

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

14th September 2023

Application No:	SMD/2023/0350	
Location	Ivy Cottage, 126 Ladderedge, Leek	
Proposal	Variation of Condition 2 in relation to application SMD/2022/0603 (Construction of Replacement Detached Dwelling House)	
Applicant	Mr J and Mrs C H Donnan	
Agent	Mr Martin Levie, Harrison Wood Consultancy Ltd	
Parish/ward	Leek / Leek South	Date registered 13 th July 2023
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffs Moorlands.gov.uk		

REFERRAL

The application is referred to Committee at the request of Cllr Keith Hoptroff in order to consider if the scheme is unneighbourly and overbearing due to the deviation from the original plans.

1. SUMMARY OF RECOMMENDATION

Approve, subject to conditions.
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2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 Consent was granted under application SMD/2022/0603 for a replacement detached two storey dwelling. Until summer 2022 this was the site of a detached dwelling, since demolished, via a prior notice application (DET/2022/0036). The dwelling was set back and set down behind THE road front detached dwellings and other buildings in a large plot. The site is within the Leek Town Development boundary but adjacent to open fields and the Green Belt to its west. The north east boundary of the plot adjoins rear gardens of nos 14 and 16 The Heights, Ladderedge which are also detached dwellings. These are set at a partially lower level.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The approved scheme was described in the delegated officer report as: "New detached dwelling fairly central in the plot generally in the position of the previous dwelling but slightly larger and also taller. It can be seen from submitted drawing HWA 1687 012 that the base ground level will be as applied to the previous dwelling."

- 3.2 The proposal now being considered is essentially the same scheme but with the following proposed amendments / variations:
- (a) size and location of windows and doors
 - (b) single storey front entrance porch with a dual pitched tiled roof
 - (c) increased the size of the rear single storey Ground Source Heating Equipment Store
 - (d) raised ground floor height over and above the prevailing ground levels from those indicated on the original drawings
 - (e) siting of the dwelling 1.2 metres further westwards from the approved position on the site

3.3 It is submitted in this amendment application that the building position would still be “within the boundaries of the previous house as demolished”.

3.4 The link below to the Council’s website is where the detail of this application can be viewed:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=172266>

1. RELEVANT PLANNING HISTORY

- 1.1 DET/2022/0036 – demolition of the building (Prior notice determination) – Approved.
- 1.2 SMD/2022/0603 – Proposed construction of replacement detached dwelling house – Approved

2. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS5 Leek Area Strategy
- H1 New Housing Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

- Paragraph(s) 1 – 14;
- Section(s) 4 – Decision making; 8 Promoting healthy and safe communities;
- 11 – Making effective use of land; 12 – Achieving well designed places; 15 –

Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

3. CONSULTATIONS CARRIED OUT

Public

- 6.1 The last consultation expiry date was 16th August 2023 (site notice). A total of four neighbouring dwellings were notified directly by letter for response by 8th August 2023.
- 6.2 A total of six public representations have been received all raising objections summarised as follows:
- The plans submitted and approved have been altered and built to different specifications without appropriate planning consent. The building has been moved forward of the approved line and with significantly raised ground level along with altering the angle of the building. Three windows have been added to the gable overlooking our property. Together with the additional height of the build this means that all four windows now look directly into the only area of our garden which had been completely private and is a clear loss of our privacy which we object to. [122 Ladderedge]
 - The approved scheme had some impact but being reasonable we accepted that level of change, what has been built however is not acceptable and very overbearing on what was planned and expected.
 - The development continued in the non-compliant scheme despite visit from SMDC enforcement team
 - On this occasion a cross section drawing demonstrating the size of the previous building has not been provided. The original application included drawing HWA1687/012 in which the outline of the old building was overlaid by the proposed build, why has this not been the case for this application? It would demonstrate just how much higher the building is along with the front line of the building being moved.
 - The new plans for the build also do not demonstrate the lifting of the property and suggest the ground floor remains at or near to its original height again this is inaccurate.
 - The previous property had no impact on surrounding neighbours however the building now standing is oppressive and overbearing to us, it must be just as significant to our neighbours on the Heights who were not previously overlooked by Ivy Cottage but almost certainly are now.
 - Unsightly blot on the landscape and does not blend in to its surroundings

- This situation has been very stressful, the building has been built completely different to the submitted and approved plans;
- Multiple additional windows, original planning shows one on the lower level and now four on the side that faces me [Suncrest, 120 Ladderedge];
- Loss of privacy intrusion / overlooking
- Effects that are exacerbated by the building's greater height and re-positioned 'footprint'
- New appearance from the original dwelling is out of character
- Shading / loss of light
- Difficult to understand how not built in accordance with the approved plans
- [From 12 The Heights] We live on the Heights diagonally below this property, which now dominates the skyline, is overbearing in nature, reduces our light, and affects our privacy.
- The making of these major changes by the developers shows total disrespect for the planning system, and we urge you to refuse these so called "variations".
- [from 14 The Heights] The property is significantly overbearing and represents a loss of amenity, it is out of character with the surrounding residential buildings and area which retain space, light and privacy for all residents.

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6.3 No consultation response received.

SCC Highways

6.4 Recommendation Summary: Acceptance

Site Visit Conducted on: 07-Dec-2023

Personal Injury Collisions;

Current records show that there were not any Personal Injury Collisions on Ladderedge within 120 metres of the property for the previous five years.

Background;

Ivy Cottage is located on Ladderedge (Road No. A053) which is an A classified road and is subject to a 40-mph speed limit. There is a footway on the north side and streetlights along this section of Ladderedge. It is a primary route from Stoke on Trent to Leek. Access to the site will be via the existing vehicle access and private driveway.

No objection. The Highways response notes that the applicant has submitted revised plans HWA 1687/010 Rev B July 2023. The response states these will have no effect on the highway and that comments therefore remain the same as per SMD/2022/0603 with approval acceptable subject to condition that: The development hereby permitted shall not be brought into use until the parking and turning area for the proposed dwelling has been provided as detailed in submitted Drawing No. HWA 1687/010 Rev B July 2023 and shall thereafter be retained for its intended purpose for the lifetime of the development.

SMDC Waste Collection

6.5 No issues regarding waste collections.

4. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 In its general approach, in accordance with policy SS1, the Council expects the development and the use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 Being within the Leek Town Development Boundary, development is acceptable in principle and the existing consent has confirmed the acceptability in principle of a replacement dwelling.
- 7.3 The main issues to consider with this application are:
- whether the amended proposal is acceptable in terms of its design appearance;
 - whether the amended proposal is acceptable in terms of its impact on neighbour amenity / living conditions, in particular in terms of privacy and over-looking;
 - whether the amended proposal would have an over-bearing relationship to neighbouring dwellings.

Design

- 7.4 In overall terms the design is essentially the same as that in the approved scheme but differs in certain specific respects as summarised at 3.2 (a) to (e) above.
- 7.5 As regards windows and doors, these are, in the main, consistent in design form with the approved scheme. An arguable exception is on the rear outrigger where a new first floor side window facing east is shown as a single glazed pane in a horizontal format. This contrasts with the original / remaining openings which have vertical proportions either as upright single panes or as a result of being vertically divided. This new window does not integrate especially well. It is not however in a visually prominent position and requiring it to be altered may on balance be considered not essential.
- 7.6 None of the elevations comes within 22m of the neighbouring dwellings. This distance is significant because it is the minimum separation distance required to meet the advice in the Council's adopted Space About Dwellings guidance when assessing the inter-visibility between directly facing 'principal' windows. The nearest neighbour is 'The Whitehouse' which at its closest point has its

rear elevation at 24m separation. The elevations are aligned in parallel but are offset so that they are not directly facing. Re-positioning the dwelling very slightly to the west (by the stated 1.2m) noted at 3.2 (e) would improve this relationship rather than erode it.

- 7.7 Next along to the east, the rear of 122 Ladderedge at its closest point to the new dwelling scales from the amended plan as being at 32m separation. Again it does not directly face the proposal building but is aligned in parallel.
- 7.8 Both 'The Whitehouse' and 122 Ladderedge stand at slightly elevated levels relative to the proposal dwelling.
- 7.9 North east from the development at slightly lower levels are nos 14 and 15 The Heights, Ladderedge. At its closest no.14 has a 33m separation and no.15 at its closest corner point would be in excess of 29 away.
- 7.10 Suncrest at 120 Ladderedge is further away again at some 48m. The dwelling at 12 The Heights, for which concern is raised by the occupiers that the addition of the upstairs windows on the right hand side [easterly] elevation will allow the occupants to look into their bedrooms, is some 50m away.
- 7.11 The introduction of a front ground floor 'porch' extension and the increases to the westerly ground floor elements can be accepted as not giving rise to any new design or neighbour amenity conflicts.

Amenity

- 7.12 In terms of living conditions of neighbouring occupiers, the main considerations relate to the adopted Space About Dwellings standards as discussed above and whether there would be sufficient separation between any principal windows and whether the building could be overbearing. Occupiers at 12 and 14 The Heights have specifically mentioned this. However, as well as meeting the separation guidance there is a noticeable amount of boundary vegetation cover including tree growth giving added seclusion. There are no conflicts in terms of privacy or overlooking in relation to any 'principal' windows.
- 7.13 From some of the objections it appears that some of the concerns are as much about intrusive overlooking of the adjacent gardens. There is scope for overlooking from the first floor side window introduced into the east elevation of the rear outrigger. However, it is unusual to have zero overlooking between immediate neighbours and on balance it might reasonably be judged that the distances and garden sizes involved mean that the relationship is comparable with or indeed better than is commonly or typically encountered and accepted in many building layouts. There would also not be any harmful loss of light that could reasonably be attributed through the planning assessment.

Levels

- 7.14 The submitted plans in the approved scheme showed the new floor level to be c.200mm / 20cm higher than the floor level of the original building. Scaling

from drawing 009 D suggests this height difference to now be of the order of 460mm (46cm). Due to a fall in the land to the north the rear patio will be raised over the original garden level by c.0.7m. Floor level at the doorway into the north elevation will be about 1m above the original ground level.

- 7.15 These levels impacts and changes are undoubtedly contributing to the concerns of neighbours. The deviations however are not so great as to make the development unacceptable in its impacts and can on balance be accepted.

Highways

- 7.16 In highways safety terms the SCC Highways response shows the scheme to be acceptable in highway safety terms.

5. Conclusion and Planning Balance

- 8.1 It is concluded that the scheme with its revisions, which have been submitted retrospectively in response to neighbour concerns, can be accepted.

9. RECOMMENDATION

A. Approve subject to the following condition(s):

1. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:

HWA 1687: 0010 B July 2023, 009 D; 008 C; 007 C; 006 C

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

2. The external facing and roofing materials shall be as stated in the application using white render and natural stone as shown in the drawings hereby approved for the walls and Staffordshire Blue Marley Hawkins Plain tiles for the roofing and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory and that the works harmonise with the location.

3. Where stone is used in the exterior walls as shown in the plans hereby approved this shall be natural sandstone laid in even level courses and there shall be no variation without the prior consent in writing of the Local Planning Authority. All pointing shall be of a strength and style appropriate to the type of walling materials used (see SMDC leaflet on pointing) and shall not include 'tuck', 'strap' or 'recessed' pointing.

Reason: To ensure that the external appearance of the development is satisfactory and that the works harmonise with the location.

4. All noisy activities shall be restricted to the following times of operations.

08:00 - 18:00 hours (Monday to Friday);

08:00 - 13:00 hours (Saturday)

No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during anti social hours.

5. The development hereby permitted shall not be brought into use until the parking and turning area for the proposed development has been provided as detailed in submitted drawing HWA 1687 010 rev B July 2023. Those areas shall thereafter be retained unobstructed for the parking and turning of vehicles.

Reason: In the interests of highway safety.

Informative

1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

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

Site plan

