

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**15<sup>th</sup> August 2024**

<b>Application No:</b>	SMD/2023/0539	
<b>Location</b>	Clough House, Carr Bank, Oakamoor	
<b>Proposal</b>	Two storey rear extension, alterations to roofline of existing single storey rear extension, hard landscaping works, and replacement windows to front elevation.	
<b>Applicant</b>	Mr. A and Mrs. L Gallagher	
<b>Agent</b>	Ian Ankers Architecture Ltd	
<b>Parish/ward</b>	Oakamoor / Churnet	<b>Date registered</b> 7 <sup>th</sup> Nov 2023
<b>If you have a question about this report please contact:</b> Arne Swithenbank tel: 01538 395578 or e-mail <a href="mailto:arne.swithenbank@staffs Moorlands.gov.uk">arne.swithenbank@staffs Moorlands.gov.uk</a>		

## REFERRAL

The application is a Full Householder and is referred to Committee at the request of Cllr Aberley to consider the heritage assessment of the application.

The item was considered by the Planning Applications Committee at its meeting on the 20th June 2024 when it was resolved "That the application be deferred to enable the applicant to work with Officers to reach a suitable design agreement." The revisions now presented have evolved from discussions with the agent.

### 1. SUMMARY OF RECOMMENDATION

<b>Approve</b>
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### 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The location is in the village of Oakamoor within the Oakamoor Conservation Area. Clough House is a detached two storey brick and blue slate double fronted dwelling standing at an elevated position over Cotton Dell. The building appears from historic OS maps to at least pre-date 1877. It has an Italianate 'villa' style and is distinguished with characterful brick detailing and strongly arched windows. It is noted in the Council's adopted Oakamoor Conservation Area Character Appraisal as "*a handsome and well preserved historic building*". Also remarked are the decorative pierced and scalloped barge boards. A very large Monkey Puzzle tree (*Araucaria araucana*) stands to the building front.
- 2.2 There is a single storey rear extension in brick with dual pitched roof which has extended and modernised an earlier original outrigger evident in the

historic maps. There is a 20<sup>th</sup>C detached double garage set down and slightly away to the rear.

### **3. DESCRIPTION OF THE PROPOSAL**

- 3.1 The current property has a cellar, two receptions and three bedrooms and the proposal by way of a two storey rear extension is to provide a further reception room and fourth bedroom. The proposal has been amended from that first submitted and adopts a 'cat-slide' roof arrangement to tie an existing single storey to a two storey rear extension proposed alongside.
- 3.2 Materials are stated as: red facing brick to match north, east and west elevations; grey slate tile to match existing; double glazed window units in painted timber with flush casement frames; boundary treatments [where shown] stone retaining walls with curved stone copers to match existing; vehicle turning and standing to use a mixture of stone slab and gravel to match existing.

### **4. RELEVANT PLANNING HISTORY**

- 4.1 None

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

#### **5.1 Local Plan (adopted 9<sup>th</sup> September 2020)**

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS9 Smaller Villages Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

#### **National Planning Policy Framework December 2023**

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 and beautiful 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)

## **6. CONSULTATIONS CARRIED OUT**

### **Public**

- 6.1 The last consultation expiry date was 20<sup>th</sup> December 2023 (press notice). A total of ten neighbouring dwellings were notified directly by letter. Representations have been received from three of them; one to say no objection and two to offer express support. One of these makes reference to another approval in Oakamoor where the Council's Conservation Officer had also not been in favour – at least for the plans as first submitted. The representation also adds: *“The Article 4 Direction repeatedly states that the restrictions apply where ‘the addition or alteration would front on to highways, waterways or open spaces only’. The only place where the proposed alterations would be seen, is through a wooded area in Cotton Dell. This clearly does not meet the specification identified in the Article 4 Direction and the Conservation Officer’s comments should have no bearing on the decision of the Planning Committee”.*

### **Oakamoor Parish Council**

- 6.2 Supports the application.

### **SCC Flood Risk Management**

- 6.3 Finished floor levels and surrounding ground levels should be designed in accordance with building regulations to direct surface water away from dwellings and set floor levels at least 150mm above surrounding ground levels. [NB the consultation appears to have been triggered by the extent of the site ownership red edge but the house itself and the proposed extension lie outside the flood risk zones.]

### **Severn Trent Water**

- 6.4 Severn Trent Water advise that having reviewed the statutory sewer records, these do not currently demonstrate any public sewers on the property. However, due to a change in Legislation that came into force in October 2011, there could be unmapped assets on the property that will enjoy the same protection as all mapped assets. These 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.

### **SMDC Heritage Conservation Officer**

- 6.5 Originally recommended refusal. The heritage harm is less than substantial but it is not considered there are public benefits in the scheme that would outweigh the harm identified. The Heritage Statement is weak, and does not satisfy paragraph 200 [formerly 194] of the NPPF. There is no assessment of the Conservation Area as a designated heritage asset, and only assessment of the site and proposal. The dwelling is a classic Victorian villa which demonstrates classic architectural features. The later rear extension does not appear to compete with the form of the original dwelling. The original dwelling is unusual in footprint, and what could be described as a model example, of typically larger Victorian villas. Conscious in design, it responds directly to the topography and orientation of the village, and surrounding coppices within the setting. It has a well survived and authentic character, with interesting detailing. The scheme looks to transform the surviving Villa into a substantially larger dwelling, with an additional rear extension and strange roof forms, seen to not sit quietly against the vernacular. I do not believe that the extension harmonises successfully, nor is it subordinate in terms of size and massing. Instead, it appears to compete and is not respectful of the host building.
- 6.6 Evidently in error the Conservation Officer has made reference to and criticised a use of grey plastic replacement windows but as the scheme in fact proposes white painted timber this concern does not arise.

## **7. 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 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 Policy SS9 for the Smaller Villages sets out expressly to “ensure that new development reflects and enhances each village’s special character and heritage by protecting and enhancing the setting and historic character of the village, including heritage assets”. Clough House is noted in the Conservation Area Appraisal as making a positive contribution to the character and appearance of the Oakamoor Conservation Area and as such the building should be regarded as a non-designated heritage asset. The main consideration therefore is the effect of the proposal on this asset and on the character and appearance of the Conservation Area.
- 7.3 Policy DC2 is that: “The Council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance”. Protection is to be given as set out in the NPPF.

- 7.4 An important additional consideration is that under section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 there is a statutory duty on the LPA in assessing planning applications in respect to any land or buildings in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In reaching its decision the LPA has to demonstrate that the section 72 duty has been applied and discharged. Section 72 (and Footnote 7 of para.11 of the NPPF) creates a strong presumption in favour of the preservation of Conservation Areas and their setting. An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting, the surroundings in which a heritage asset is experienced.
- 7.5 In order to meet its statutory duty in considering whether to grant or refuse this application the committee must in other words consider (i) the significance of the building as an item of heritage and (ii) the extent to which the application preserves or enhances the Conservation Area.
- 7.6 The main issues therefore are ones of design and heritage.

### **Design and Heritage**

- 7.7 In design form (irrespective of heritage considerations) the scheme as first submitted was disproportionately large in how far it extended back. At 5.5m it was equal to the depth of the original dwelling and was not therefore subordinate which the adopted design guidance expects. One principal adverse consequence of this, in particular, would have been in how the building would be seen in its side view from Cotton Dell below to the east. In the revised scheme the rear projection has been reduced to 4.5m for the two storey part. It remains therefore a substantial addition but is less obviously disproportionate in scale.
- 7.8 The main concerns with the design as considered previously by the Committee were a flat roof over the single storey part of the extensions and a proposed first floor 'French-doors' window involving a dormer canopy. The dominance of this feature was found to 'compete' with the original design styling of the building and introduce an over-elaboration to the east elevation. The 'cat-slide' roof on the reduced size extension is now found an acceptable and preferred solution.
- 7.9 In its amended form the scheme is now considered acceptable in design and to accord with Policies SS9, DC1, DC2 and the NPPF.

### **Amenity**

- 7.11 No conflicts in terms of amenity are identified. The property is overlooked from higher dwellings above to the west but the separation distance is a minimum of

35m and the proposed side patio window set would be unlikely to seem intrusive on the existing neighbours.

### **Other Matters**

- 7.12 One of the public representations questions the relevance of the Conservation Officer advice but this appears based on a misunderstanding of the relevance of the Article 4 designation. As set out at 7.4 above there is a statutory duty for the Council – and specifically in this case the Committee as decision maker – to pay special attention to matters of character and appearance in the Conservation Area. The Article 4 designation is an additional provision and specifically involves the removal of permitted development rights. It does not take away from the core requirements under DC1, DC2, the NPPF and s.72 of the Act which are the basis of the assessment in this report. The extensions in this proposal are not ‘permitted development’ in any event so the Article 4 has no bearing on them. It is however absolutely a requirement to consider the implications for the Conservation Area and indeed for the building itself as a non-designated heritage asset. It is therefore right and necessary to have the input of the Council’s Conservation Officer.
- 7.13 For the avoidance of doubt it should further be noted that for the purposes of GPDO(2015) ‘highway’ is not restricted in definition to a public right of way such as a public road, public footpath and bridleway but also includes unadopted streets or private ways. The track passing below the application site along Cotton Dell is open to public access on foot at all times.

## **8. CONCLUSION AND PLANNING BALANCE**

- 8.1 Previously it was found that owing to design form, scale and detailing, especially a side-facing dormer canopied French doors set at first floor level, the proposed rear two storey extension, and altered single storey to incorporate a flat roof, were found at odds with the historic Victorian aesthetic of Clough House which owing to its age, its strongly surviving historic character and its position in the Oakamoor Conservation Area must rightly be regarded as a non-designated heritage asset which contributes to the character and appearance of the Oakamoor Conservation Area, a point which is remarked upon in the Council’s adopted Oakamoor Conservation Area Character Appraisal.
- 8.2 With the revisions as now submitted the scheme can be recommended for approval as having overcome these design and heritage conflicts. The NPPF requires the LPA to reach a balanced judgement with regard to any harm to a non-designated heritage asset. With the amendments now submitted the scheme is now on balance found acceptable as regards the building itself.
- 8.3 As regards impact on the Oakamoor Conservation Area, again the amendments are found to greatly reduce and in fact remove the adverse impacts on the character and appearance of the Conservation Area to the point that the scheme can reasonably be considered ‘neutral’ in its impacts. On this

basis there is no longer a need to identify public benefits from the development (that would otherwise be a requirement to 'outweigh' any harm

## **9. RECOMMENDATION**

### **A. Approve subject to the following conditions:-**

- 1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.**

**Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.**

- 2. 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:**

**CH-15 revision D Plans as Proposed**

**CH-16 site location and block plan**

**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. EH noisy working out of hours**

- 3. Prior to construction of exterior walls above damp-proof course level and notwithstanding the application submissions and condition 2 (above) details including types and colours along with samples if requested of all external facing walling and roofing materials shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details as subsequently approved by the LPA in writing.**

**Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area including the Oakamoor Conservation Area.**

- 4. Prior to the installation of the new windows and rooflights the details including frame dimensions, external material finish and depth of recess within the wall openings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details as subsequently approved in writing.**

**Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area including the Oakamoor Conservation Area.**

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Schedule 2 Part 1 Class E other than that expressly authorised by this permission, shall be carried out without express**

planning permission first being obtained from the Local Planning Authority in relation to land within the application red edge lying north of the coloured land shown in the landscape plan on drawing CH-15 revision D hereby approved.

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and the Oakamoor Conservation Area.

### **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

## **10. APPENDICES TO THE REPORT**

10.1 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=175225>



