

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

25th January 2024

Application No:	SMD/2023/0506	
Location	2 Breach Road, Brown Edge	
Proposal	Proposed new two bedroom detached bungalow	
Applicant	Mr Paul Climpson	
Agent	Emily Clowes	
Parish/ward	Brown Edge	Date registered: 12 th October 2023
If you have a question about this report please contact: Rebecca Bowers email: Rebecca.Bowers@highpeak.gov.uk		

REFERRAL

The application is before committee as Cllr Mills requested that it be called-in because they are supportive of the application.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site is a currently an unused parcel of land sitting at the junction of Breach Road and Leek Road. The plot is roughly rectangular in shape; it is very visually prominent from the public domain, it sits behind a drystone wall and is bounded on two sides by a pavement. Land levels slope downwards towards the northern boundary and frontage of number 2 Breach Road.

2.2 The site is located within the Brown Edge Village Development Boundary, within a well-established residential settlement. Property styles/designs/ages vary within the area. Two-storey dwellings of more modern appearance are located to the west. To the south, on the opposite side of Leek Road, are Heaton Villas, a row of terraced cottages, raised and set back from the road behind an array of planting and retaining walls. To the south-east is Poolfields Court, a simple development of mainly two-storey semi-detached dwellings in a cul-de-sac arrangement. Breach Road itself is set back from, and is lower in level to, Leek Road and was designed as the front of an estate (leading to Chestnut Road and Spring Crescent) with an open plan, green buffer entry, lined with trees. The trees to the south-east of the site along the green buffer have a blanket Tree Preservation Order upon them.

2.3 This open plan estate entrance arrangement is replicated further to the south-east at the Greenfield Avenue entrance. The site has been subjected to several

applications for the erection of a single dwelling on the land. These applications have either been refused by the Committee or withdrawn by the applicant.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 Consent is sought for the erection of a 2 bedroomed bungalow. The plan shows a pitched roof bungalow orientated with its principal elevation facing towards Leek Road. The dwelling would have a 'L' shaped footprint with additional small gable projection facing in the direction of Leek Road

3.2 The bungalow proposed to measures 9.8m wide along the western boundary and 8.4 m along the northern boundary. The proposed ridge height would range between 3.4m and 3.6 m above ground level, the change being due to the sloping ground level. The bungalow would be set 1.6m away from the southern (Leek Road) boundary and 0.6 m away from the northern boundary. Land to the front of the bungalow near to the Leek Road/Breach Road junction is indicated to be used for parking 2 vehicles by the future occupants of the proposed bungalow these parking spaces would be accessed via existing vehicular access drive leading to 2 Breach Road, this would be shared and used by any future occupant of the proposed bungalow and no 2 Breach Road. A enclosed garden area is also proposed adjacent to the access road.

3.3 Compared with the previous refusal SMD/2021//0702 the main changes to the development are identified as follows:

- Increase in length and width of dwelling to form 'L' shaped footprint.
- Reduced ridge height
- Front door relocated to southern elevation
- Amenity space proposed with fence

3.4 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=174764>

RELEVANT PLANNING HISTORY

SMD/2014/0788 Outline planning permission with some matters reserved (except access) for a two storey house and garage with parking spaces and associated works. **Refused.**

SMD/2015/0411 Outline planning permission with some matters reserved (except access, layout and scale) for two storey dwelling and garage with parking spaces and associated works (resubmission of SMD/2014/0788). **Refused.**

APP/B3438/W/16/3142723 Appeal against refusal of SMD/2015/0411. **Appeal dismissed.**

SMD/2017/0697 Outline permission with matters reserved (except access, layout and scale) for dormer bungalow with two parking spaces. **Withdrawn.**

SMD/2018/0240 Outline permission with some matters reserved (exemption of access, layout & scale) - Resubmission scheme of SMD/2017/0697 providing single storey detached two bedroom bungalow. **Refused.**

SMD/2019/0101 Outline permission with some matters reserved (except access, layout and scale) for a single bedroom bungalow with 1-2 parking spaces and screen fence along existing stone boundary wall along Leek Road. Officer recommendation to committee was to refuse. Application **withdrawn** by applicant after publication of agenda and prior to the committee meeting.

SMD/2019/0404- Outline permission with some matters reserved (except access, layout and scale) for a single bedroom bungalow with 1-2 parking spaces and screen fence along existing stone boundary wall along Leek Road.- **Refused.**

SMD/2021/0702- Erection of a 2 – bedroom Bungalow- **Refused**

4. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

SS1 Development Principles
SS 2 Settlement Hierarchy
DC1 Design Considerations
T1 Development and Sustainable Transport
SS 8 Larger Villages Areas Strategy
H 1 New Housing Development

Guidance

Staffordshire Moorlands Design Guide
Space About Dwellings.
Technical Housing Standards – Nationally Described Space Standard.

National Planning Policy Framework

5:Delivering a sufficient supply of homes.
6: Building a strong, competitive economy.
9:Promoting sustainable transport.
11:Making effective use of land.
12:Achieving well-designed places.

5. CONSULTATIONS

Public response to consultation

6.1 46 Letters of representation have been received 33 neighbours with the following objections.

- Loss of light and privacy to neighbours

- Highway safety
- Path us dangerous
- Site and junction are not big enough for the proposed dwelling.
- Disruption during construction
- Tree had been removed to make space for development.

Parish Council

6.2 No comments received within consultation period

Severn Trent Waters

6.3 No objection subject to conditions.

Environmental Health

6.4 No objection subject to conditions

Staffordshire County Council Highways

6.5 No objections subject to conditions

Site Visit Conducted on: 30-Oct-2023

Personal Injury Collisions;

Current records show that there were no personal injury collisions (PIC) on Breach Road and Leek Road within 50 metres of the property from 01/01/2019 to 31/12/2021

Background;

The site is located on Breach Road (Road No. D1209) an unclassified road which is subject to a 30mph speed limit. Breach Road has streetlighting, a footway to the north-west and north side and provides access to Chestnut Road and Spring Crescent. Leek Road (Road No. B5051) is a B classified road and is subject to a 30mph speed limit.

Comments on submitted information;

The proposal is for a 2-bedroom bungalow to be constructed within land which previously formed part of the garden of No. 2 Breach Road. Staffordshire Moorlands Parking Standards state: Detached/Semidetached property of up to 3 bedrooms will require 2 spaces (2.4 x 4.8m each space) for residents and visitors within the curtilage of the dwelling. The proposal meets with the Parking Standards providing off highway parking for 2 vehicles as detailed on submitted Drawing No.103 Rev A.

Vehicular access to the proposed property will be off Breach Road and as shown in the submitted drawing shall serve the new property and property No. 2.

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

The development hereby permitted shall not be brought into use until the visibility splay shown on Drawing No.103 Rev B has been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

The development hereby permitted shall not be brought into use until the access and parking area have been provided in accordance with Drawing No.103 Rev A and surfaced and sustainably drained and kept as intended for the lifetime of the development.

The development hereby permitted shall not be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- Widening of footway on Leek Road frontage to minimum of 1.75m wide. The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

NOTES TO PLANNING OFFICER

Previous submissions for development of this site have shown the footway being widened to 1.75m wide. This improvement is not proposed on this submission but is necessary for pedestrian safety and visibility and without these improvements the Highway Authority would recommend a refusal.

It is noted that vehicle and pedestrian access to No.2 Breach Road is within the area outlined in red. The shared area needs to be kept clear for its intended purposes.

AES Waste

6.6 No issues

6. OFFICER COMMENT AND PLANNING BALANCE

Principle of Development

7.1 The application is a resubmission of a number of previously refused applications for the erection of a detached bungalow, one of which has been subject to an Appeal which was dismissed. The proposal seeks to overcome the refusal reasons for the most recent refusal (SMD/2021/0702).

7.2 The application property is located within the development boundary for Brown Edge. The Local Plan identifies Brown Edge as a larger village. Policy 8 states that these settlements shall retain and enhance their role as rural service centres, providing for the bulk of the housing requirement of the rural areas and also for employment needs of a scale and type appropriate to each settlement having regard to infrastructure capacity and character. This application is for a single dwelling and therefore the affordable housing/tenure requirements are not triggered in accordance with the requirements of Core Strategy policy H2.

7.3 The site is within an identified settlement boundary and previous applications (including a dismissed appeal, discussed later in the report) have accepted that it is within a sustainable location. Therefore, the principle of the development is accepted subject to an assessment against the other material considerations such as impact on visual amenity, impact on neighbour amenity, amenity of future occupier and highway safety.

Impact on the Character and Appearance of the Area

7.4 Local Plan Policy H1 'New Housing Development' states that 'all development will be assessed according to the extent to which it provides for high quality, sustainable housing' and having regard to the location of the development and the characteristics of the site.

7.5 Policy DC1 requires that all developments shall be well designed and reinforce local distinctiveness by positively contributing to, and complementing the character and heritage of, an area. Development should be of a high quality, adding to the value of a local area, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscape, character and appearance.

7.6 Paragraph 130 of the NPPF places an emphasis on the importance of design and that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.7 Consideration must be given to the way in which the new dwelling and any open space is provided and how the dwelling is situated and orientated in relation to surrounding buildings and spaces. Consideration must also be given to the dimensions of the proposed bungalow and the resultant impact of the building in relation to its surroundings.

7.8 The site originally formed part of a larger domestic curtilage resulting from the original, planned layout of Breach Road; the character of which is terraced and semidetached dwellings fronting the highway across their respective front gardens/parking areas. This area of green space is considered to contribute to the character of the area. The proposed dwelling would be sited on the corner of Breach Road and Leek Road and the principal elevation is proposed to face Breach Road.

7.9 There is an identifiable building line along Breach Road and the placement of a dwelling in the location identified would significantly undermine the design of the estate and the openness of the area at this point, which was achieved by setting the estate back from the road and behind open space. As such it is considered that the proposed development would appear visually intrusive and an incongruous form of development within the street scene when viewed in context with Breach Road. The previous appeal decision concluded that:

"the proposed siting of the development would relate poorly to the established layout of Breach Road, whereby the terraced dwellings front the highway across their garden plots. The new dwelling would appear cramped within the

site, and would reduce the openness of the area in front of No 2. It would dominate the neighbouring properties on Breach Road by virtue of its scale and prominent position on the corner. As a result, it would be an uncharacteristic and incongruous form of development which would be out of keeping with its surroundings”

The proposed development would cause similar harm described within the previously dismissed appeal.

7.10 The newer houses to the west and south-east are seen as separate developments to the Breach Road properties. The proposed development would not relate well to either development as although the principal elevation faces Leek Road matching the two storey dwellings, as the proposed development is a bungalow, there is a significant difference in scale and therefore it would look at odds with this development. Similarly, the only amenity space for the dwelling is located to the front and enclosed by a fence to ensure this area is private. This fence creates a physical boundary between the site and the properties to the rear. This physical boundary and the positioning of the dwelling forwards of these properties results in a form of development that does not relate well to these dwellings either.

7.11 As such it is considered that due to the location of the plot forwards of the Breach Road building line and its size being at odds with the Leek Road dwellings the development will be seen as an out of context continuation of the Breach Road estate and oddly orientated in relation to the Leek Road dwellings. Despite the proposed amendments to the site's orientation and the reduced ridge height it is still considered that the development would appear cramped as the site is not large enough to accommodate a dwelling with suitable external amenity space.

Impact on Highway Safety

7.12 The NPPF and Local Plan policies DC1 and T1 require that all development proposals secure safe and suitable access to a site whilst making a contribution towards meeting parking requirements and ensuring that all new development can be satisfactorily accommodated within the highway network. Development should be located within areas that are accessible by sustainable travel modes.

7.13 It is clear that the application site is located within a sustainable area. The scheme proposes the shared use of the current vehicular access to number 2 Breach Road. The highway authority have queried what is proposed to happen to the access at number 4 as it not indicated on the proposed plans. As the land is not included in the red edge it is concluded that this access will be unaffected by the development. As such the highway authority have no objection to the development subject to conditions relating to the widening of the footway and the surfacing of the access and parking before the development is brought into use.

Impact on Amenity of future occupier

7.14 Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.15 The Space About Dwellings guidance states that development must provide privacy for existing and future residents and the protection of their amenities to enable reasonable enjoyment of their residence and garden with a degree of freedom from unwanted social contact. The dwelling would have its own off-road parking area to the front of the dwelling within the external amenity space.

7.16 The rear wall of the bungalow would be sited only 0.5m away from the western boundary. A 0.5m strip of land would separate the northern site boundary and the northern facing side gable wall and a gap of approximately 1.7m would separate the Leek Road facing stone boundary wall with the southern elevation of the dwelling.

7.17 The proposed bungalow has increased in size from previous proposals so the land around it has reduced, despite previous applications being refused on the grounds including inadequate private amenity space. The guidance also considers that private garden space need not be to at the rear but must be secluded from overlooking other than by immediate neighbours. The amenity space is proposed to the side of the dwelling and this private area measures approximately 20sqm. The stone wall between the development site and Leek Road would remain in place with a fence located to its rear and within the application site. The remainder of the garden space would be located near to the junction of Breach Road and Leek Road which would be easily overlooked from the public domain, resulting in an unacceptable level of intrusion into what should be private amenity space.

7.18 The location of the plot and its surroundings ultimately means that it is not possible to position a dwelling on this site which would have a satisfactory level of private amenity space. The guidance also requires that for two-bedroom dwellings at least 65sqm of private garden space is required. The proposed development would fall well below this and therefore the development would fail to provide sufficient private amenity space for the future occupier of the dwelling.

7.19 The development shows three windows facing the wall (Leek Road). This wall is proposed to be retained. The two windows closest to the boundary wall serve the living room. In the case of this application the standard requires a 6.0m separation distance between a principal window and any site boundary or solid obstruction which is higher than the top of the window, this standard is in place to secure satisfactory outlook and daylight into principal living spaces. The distance between the front wall and these living room windows fall significantly below the 6m required. Similarly, the bedroom window on the principle elevation also significantly less measuring at around 3.5m from the boundary wall. However, it is proposed to lower the height of the boundary wall and therefore these windows would have an acceptable outlook and light.

7.20 However, the side elevation facing Breach Road proposes a window that serves a bedroom. The window would be 4m from the boundary fence proposed to private the private amenity space. As such the development also conflicts with the 'Site Boundary or Solid Obstructions' standards within the 'Space About Dwellings' SPG.

7.21 Consideration is given to the Technical Housing Standards – Nationally Described Space Standard (Department for Communities and Local Government-DCLG). There are a number of technical requirements set out within the DCLG

document which must be complied with. This application is for a detached two-bedroom bungalow where, internal floor area of a dwelling should be 61sqm for a 3 person dwelling. The proposed plans indicate that the internal floor area measures at 61sqm. Considering the above it is considered that the development would provide an acceptable standard of amenity of the future occupants with regard to internal floor area.

Impact on Neighbour Amenity

7.22 Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.23 The neighbours with the most potential to be affected by the proposed development are no 2 and no 4 Breach Road.

7.24 The presence of a dwelling directly in front of the principal windows of 2 Breach Road measuring 8.4 m across the front of this dwelling has the potential to cause significant harm to the amenity and living conditions of its occupants. The proposed ridge has been reduced compared with the previously refused application measuring between 3.4m and 3.6 m above ground level, the change being due to the sloping ground level. Despite the reduced ridge height due to the height, expanse of wall, perceived overlooking from the bathroom window and proximity to the front elevation of this neighbour. The development would create an intrusive, overbearing, unneighbourly form of development that would bring the comings and goings of everyday life closer to the front door and windows of not only number 2 but also number 4 Breach Road by reason of a closely located and unconventional relationships of the plots.

7.25 It is noted that the two-storey dwelling to the side of the site (west) will not have its current level of amenity compromised due to the application site being lower in level. There would be no impact upon the Heaton Villas terrace across the road due to the separation distance (intervening road) and the fact that these dwellings are at a higher level.

7.26 The previous appeal decision concluded that:

“the new dwelling would sit in close proximity to the frontages of both 2 and 4 Breach Road. At present, the front elevations of these properties have a largely uninterrupted, open outlook across the existing front garden areas. The introduction of a two storey dwelling would intrude on the natural lines of vision, resulting in a materially harmful sense of enclosure at Nos 2 and 4. This impact would be particularly acute for the occupants of No 2, given its position behind the appeal site. In my view, a separation distance of 14m would not be sufficient to mitigate this harm”.

7.27 The inspector concluded that a separation distance of 14m was inadequate to protect the amenity of no.2 Breach Road. It is noted that the current proposal now stands only 10m from the front elevation. Consequently the proposed development would cause similar and arguably greater harm to the amenity of the neighbour than

the previous Appeal scheme and the appeal decision is a material consideration in the determination of this application.

Drainage

7.28 The application form states that a connection would be made to the existing foul drainage system and surface water would be drained to the main sewer. Severn Trent Water (STW) have commented on the scheme, confirming that they do not have any objections to the application. Severn Trent request that a drainage condition to secure details foul and surface water flows is imposed, they also state that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. In the event of planning permission being approved the applicant/developer is strongly advised to contact Severn Trent Water to discuss the proposals at the earliest opportunity.

Planning Balance & Conclusions

7.29 The LPA can demonstrate 3.71 years housing supply as of 1 April 2022. The NPPF paragraph 11 d sets out where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless.

ii.any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is acknowledged that approval of the application would result in a small contribution towards housing land requirements at a time when the council cannot demonstrate a 5-year supply of deliverable housing land.

7.30 Notwithstanding its settlement boundary location, it is considered that the provision of a single dwelling (very minor contribution towards the 5 year land supply) would not outweigh the resultant adverse impacts of the development as outlined within the report. The revised scheme has not satisfactorily addressed the reasons for refusing the previous applications and the harm that would occur would significantly and demonstrably outweigh the limited benefits.

7.31 The proposal has not overcome the reasons for refusals previously raised within the planning appeal or resubmitted refused applications.

8.RECOMMENDATION

A. That planning permission be REFUSED for the construction of replacement dwellinghouse for the following reason(s):

- 1. The proposed development by reason of its layout, scale and location would constitute overdevelopment of the plot and compromise the**

openness of the Breach Road frontage to the significant detriment of the character and appearance of the site and its immediate surroundings. It would also introduce a building which would be at odds with the scale of its surroundings by being seen in the context of two-storey developments. The application is therefore contrary to policies SS1, H1 and DC1 of the Staffordshire Moorlands Local Plan, as well as the Staffordshire Moorlands Design Guide SPD and the National Planning Policy Framework.

2. The proposal cannot demonstrate sufficient suitable, private, external amenity space by reason of its corner plot location and would therefore provide an insufficient standard of amenity for future occupants. The application is therefore contrary to policies H1 and DC1 of the Staffordshire Moorlands Local Plan, the Space About Dwellings (SPG), the National Planning Policy Framework and Department for Communities as well as the Local Government: Technical housing standards – nationally described space standards
 3. The new dwelling would have an intrusive, overbearing and unneighborly relationship with numbers 2 and 4 Breach Road and would result in a detrimental impact on their residential amenity. The application is therefore contrary to policies H1 and DC1 of the Staffordshire Moorlands Local Plan, the Space About Dwellings (SPG) as well as the National Planning Policy Framework
- 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 Location Plan

