.3.10 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the 'amenity enjoyed by existing

properties'. This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 There has been a neighbour objection received on the grounds of loss of privacy and amenity.
- 4.4.4 The proposal provides a rear conservatory that has a solid wall to the boundary with the neighbour at No.27, while other side adjacent to No. No.23 is screened by 1.8m high fencing. The rear of the conservatory is screened by the rear fence from the rear neighbour at Mill Green view.
- 4.4.5 The height of rear patio would be reduced by 0.3m, which would result in a 1.8m high rear boundary fence to the boundary with Mill Green View. The proposed internal 1.8m high fence would be added to the edge of the top patio area, which would prevent overlooking from the top patio area into the windows of Mill Green View. It is therefore considered that the proposal to create level access for private amenity of the associated bungalow, has been designed to incorporate patio level changes and fences of the minimal height required in order to protect the privacy and amenity of the occupiers of both the host dwelling and the neighbouring properties. As such, the proposal accords with Policy CP3 of the local plan.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

Equalities Act 2010

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.
- 5.3 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 5.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.5 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a positive contribution towards the aim of the Equalities Act.

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

Recent Appeal Decisions

Recommendation: That the report be noted.

Since the meeting of last Planning Committee three appeal decisions have been received. These are in relation to: -

Application No: CH/18/092

Appeal reference No: APP/X3405/W/18/3216986

Location: 124 New Penkridge Road, Cannock

Description: One block of 8No 2-bedroom apartments

Outcome: Appeal dismissed

Application No: CH/18/288

Appeal reference No: APP/X3405/W/18/3216772

Location: 32 Atlee Crescent, Rugeley, WS15 1BP

Description: One detached dwelling

Outcome: Appeal Dismissed.

Application No: CH/17/252

Appeal reference No: APP/X3405/W/3214421

Location: 53 Gorsey lane, Cannock

Description: 1No 3 bedroom bungalow

Outcome: Appeal allowed.

Full transcripts of the appeal decision are attached within the appendix.

Appendix 1.

Appeal Decision

Site visit made on 5 March 2019

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2019

Appeal Ref: APP/X3405/W/18/3216986

124 New Penkrigde Road, Cannock WS11 1HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Craig Watts Developments Limited against the decision of Cannock Chase District Council.
 - The application Ref CH/18/092, dated 2 February 2018, was refused by notice dated 30 May 2018.
 - The development proposed is 8 x 2 bed apartments.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. Revisions to the National Planning Policy Framework (the Framework) were published in February 2019. The main parties were consulted on this change in national policy and no comments were received. I further note that the Office of National Statistics has recently updated its statistics on the house price to workplace-based earnings ratio, which is a component of the new standard method of calculating Local Housing Need set out in the Planning Practice Guidance. Given the relatively small scale of this proposal and the arguments advanced by the main parties, I consider that it is not necessary to ask for comments on this change.

Main issue

3. The main issue is the effect of the proposal on the character and appearance of the area around the junction of New Penkrigde Road and Kilmorie Road.

Reasons

Character and appearance

4. New Penkrigde Road is a well used through road, lined mainly by a varied mix of large houses and bungalows in large gardens, with a few other buildings including flats, a school and a church nearby. The large plots, the set back of buildings and the presence of street trees give the street a spacious, leafy character. The Council's *Design Supplementary Planning Document (SPD)* advises that New Penkrigde Road is one of several mature suburban streets

- that are important local assets. The SPD aims to maintain the distinctive quality and character of these areas, protecting their mature trees, sense of openness and tranquillity.
5. 124 New Penkrigde Road is a substantial 1½ storey bungalow sitting in an extensive corner plot at the junction with Kilmorie Road, a quieter residential street also characterised by a mix of house and bungalow designs though generally on less spacious plots. The proposal is to replace the existing bungalow with a 2½ storey block of 8 flats, in a similar position.
 6. The Council has recently approved an alternative scheme for a 2 storey block of 6 flats, which would have about the same footprint as the appeal proposal. The key differences between the 2 schemes are that the appeal building would be up to about 0.7m higher, with a half hipped main roof instead of a fully hipped roof, a large high level flat roofed section to the rear and dormer windows on all roof slopes. The appeal scheme also includes 3 more parking spaces at the front (12 spaces instead of 9). I consider that the approved scheme is very likely to be implemented if this appeal is dismissed. It therefore forms a strong fall-back position to which I give substantial weight.
 7. Although the proposed building would have the same footprint as the approved version, it would be significantly taller and notably bulkier due to the higher walls under the half hips, the flat roof section at the back and the large dormer windows. Whilst the front elevation facing New Penkrigde Road would be highly articulated to break up its massing, the very deep side elevations and the rear elevation would be almost monolithic in appearance. The side facing Kilmorie Road would dominate the street scene, despite some filtering of views by retained street trees and a new house to be built to the rear, and would be out of scale with other nearby buildings in that street. There would be insufficient space to the side of the main section for significant new tree planting. Although the proposed building would be similar in height to a nearby flats building on New Penkrigde Road (Kensington Gardens), I find that its scale, bulk and design would be notably out of character with its setting on Kilmorie Road.
 8. The extra parking spaces in the appeal scheme would bring vehicle parking much closer to New Penkrigde Road, where the hardstanding and cars would be much more visible. I accept that frontage parking is not unusual in the area and note that a parking area is provided at the front of Kensington Gardens. This scale of parking close to the street would, nevertheless, cause some (minor) additional harm the spacious character of the area. I also accept that hard surfacing for the existing bungalow could be installed as permitted development, but without the flats development there would be no need for more hardstanding so this seems unlikely. I give that potential fall-back position only limited weight.
 9. I conclude that, despite the clear fall-back position for a development of 6 flats here, the size, bulk and design of the proposed building, plus to a lesser extent the size and layout of the proposed parking areas, would unacceptably harm the character and appearance of the area around the junction of New Penkrigde Road and Kilmorie Road. The proposal therefore conflicts with the aims of Cannock Chase Local Plan Part 1 Policy CP3, the SPD and the Framework, to secure high quality design that complements and enhances the character and appearance of the local area and reinforces local distinctiveness, in part by

ensuring that new buildings are of a height, mass, scale, materials, footprint and frontage width that reflects others in the area.

10. The provision of flats here would help to boost the supply of housing, in line with the Government objective stated at paragraph 59 of the Framework. Although I give this matter significant weight, it does not override my finding in regard to the main issue.
11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR



Appeal Decision

Site visit made on 5 March 2019

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2019

Appeal Ref: APP/X3405/W/18/3216772

32 Attlee Crescent, Rugeley WS15 1BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by DLSJ Properties Ltd against the decision of Cannock Chase District Council.
 - The application Ref CH/18/288, dated 3 August 2018, was refused by notice dated 3 October 2018.
 - The development proposed is a new detached dwelling on vacant land at the side of 32 Attlee Crescent.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. Revisions to the National Planning Policy Framework (the Framework) were published in February 2019. The main parties were consulted on this change in national policy and no comments were received. I further note that the Office of National Statistics has recently updated its statistics on the house price to workplace-based earnings ratio, which is a component of the new standard method of calculating Local Housing Need set out in the Planning Practice Guidance. Given the small scale of this proposal and the arguments advanced by the main parties, I consider that it is not necessary to ask for comments on this change.

Main issue

3. The main issue is the effect of the proposal on the character and appearance of this part of Attlee Crescent.

Reasons

4. Attlee Crescent is laid out around a central green, with regular pairs of brick and tile semi-detached and terraced houses of relatively uniform design creating a pleasant residential environment. I agree with the Council's assessment that this is a good example of a 20th century road designed to provide quality social housing. On the other hand, although I note that the

- emerging Neighbourhood Development Plan proposes to designate Attlee Crescent as a 'Local Character Area', I give that document very limited weight at this early stage in the plan-making process.
5. No 32 is a semi-detached house converted into flats, occupying a large corner plot. The proposal is to build a new detached house to the side, in a currently underused and unkempt area of garden, with brick and render walls and tiled roofs¹. Aside from the proposed house being detached and part-rendered, the proposed proportions, detailing and materials would reflect those of the other houses on Attlee Crescent. Subject to agreement of facing materials, I find no objection to the proposed design of the house.
 6. My concern, however, is about the house's proposed siting. This corner plot faces the central green and is side-on to a cul-de-sac leg of Attlee Crescent. The new house would sit well forward of the strong building line established by other houses on this side of the cul-de-sac, substantially intruding on views along this part off the street towards trees at the end of the street and beyond. The otherwise close spacing of the houses on Attlee Crescent provides few other views through the built frontages, so that the views along the cul-de-sac are a significant aspect of the relatively open feel of the Crescent, which is an important part of its character.
 7. The proposed siting would thus fail to harmonise with the carefully planned layout of the street. I find that the proposed house would be awkwardly sited in a prominent position in the street scene, forming an incongruous feature that would not be well related to the established development pattern and would reduce the spaciousness of the area. Although the site is somewhat unkempt at present, I cannot agree with the appellant that the proposal would enhance the local area.
 8. I conclude that the proposal would unacceptably harm the character and appearance of the area. It therefore conflicts with the aim of Cannock Chase Local Plan Part 1 Policy CP3, to secure high quality design that complements and enhances the character and appearance of the local area and reinforces local distinctiveness. This aim aligns with the Framework's emphasis on good design as a key aspect of sustainable development.
 9. In coming to this conclusion, I have noted the quotes from another dismissed appeal decision for a house at 21 Attlee Crescent (APP/X3405/A/10/2124069) and a permission for a new bungalow at No 37. The plot at No 32 is, however, unique on Attlee Crescent. No 21 is not a corner plot and No 37 is more discreetly positioned in relation to views from the Crescent. I have assessed this proposal on its own merits.
 10. The proposed new house would make a small, but not insignificant contribution towards the ongoing need for new houses. It would also make other economic and social contributions, in particular through construction works and support for local services. I recognise that the site is underused at present and is well located in respect of access to local services and facilities. All of these factors weigh in favour of the proposal.

¹ There is a discrepancy in regard to proposed walling materials, which are described as brick and render on the plans, but just as brick on the application form.

Conclusion

11. Having considered all matters raised, I find that my concerns regarding the environmental impact of the proposal, in terms of its impact on local character and appearance, are sufficiently compelling for me to conclude that it would conflict with development plan policy and would not represent sustainable development, as defined by the Framework. I therefore conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

Appeal Decision

Site visit made on 5 March 2019

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2019

Appeal Ref: APP/X3405/W/18/3214421

53 Gorse Lane, Cannock WS11 1EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr John Wood against the decision of Cannock Chase District Council.
- The application Ref CH/17/252, dated 8 June 2017, was refused by notice dated 1 August 2018.
- The development proposed is 1No 3 bed dormer bungalow.

Decision

1. The appeal is allowed and outline planning permission is granted for 1No 3 bed dormer bungalow in accordance with the terms of the application Ref CH/17/252, dated 8 June 2017, subject to the conditions set out in the attached Schedule.

Procedural matters

2. This is an outline application with only access and layout submitted for consideration at this time. The matters of scale, appearance and landscaping are reserved for later determination and I have treated all indications of these matters on the submitted plans as being illustrative only. This decision refers to amended plan No 2106.10 Revision B submitted during the application process.
3. Revisions to the National Planning Policy Framework (the Framework) were published in February 2019. The main parties were consulted on this change in national policy and no comments were received. I further note that the Office of National Statistics has recently updated its statistics on the house price to workplace-based earnings ratio, which is a component of the new standard method of calculating Local Housing Need set out in the Planning Practice Guidance. Given the small scale of this proposal and the arguments advanced by the main parties, I consider that it is not necessary to ask for comments on this change..

Main issue

4. The main issue is the effect of the proposal on the character and appearance of this part of Gorse Lane.

Reasons

Character and appearance

5. Gorsey Lane is a through road lined by a variety of large houses set back from the street within deep plots, with front garden trees contributing to a pleasant, suburban character. Most of these houses are set fairly close to their side boundaries, so that there are few notable gaps in the built frontages. The detached house at No 53 is a typical of the street, but is set on a wider than normal plot with a gap to one side. The proposal would create a new access drive running alongside the house, leading to a new bungalow near to the end of the back garden, beyond a single storey annexe building.
6. The existing frontage housing gives the street a linear form and I agree with the Council that backland development like this is not characteristic of the area. I note, however, that a similar example has been allowed between 21 and 22 Gorsey Lane without causing any apparent harm to local character and appearance. The proposed bungalow could, subject to control of its scale (including its height) and its appearance, fit in very discreetly, tucked away from most public views well to the rear of No 53.
7. The main evidence of the bungalow's existence would be the new drive, which would cause the loss of some overgrown evergreen hedging trees, open up views through the frontage and replace a long stretch of lawn with hard surfacing. The evergreens are poor quality trees, however, which if anything detract from the street scene. The full length of drive would only be seen when directly opposite the site and it could be sympathetically surfaced. It would not be cramped between the house and the side boundary, with sufficient space for some trees and hedging to be retained and for new landscape planting to help the drive blend into the garden environment.
8. The scale of the proposed bungalow would be reasonable in relation to the size of the plot, leaving ample garden space. I note that its plot would be smaller than most in the area, but it would nevertheless be spacious enough to allow to avoid overdevelopment. A few other minor trees would be lost, including some on the boundary next to the bungalow, but none of these makes such a significant contribution to local character that it could not be replaced as part of a landscaping scheme.
9. I conclude that subject to further approval of the reserved matters of scale, appearance and landscaping, the proposal would not harm the character or appearance of this part of Gorsey Lane. It therefore accords with the aims of Cannock Chase Local Plan Part 1 Policy CP3 and the Framework, to secure high quality design that complements and enhances the character and appearance of the local area and reinforces local distinctiveness.

Other matters

10. A reasonably safe access can be provided, with sufficient parking and turning space on site. Due to the distance to the street, it is unlikely that the proposal would generate much demand for on-street parking. I saw no evidence of parking stress in the area at the time of my site visit, in the early afternoon. Although I accept that there may be more on-street parking in the evenings,

any minor increase in demand for on-street parking that might arise here should not create an unsafe or otherwise unacceptable situation.

11. The proposed development is described as a dormer bungalow and the submitted plans show 2 dormer windows on the roofs, but these are illustrative only. Given the reasonable separation distances to neighbouring dwellings, I am satisfied that a detailed design could be achieved that would prevent undue loss of privacy at neighbouring properties. This includes houses to the rear, on Hatherton Road, whose occupiers are concerned about the loss of trees that screen their properties from the site. These trees are not marked for removal on the current plans, but this matter would in any case need to be addressed at the reserved matters stage, as part of the landscaping proposals.
12. It would also be possible to keep the bungalow low enough so that the building would not be overly intrusive or cause significant overshadowing or loss of daylight to the adjacent gardens, which are large and sunny. The introduction of a new driveway, parking area and residential property at the back of this plot would cause some extra noise, but the amount of traffic generated should be reasonably small and the noise should not be abnormal or unacceptable in a residential context.
13. Neighbours refer to other permissions for a 2 storey extension and the conversion of a garage. These do not alter my assessment of the appeal proposal, as set out above. They also refer to a refused planning application for development at 71 Gorsey Lane and raise concerns about a precedent being set. I do not have full details of that other case and have assessed this appeal proposal on its own merits, in light of its particular circumstances. Finally, I see no reason why the proposal should cause significant harm to local wildlife, especially not if adequate replacement planting is carried out.

Conditions

14. I impose the standard outline planning conditions plus a condition specifying the relevant plans to provide certainty. I have added a sentence to the standard reserved matters condition, confirming that 'landscaping' includes the matters of tree protection, hard surfacing and fencing. The restriction of permitted development rights for extensions and alterations to the proposed bungalow, including roof alterations, is necessary, exceptionally, to give the local planning authority the ability to control future development of the bungalow in the interests of the character and appearance of the area and neighbours' privacy. I am not convinced by the Council, however, that restrictions to porches, outbuildings and other minor developments are necessary in this case.
15. Details of foul and surface water drainage are required to ensure sustainable drainage and to avoid harm to retained trees. This does not need to be a pre-commencement condition, as suggested by the Council. The provision of (permeable) parking and turning areas is necessary in the interests of highway safety, sustainable drainage and the health of retained trees. I see no reason why the whole of this surfacing needs to be bound as suggested by the Council, but a condition is needed requiring the use of a bound material at the site access to help prevent loose material being dragged into the public highway. Finally, it is necessary to limit construction hours, to help protect neighbours' living conditions during the works.

16. The Council has suggested 2 other conditions which I consider unnecessary. The approved plans do not include a garage so no condition is required to clarify that a garage is not approved. The development site is set away from the street and other houses, with reasonable access and space for a site compound, so a Construction Vehicle Method Statement is not justified for this comparatively small scale development.

Conclusion

17. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

[Schedule of Conditions follows]

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Landscaping details shall include a scheme for the protection of retained trees and details of hard surfacing and boundary treatments.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: FC1 and 2106.10 Revision B, insofar as these relate to the matters of access and layout.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 Classes A, B or C of Schedule 2 to the Order shall be carried out without an express grant of planning permission from the local planning authority.
- 6) The dwelling hereby approved shall not be brought into use until a scheme for the disposal of foul and surface water has been installed in accordance with details which have first been submitted to and approved in writing by the local planning authority. The installed drainage systems shall thereafter be maintained operational.
- 7) The dwelling hereby permitted shall not be brought into use until parking and turning areas have been provided in accordance with drawing No. 2106.10B, or as may otherwise be approved in writing by the local planning authority, and surfaced in a porous material. These parking and turning areas shall thereafter be retained available for such use.
- 8) The dwelling hereby permitted shall not be brought into use until the new site access to Gorse Lane has been completed within the limits of the public highway as a vehicular dropped crossing and the site access has been surfaced in a bound material for the first 6m measured from the carriageway edge.
- 9) Construction work and deliveries to the site shall not take place outside the hours of 08:00 hours to 18:00 hours Monday to Fridays, 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays and Bank and Public Holidays.

[End of Schedule]