

To the Chair and Members
of the
**CONSERVATION ADVISORY
WORKING PARTY**

When calling or telephoning
please ask for
Mr G Durham
Direct line or ext
742222
My ref
GD/ED – R82/48
Yours ref

1 August 2008

Dear Sir/Madam

A meeting of the **CONSERVATION ADVISORY WORKING PARTY** will be held in **COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 12 AUGUST 2008** at **7.00pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 1 July 2008 (copy attached for non-Council Members information).
3. To consider the attached reports at Appendix A and B (blue and salmon paper).
4. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
5. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

A CAMPBELL

Democratic Services Manager

**DECISIONS OF THE BOROUGH COUNCIL ON APPLICATIONS WHICH
HAVE PREVIOUSLY BEEN CONSIDERED BY THE WORKING PARTY**

For reports on all committee decisions, please follow the minutes and agendas search on the Council's website or refer to your copy of the Planning agenda for the permitted date. Reports for delegated items are attached to the agenda (pink paper).

Reference	Location and Applicant	<u>Development</u>	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
08/418/FUL	Little Paddocks, Bent Lane, Whitmore. Mr M Yarworth.	Front dormer windows.	No comments.	Permitted under delegated powers 8/7/08.
08/472/FUL	Land at junction of River Lea Mews & Moss Lane, Madeley. Mr K Williams.	Detached house with integral garage (amendment to 04/479/FUL).	Members considered the revised scheme to be overbearing on the adjoining Mill Cottages and that, if permitted, it would obscure the view of the former Mill from Moss Lane. Also, the revised scheme was considered to be out of character with the surrounding buildings.	Refused under delegated powers 18/7/08.

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
08/515/FUL	Brampton Miniature Railway, Brampton Park, Brampton Road, Newcastle. Mr A Holdsworth.	Extension to club room/store building.	Within the Brampton Conservation Area.	Councillor S Holland Councillor I Matthews Councillor S Tagg
08/557/FUL	The Old Wood. Betley Hall Gardens, Betley. Mr J Williams.	Construction of a one and a half storey, two bedroom lakeside guest annexe.	Within the Betley Conservation Area and may affect the setting of a Listed Building.	Councillor D Becket Councillor A Wemyss
08/581/FUL	Clayton Hall Business & Language College, Clayton Lane, Newcastle. Mr S Meys.	Modular double classroom block.	Within the Clayton Conservation Area.	Councillor Mrs A Heames Councillor S Sweeney
08/00590/FUL & 08/00591/LBC	85 High Street, Newcastle. Mitchells & Butler.	Alterations to first and second floor windows on front elevation; installation of lights to first and second floor windows, freestanding awning and gate to rear boundary.	Grade II Listed Building within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
08/00635/OUT	T K Phillips Workshop, Moss Lane, Madeley.	Erection of a pair of semi-detached cottages (revision to application 07/01009/OUT).	Within the Madeley Conservation Area.	Councillor Mrs H Morris Councillor J Bannister

OFFICER REPORT ON DELEGATED ITEMS

Applicant:- Mr M Yarworth **Application No:** 08/00418/FUL

Location: Little Paddocks, Bent Lane, Whitmore

Description: Front dormer windows

Policies and Proposals in the Approved Development Plan Relevant to This Decision:

West Midlands Regional Spatial Strategy

Policy QE3: Creating a High Quality Built Environment for All

Staffordshire and Stoke-on-Trent Structure Plan 2011

Policy D1: Sustainable forms of development
Policy D2: The Design and Environmental Quality of Development
Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"
PPS 7: Sustainable Development in Rural Areas
PPG 15: Planning and the Historic Environment (1994)

Supplementary Planning Guidance

Space Around Dwellings (2004)

Planning History

95/00365/FUL	Permitted	21/7/1995	Extensions and alterations
87/16524/N	Permitted	7/9/1987	Lounge extension

See history sheet on file for additional history relating to site

Views of Consultees

Whitmore Parish Council - no objections

Conservation Officer - no objections

Representations

Nil

Applicants/Agent's Submission

Nil

Key Issues

Full Planning Permission is sought for two dormer windows to the front elevation of Little Paddocks, Bent Lane, Whitmore. The dwelling is a detached bungalow, set within a residential curtilage. The dwelling is also located within the Whitmore Conservation Area and the rural area.

The dormers have already been built. They are set down 200mm from the ridge height of the dwelling, and have pitched roofs and windows to match those of the existing dwelling.

Plain clay tiles are used for the roofing materials for the dormers, and the front and side elevations of the dormers are rendered.

It is considered that the main issues for consideration on the determination of this application are the impact of the proposal on the Conservation Area, visual amenity and residential amenity.

Impact of the proposal on the Conservation Area

Paragraph 4.14 of PPG 15 'Planning and the Historic Environment' states that special attention should be paid in the exercise of planning functions to the desirability or preserving or enhancing the character or appearance of a conservation area. Paragraph 4.18 states that special regard should be had for matters such as scale, height, form, massing, respect for traditional features, the scale and spacing of window openings and the nature and quality of materials.

Policy NC19 'Conservation Areas' of the Staffordshire and Stoke-on-Trent Structure Plan states that areas of architectural or historic interest will be designated as Conservation Areas and there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features, including open spaces and views, appearance or interest. New development within or adjacent to Conservation Areas should respect, protect and enhance their character and appearance with respect to its height, scale, intensity and materials.

Policies B9, B10 and B13 of the Newcastle-under-Lyme Local Plan reflect the national and county wide policies and guidance.

The two front dormer windows are considered to comply with the above guidance and policies. They are small, well designed with materials to match the existing dwelling, and are mostly not visible from the street scene and views within the Conservation Area. Although they are quite prominent on the front elevation of the dwelling, they would not detract from the character of the dwelling or the character and appearance of the Conservation Area as the dwelling is set back from the road by approximately 35m.

Visual amenity

PPS 1: Delivering Sustainable Development, states that good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Policy H18 of the Local Plan states that the form, size and location of each extension should be subordinate to the design of the original dwelling and the extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or the setting.

It is considered that the dormer windows, whilst visually prominent on the front elevation of the dwelling, do not form an incongruous feature, and their design ensures that they are in keeping with the appearance and character of the dwelling. They are stepped down slightly from the ridge height, and this is considered to reduce their prominence.

The dwelling is set back from the Bent Lane by approximately 35m therefore the dormers, although visible from the road, do not detract from the overall street scene.

Residential amenity

In terms of residential amenity, the dormer windows do not impact on any of the neighbouring residents in terms of a loss of light, therefore complying with the Council's Supplementary Planning Document, "Space Around Dwellings. "Further, the dormers do not impact on the privacy or amenity of any neighbouring residents. Therefore, in terms of residential amenity, the proposal is considered acceptable.

Reasons for the grant of planning permission

The proposal accords with provisions of the approved development plan for the locality indicated in the decision notice and there are no other material considerations which would justify a refusal of planning permission

Recommendation

Permit with no conditions.

Note to the applicant

N10. (Crime Prevention)

Performance Checks	Date		Date
Consultee/ Publicity Period	7/7/08	Decision Sent Out	
Case Officer Recommendation	8/7/08	8 Week Determination	17/7/08
Report checked by Back Office			
Management check			

Housing Clarification Report (February 2008)

Sustainable Development Issues

Crime and Disorder Act 1998

This places the responsibility on every Local Authority “to exercise its 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, to prevent crime and disorder in its area.”

Planning History

04/00749/FUL – Detached House with integral garage PERMIT

08/00146/FUL - Detached House with integral garage WITHDRAWN

Views of Consultees

Highways Authority – no objections on highways grounds subject to a number of conditions regarding parking and servicing areas, surfacing, surface water drainage and a minimum distance of 6 metres between the carriageway and the garage.

Madeley Parish Council – Nil response.

Environmental Health – no objections to the proposal in the previously withdrawn application 08/00146/FUL, subject to a number of conditions being imposed relating to contaminated land and construction hours being imposed.

Conservation Working Party – the design is considered overbearing on the adjoining mill cottages and that, if permitted, it will obscure the view of the former mill from Moss Lane. Also, the revised scheme is considered to be out of character with the surrounding buildings.

Representations

The occupiers of 8 neighbouring properties have been notified. One letter of representation has been received. The neighbour supports the design principles of the amended design but has concerns regarding the increased foot print and the potential for a loss of light to their property and the height of the amended design.

A site notice has also been displayed.

Applicants/Agent's Submission

A detailed Design and Access Statement has been submitted with the application.

Key Issues

Full planning permission was granted in 2004 for a detached dwelling with an integral garage on this site. The applicant now wishes to make amendments to the design that was accepted in the previous planning permission. Amendments have been made to the external appearance, layout and scale.

The site is within the village envelope of Madeley and located within the Madeley Conservation Area, as designated on the Proposals Map of the Local Plan. The site lies adjacent to Madeley Mill fronting onto Moss Lane and Madeley Pool.

Given that the principle of the development has previously been agreed in the previous planning application 04/00749/FUL and it is considered that there has been no substantial change in national local planning policy with regards to this development in this time, the main issues for consideration in the determination of this application are:

- The impact of the proposal on the form and character of the area;
- The impact on the adjoining Conservation Area.
- The impact of the proposal on the amenities of surrounding neighbours;

Impact of the proposal upon the form and character of the area.

The site is on the corner of Moss Lane and River Lea Mews. The rear of the site is at a much lower level than the pavement level on Moss Lane. The design, scale and appearance of the proposed dwelling were accepted in the previous planning application, 04/00749/FUL. However, the applicant is now seeking amendments to this design with the overall footprint and height of the property increasing.

PPS1 requires that planning facilitates and promotes sustainable and inclusive patterns of urban and rural development by ensuring high quality development through good and inclusive design and the efficient use of resources. It further states that design that fails to take the opportunities available for improving the character and quality of an area should not be accepted. It states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

Planning Policy Statement 3 Housing (para.49) seeks good design when considering proposals for the intensification of the urban fabric. It suggests that intensive development can enhance the character and quality of an area if it is well designed and built in the right location.

The previous application detailing a dwelling that had a footprint measuring a total width of 8.7 metres and a total length of 10 metres but part of the dwelling was set back from the front building line by 2.1 metres. The height of the approved dwelling, in particular the main part of the dwelling would have a ridge height of 9 metres. The measurements of the proposed dwelling, that is the subject of this application would measure 9.25 metres in width with a length of 11 metres and a height of 10 metres with the proposal incorporating a further bedroom and en-suite in the roof space. The property is located further forward than the adjacent Mill Cottages which are set back from the road, but are again set higher than the land to the west. The adjacent Mill building is however located on the back of the pavement and is therefore further forward than Mill Cottages. The change in the ground levels of the site emphasises the size of the building, particularly from views from the north. The increase in the footprint and height of the proposed dwelling further increases the dominance of the property. The scale and location of the dwelling was previously accepted, however the dwelling proposed in this application would increase its dominance and impact within the street scene and it is considered that the amendments have created a development that will have an adverse impact on the character and appearance of the existing street scene.

The amended and now increased size in footprint has resulted in the building line of the property been brought forward by approximately 0.6m from the front boundary. This also further increasing its impact on the character and appearance of the area with the neighbouring Mill cottages being set back by 20.5 metres from the front boundary and the proposed dwelling will further shield views of Mill cottages.

The imposing presence of the proposed dwelling in comparison to the previously approved design is considered to be unacceptable and would have an adverse impact on the character of the area. The proposed design would therefore not be in accordance with national planning policy guidance in the form of PPS1 and PPS3 Housing.

The impact on the adjoining Conservation Area.

The site lies just within Madeley Conservation Area on the corner of Moss Lane and River Lea Mews and adjacent to Madeley Mill. Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan and Policies B13 and B14 of the Newcastle Local Plan state that with regard to development in Conservation Areas there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features, including open spaces and views into or out of areas which contribute to their special character, appearance or interest. New development within or adjacent to Conservation Areas should respect, protect and enhance their character and appearance with respect to its height, scale, intensity and materials. Proposals which would result in over-development, undue disturbance and traffic movement detrimental to the character of the Conservation Area will not be permitted.

On considering views of the development from within the Conservation Area there is an immediate view across the road from the site which would see that the development does lie in front of the building line of the adjacent Mill Cottages. Longer views further down Moss Lane and views across the pond to the site are obscured by existing tree and shrub planting adjacent to the pond and by the Mill building.

The Conservation Advisory Working Group stated that they had reservations regarding the scheme in that it would be overbearing in relation to Mill cottages and if permitted would obscure the view from the former Mill from Moss Lane. Having regard to the greater mass of that building, its more forward position and the distance between the two existing residential properties and Mill building, officers have concerns about the increased impact. In the previous application the relationship between the existing buildings and the proposed building was accepted but the increased height, mass and scale of the proposed dwelling would no longer be negligible, thus now resulting in the proposal having an adverse impact within the Conservation Area and when viewed in relation to adjacent neighbouring buildings.

The design of the proposed dwelling and its external features are sympathetic to that of other existing buildings and residential dwellings in the area. However, the Council's Conservation Officer has raised concerns about the increased amount of windows in the east elevation and the four storey height of the property and large dormer windows.

In summary it is considered that the amended design of dwelling, in terms of its height, scale and intensity does not respect the character of the Conservation Area and does little to retain and enhance other buildings in the area, particularly Madeley Mill and Mill cottages. The proposal is therefore contrary to has an unacceptable impact the mass and scale of the building Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan and Policies B13 and B14 of the Newcastle Local Plan

The impact of the proposal on the amenities of surrounding neighbours

PPS 1 paragraph 3 states that;

“Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. A widely used definition was drawn up by the World Commission on Environment and Development in 1987: ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs.’”

SPG (Space Around Dwellings) provides guidance on privacy, daylight standards and environmental considerations. The orientation of the dwelling and the location of the windows on both the front and rear elevation will result in no principal windows (as defined in the SPG) overlooking any neighbouring properties.

There are three windows on each level of the west facing elevation, however these are none principal windows and so no privacy issues will be raised. There is a large dining room window on the east elevation at ground floor level and this would be classed as a principal window but River Lea Mews highway is between the proposed dwelling and the Mill building with a distance of 10 metres. In this instance it is considered that this would not cause any issues to privacy.

The adopted Space Around Dwellings SPG provides guidance on the siting of new dwellings in relation to existing properties. New Buildings that are sited close to the principal windows of existing properties should be designed so that there is no obstruction to daylight beyond 45 degrees from the mid point of those principal windows. This property is just in line with this guidance. In addition, the proposed dwelling is sited to the south-east of the existing dwelling house and would not result in an obstruction of daylight to a significant degree despite its increased scale and massing of the site.

The dwelling occupies a large footprint on the site, this increasing from the previous application. This results in the amount of private garden space being reduced. The rear of the property has a driveway with a small garden and the front has a small garden. The guidance contained within the SPG states that for a three bedroom dwelling a private garden area should have at least a 65 square metres private garden area. The proposal is for a four bedroom dwelling, this increasing from that previously approved, whilst reducing the private garden area. The proposal would have a short fall in private garden area and this would have an adverse impact on the future occupiers of the property in terms of amenity and private space.

The proposal is therefore contrary to the SPG for the amount of private garden space provided.

Highway issues

The Highway Authority do not raise any objections to the proposals subject to standard highway conditions relating to parking and servicing areas, surfacing, surface water drainage and a minimum distance of 6 metres between the carriageway and the garage.

The proposal would provide sufficient car parking provision for a four bedroom property, this being in accordance with Local Plan Policy T16.

Recommendation

Refuse for the following reasons:-

- (1) The proposed development by virtue of the design, scale, increased footprint and the location of the proposed dwelling, would be out of keeping in appearance and would not respect the form and character of the area contrary to Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011; Policies B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011; and the aims and objectives of PPS1, PPS3, and PPG15.
- (2) The development would provide inadequate amenity space for the future occupiers of the proposed dwelling and would thereby be contrary to Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Supplementary Planning Guidance on Space around dwellings (2004), the design guidance contained in PPS1, and the aims and objectives of PPS3. .

Performance Checks	Date		Date
Consultee/Publicity Period	04.07.08	Decision Sent Out	
Case Officer Recommendation	18.07.08	8 Week Determination	24.07.08
Management check	Amended 21/7 ESM		