

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**10<sup>th</sup> November 2022**

Application No:	SMD/2022/0164	
Location	18 Riverside Churnet View	
Proposal	Single storey rear and side extension, dormer and replacement garden room	
Applicant	Mr Thomas	
Agent	Andrew Dukesell	
Parish/ward	Oakamoor	Date registered: 27/04/22
If you have a question about this report please contact: Lisa Li email: Lisa.li@highpeak.gov.uk		

**REFERRAL**

The application has been called into Committee by Cllr Fallows on the grounds that there are other dormer windows on properties in the area.

**1. SUMMARY OF RECOMMENDATION**

<b>Refuse</b>
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 This application relates to an end-terrace of character brick built cottage. The site is located on the northern side of Churnet View Road, opposite the River Churnet and highway. The dwelling benefits from a landscaped garden to the front, a private garden screened by mature trees to the side and rear and, a small parking area for 2 cars. The application site is located within the Oakamoor Village Development Boundary and falls within the Oakamoor Conservation Area and is covered by an Article 4 Direction.

**3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 Planning permission is sought for two velux windows to the front elevation, a single storey side and rear extension which will adjoin the existing extension of the property, a replacement outbuilding and a large dormer.

3.2 The extension will follow the roof slope of the existing extension in a lean-to style and serve the enlarged kitchen. The extension will use materials that match the existing.

3.3 As for the outbuilding, the applicant seeks planning permission to replace the existing two outbuildings for a large outbuilding. It will be setback 1.7m from the retaining wall which will be rebuilt to the rear of the proposed outbuilding. It will be made up timber cladding and a GRP flat roofing. It will be 3.2m wide by 4.2m long with a height of 3m.

3.4 The dormer window to the window will extend the full width of the roof to create additional space for a bedroom.

#### 4. RELEVANT PLANNING HISTORY

The Conservation Area is subject to an Article 4 Direction, published on 2<sup>nd</sup> March 2016, which removed permitted development rights for ‘the enlargement of a dwellinghouse consisting of an addition or alteration to a roof, where the addition or alteration would front onto highways, waterways or open space only’

#### 5. PLANNING POLICIES RELEVANT TO THE DECISION

##### Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

- SS9 – Smaller Village Area Strategy
- DC1 - Design Considerations
- DC2 - The Historic Environment

##### National Planning Policy Framework (NPPF) Revised (2019)

5.3 The following sections of the NPPF (2019) are particularly relevant to this application:

- 16: Conserving and enhancing the historic environment

#### 6. CONSULTATIONS

<b>Neighbour letters</b>	Expiry date for comments: 11/05/22
<b>Site Notice Posted</b>	18/05/22
<b>Press Notice</b>	1/06/22

##### **Public response to consultation**

6.1 None

##### **Parish Council Comments**

6.2 No comment

##### **Environmental Health Comments**

6.3 No objection subject to conditions (one pre-commencement condition)

##### **Staffordshire Wildlife Trust**

##### Documents Reviewed:

- Emergence Survey Report-Bats September 2022 by Chase Ecology
- Preliminary bat roost assessment 15 July 2022 by Chase Ecology

SUMMARY – NO OBJECTION – subject to condition

Secured by condition:

- Amended bat roost mitigation plan.
- Preliminary Roost Assessment and Emergence Survey Report

We consider that the surveys were carried out correctly and in accordance with good practice.

The activity report confirms the presence of three separate bat roosts within the building all of which are utilised by common pipistrelle bats.

### Mitigation

We note that the bat activity report states that the development proposals will result in the total loss of all three confirmed bat roosts. However, we see no immediate reason for the loss of the roost site on the front elevation. Alterations to this elevation appear limited in nature and retention of the roost in situ would appear to be entirely feasible. In accordance with the standard mitigation hierarchy this roost should be avoided and remain undisturbed.

If for any unforeseen reason it should prove unfeasible to retain this roost site undisturbed, a suitable replacement will need to be provided in this same location.

Having carefully considered the other compensation proposals we feel that these are generally acceptable. However, the way that they are presented is a little unusual, in terms of short and long-term provision. The proposed long-term compensation for the loss of roost sites appears to consist of three tree mounted bat boxes. We would not generally consider this acceptable long-term compensation for the loss of building roosts due to potential issues with longevity.

However, we are of the opinion that other features that are currently presented as enhancements have potential to satisfy the long-term compensation requirement. We suggest therefore that the tree mounted boxes could more appropriately be provided as enhancement or shorter-term compensation for loss of roost sites during the construction period and that inbuilt features within the building itself are presented as the long-term compensation proposal.

We welcome the proposed bat roost features that are to be incorporated into the hanging tiles. However, it is important that these are seen to be permanent features that will need to be maintained for the life of the development rather than ten years as suggested.

In addition, we would like to see two bat roof tiles incorporated into the roof of the proposed kitchen extension, sited as close as possible to the location of the existing roost entrances. These locations are already known to bats and it would be desirable to retain roost features in those positions if possible.

We are of the opinion that amended mitigation proposals are required addressing the above points. This could be secured by way of a suitably worded condition.

Habitats and Species Regulations 2017 (as amended).

Should the proposals be implemented they will impact upon places of shelter and protection used by a European protected species and may only lawfully proceed under an EPS licence.

The LPA needs to consider the three tests under the Habitat Regulations, regarding whether the disturbance to bat roosts is acceptable and could be licenced. While Natural England the licencing body will make the final decision on whether to grant a licence, the LPA must try to avoid permitting development that then cannot be licenced.

The tests are:

1. the activity must be for a certain purpose - for example, for scientific research or in the case of development, 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. there must be no satisfactory alternative that will cause less harm to the species
3. the activity must not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Adequate mitigation would maintain the population and so satisfy test three, and suitable avoidance of impacts where possible would satisfy test 2. However, it is for the LPA to decide whether there are imperative reasons of overriding public interest, including those of a social or economic nature that would override the value of the roosts and populations involved.

The evidence for this and process of considering these tests needs to be recorded as part of the decision-making process.

## **7. OFFICER COMMENT AND PLANNING BALANCE**

### Principle of Development & Main Issues

7.1 The application site is located within the Oakamoor Village Development Boundary where there is a general presumption in favour of new development subject to compliance with all other relevant policies of the local plan. Therefore, the main issues in the conservation of this application relate to:

- Principle of development
- Heritage and visual impact
- Neighbouring amenity
- Highway safety

### Heritage and visual impact

7.2 Policy DC1 states that all new development should be of a high quality and be designed to respect the site and its surroundings; having regard to matters of siting, scale, density, character and appearance. NPPF paragraph 124 states that '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.

7.3 Policy DC2 relates to the historic environment and seeks to ensure that new development serves to safe guard and, where possible, enhance the historic environment. Development which sustains, respects or enhances buildings and features which contribute to the character or heritage of an area will be promoted; correspondingly, development that would be detrimental to a heritage asset will be resisted.

7.4 The Council's Design SPD provides a clear guide as to the Council's expectations in terms of design, which states that 'extensions should harmonise with the parent building. An extension should respect the dominance of the original building and be subordinate to it in terms of size and massing'.

7.5 The site sits within a Conservation area where there is a desirability of new development to make a positive contribution to local character and distinctiveness.

7.6 This application seeks approval for a number of works to the property including a side and rear extension, an outbuilding and dormer.

7.7 Referring to the dormer to the rear, a site visit confirmed that the roofs of these cottage terraces are predominately free from development with the exception of one along this row of properties; the existing dormer was installed out prior to the designation of the Oakamoor Conservation Area. It is noted that while the existing dormer is modest in scale, it does appear to detract from the original character of these non-heritage assets and as such, this type of development that the Council seeks to avoid with the support of the Oakamoor Conservation Area Character Appraisal and Article 4 Direction.

7.8 It is considered that the large dormer will detract from the character and appearance of the building and will add to the harm already created by the existing dormer within the terrace. As such, it is accepted that the addition of a dormer would result in harm to the character of the Conservation Area

7.9 Therefore, it is necessary to establish whether that harm would be substantial harm or less than substantial harm as referred to in the National Planning Policy Para 202. Taking account what is before me, it is considered that the proposal will lead to less than substantial harm to the significance of the designated heritage asset as a whole. Nevertheless, NPPF policy states that under these circumstances development should not be permitted unless the harm is outweighed by public benefits. In this case, the harm would not be outweighed by the public benefits of the proposal as the dormer would be limited to the use of occupier of the property and thus the benefits would be entirely private to the applicant and his family.

7.10 In terms of the extensions, the extensions would infill the 'L' shape of the property and tie into the existing two storey rear projection in a sympathetic way. It is considered this element of the proposal would be appropriate and does not detract from the overall character of the dwelling within the Conservation Area.

7.11 Similarly, the outbuilding would replace the existing two outbuildings to the side/ rear of the property. While the new outbuilding would appear modern and would see the existing wall being partially setback by 1.5m, the proposal is considered modest and inconspicuous when viewed from different vantage points owing to its lower terrain and single storey nature.

7.12 In terms materials to be used, they will match the existing which will be in keeping the existing building and immediate neighbours.

7.13 From this, the proposal's recommendation for approval's shortfall is its dormer window that would not meet National Planning Policy, Local Plan Policy and the ethos of the Oakamoor Conservation Area Character Appraisal and Article 4 Direction. The case officer has suggested the removal of the dormer. However, the applicant is adamant that they wish to retain this within the application.

7.14 This application is therefore considered not to be in accordance with Policy DC2 of the Local plan.

#### Impact to neighbouring amenity

7.12 Paragraph 127(f) of the NPPF (2019) and policy DC1 seeks to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.13 The extension, to serve a kitchen, will not impact on the adjoining neighbour's amenity as it will project out onto the side of the property 'filling out' the width of the rear elevation. The new bi-fold window will look onto the applicant's side garden.

7.14 The neighbour's amenity that shared a stone wall boundary at will also be maintained as the outbuilding and extension sits on a lower terrain to the neighbour and any views from the neighbour's garden will be on the top half of the outbuilding.

7.15 Taking the above into account, this application is therefore considered to be in accordance with Policy DC1 of the Local plan.

#### Highway Safety

7.16 Policy T1 of the Local Plan states that permission will only be granted for development incorporating adequate and satisfactory parking provisions.

7.17 The property benefits from off highway parking. The submitted plans show the proposal will increase the property's floor plan from 3 bedrooms to 4 bedrooms. For a property of 4, 3 parking spaces are required. It is demonstrated on site that the current parking arrangements can accommodate parking for 2 vehicles within the curtilage of the property and also, on-street parking. Whilst the increase in bedrooms could lead to extra demand for parking in the vicinity of the property, the availability of on-street parking, or lack of, will usually self-regulate how many vehicles the occupants of a property will have. Moreover, the site is within walking distance of some local services and facilities including a post office and church. Therefore it is a reasonably sustainable location. It is for these reasons that it is not considered that the proposed extension will have a detrimental effect on highway safety.

#### Ecology

7.18 The Applicant has submitted an Ecological Report which confirms the presence of three separate bat roosts within the building all of which are utilised by common pipistrelle bats. The report states that the development proposals will result in the total loss of all three confirmed bat roosts.

7.19 Staffordshire Wildlife Trust have reviewed the report and stated that they see no reason why one of the roosts cannot be retained. Notwithstanding this they have also commented that the proposed mitigation measures are acceptable and have recommended further mitigation measures which could be secured by condition.

7.20 Notwithstanding this the Trust have pointed out that the LPA needs to consider the three tests under the Habitat Regulations, regarding whether the disturbance to bat roosts is acceptable and could be licenced. While Natural England the licencing body will make the final decision on whether to grant a licence, the LPA must try to avoid permitting development that then cannot be licenced.

7.21 The tests are:

1. the activity must be for a certain purpose - for example, for scientific research or in the case of development, 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment '
2. there must be no satisfactory alternative that will cause less harm to the species

3. the activity must not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

7.22 The Trust have confirmed that the proposed mitigation would maintain the population and so satisfy test 3, and suitable avoidance of impacts where possible would satisfy test 2. However, they say that it is for the LPA to decide whether there are imperative reasons of overriding public interest, including those of a social or economic nature that would override the value of the roosts and populations involved.

7.23 In this case, the proposed development is purely to provide additional living accommodation for the applicant and his family. As such the benefits are entirely private and it is not considered that there are any over-riding public interest benefits to outweigh the loss of the bat roosts and populations. The scheme would therefore fail test no.1 and it is considered to be unlikely that a license would be granted and more-over the proposals would fail to accord with NPPF and Local Plan Policies in this regard.

### **Planning Balance & Conclusions**

7.24 In view of the above, the large dormer cannot be supported in principal as it will detract from the host dwelling and the continuity of these cottage terraces that are predominately free from development. The dormer is considered to result in less than substantial harm with no public benefit and as such, would be contrary to the policy 202 in the NPPF and purpose of the Oakamoor Conservation Area Character Appraisal and Article 4 Direction. It is therefore recommended for refusal.

7.25 Furthermore, the proposal would result in the loss of at least 2, and possibly 3, bat roosts. The proposal must therefore be assessed against the 3 tests in the Habitat Regulations. It has been demonstrated that there is no satisfactory alternative that will cause less harm to the species and adequate mitigation has been put forward to ensure that the proposal is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. Therefore 2 of the 3 tests have been met. However, the activity is not for a certain purpose - for example, for scientific research or in the case of development, 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment '. As such the proposal fails the 3 test under the Habitat Regulations and would be contrary to Local Plan and NPPF policies which are intended to protect important ecological and biodiversity interests.

## **8. RECOMMENDATION**

**A. That planning permission be REFUSED for the following reasons:**

- 1. It is considered that the large dormer will detract from the character and appearance of the host dwelling and the continuity of the roofscape of the terrace cottage that is predominately free from development. The dormer is considered to result in less than substantial harm to the designated heritage asset of Oakamoor Conservation Area with no public benefit and as such, would be contrary to the paragraph 202 in the NPPF, Policy DC2 of the Staffordshire Moorlands Local Plan and purpose of the Oakamoor Conservation Area Character Appraisal and Article 4 Direction.**
- 2. Proposal would result in the loss of at least 2, and possibly 3, bat roosts. The proposal must therefore be assessed against the 3 tests in the Habitat Regulations. The development would not be for the purposes 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial**

consequences of primary importance for the environment'. As such the proposal fails the 3 test under the Habitat Regulations and would be contrary to Policy NE1 of the Staffordshire Moorlands Local Plan and NPPF policies which are intended to protect important ecological and biodiversity interests.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Site Location Plan  
Metres

