

**26, MILEHOUSE LANE, NEWCASTLE-UNDER-LYME**  
**MR PAUL GOLDEN**

**19/00047/FUL**

The application is for full planning permission for a detached bungalow within the rear garden of No. 26, Milehouse Lane.

The application site lies within the Urban Area of Newcastle-under-Lyme as defined on the Local Development Framework Proposals Map.

The application has been referred to the Committee for decision at the request of two Councillors due to concerns regarding overdevelopment, lack of parking, impact on privacy and poor access to the dwelling.

**The 8 week period for the determination of this application expires on 28<sup>th</sup> March.**

**RECOMMENDATION**

**REFUSE for the following reasons:-**

- 1. The development would appear cramped and out of keeping with the character of the area to its detriment.**
- 2. The proposed development, by virtue of the rooflight in the south-west facing roof plane serving the first floor bedroom, would result in overlooking and an adverse impact on the privacy of the occupiers of the neighbouring properties on Court Lane.**
- 3. The lack of adequate off-road parking spaces for both the existing and proposed dwellings would exacerbate on-street parking issues and have an adverse impact on highway safety.**

**Reason for Recommendation**

While the site is in a sustainable location where the broad principle of new housing is acceptable, the development would be cramped and out of keeping with the character of the area and would have an adverse impact on highway safety and on the privacy of the occupiers of the neighbouring properties on Court Lane.

**Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application**

There are fundamental objections to the development which cannot be resolved and therefore the appropriate course of action is to refuse planning permission.

**KEY ISSUES**

The application is for full planning permission for a three bedroom detached bungalow within the rear garden of No. 26 Milehouse Lane. The site lies within the Urban Area of Newcastle under Lyme as defined on the Local Development Framework Proposals Map.

The key issues to consider are:-

1. Is the principle of residential use acceptable in this location?
2. Is the design and appearance of the development acceptable?
3. Is the impact to neighbouring living conditions acceptable?
4. What is the impact to highway safety?

1. Is the principle of residential use acceptable in this location?

Saved Newcastle Local Plan (NLP) Policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with Policy ASP5 of the Core Spatial Strategy (CSS) setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

The Council is now able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.45 years as at the 1st April 2018. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. This site is located in the urban area and it is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

The principle of the proposed development complies with local and national planning policy guidance.

## 2. Is the design and appearance of the development acceptable?

Paragraph 124 of the Framework states that 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. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy R4 states that new housing must create a clear hierarchy of streets and spaces that contributes to the legibility of the area. Policy R5 goes on to state that "buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line.

The site lies within an established residential area which is characterised predominantly by detached and semi-detached dwellings fronting the highway. The proposed dwelling would be sited to the rear of No. 26, Milehouse Lane on a plot of land surrounded by residential dwellings. The dwelling is to be accessed by a pedestrian footway along a narrow route from Milehouse Lane to the side of No. 26. There is to be no vehicular access to the property and its garden, although the plans do show two parking spaces directly off Milehouse Lane. The siting of the proposed dwelling, which would comprise backland development, would result in a contrived layout and the proposed dwelling would

appear cramped within its plot. It is considered that the proposal would comprise overdevelopment that would inadequately address the street scene and would be out of keeping with the character of the area.

### 3. Is the impact to neighbouring living conditions acceptable?

Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The Council's Space Around Dwellings SPG recommends a distance of 21m between windows of principal rooms. In this case, there are rooflights proposed in the south-west facing roof plane of the proposed dwelling serving the first floor bedroom of that property which meets the definition in the SPG of a principal room. Given the location of the rooflight, it would be possible for occupants to view out towards the principal windows in the rear elevations of the neighbouring dwellings on Court Lane. The distance between the existing and proposed windows would be approximately 15m which is significantly below the 21m recommended in the SPG. As a consequence it is considered that the proposed dwelling would have an adverse impact on the privacy of the occupiers of the neighbouring properties on Court Lane.

Concerns have been raised regarding impact on outlook from the dwellings on Sandhurst Close. The distance from the rear elevation of those properties to the rear elevation of the proposed dwelling is 10m and although objections have been raised on the grounds that the distance is less than the 13.5m recommended in the SPG, that distance relates to 2-storey dwellings. In this instance, the first floor comprises the roof space and given that the roof slopes away from the existing dwellings, it is not considered that the impact on outlook would be significant so as to justify refusal.

Objections have been received on the grounds that there would be insufficient garden area to serve both the proposed dwelling and the existing dwelling at No.26 Milehouse Lane. While the gardens of both the existing and proposed dwellings would not comply with the recommended standards in the SPG in terms of length and area, sufficient space would be provided for occupiers to sit out, hang out washing and for children to play and therefore it is considered that sufficient amenity space would be provided.

### 4. Car parking and highway safety

The NPPF states that safe and suitable access to the site should be achieved for all users. It advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 2015 the Secretary of State gave a statement on maximum parking standards indicating that the Government is keen to ensure that there is adequate parking provision both in new residential developments and around Town Centres and high streets.

Whilst saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) is not consistent with the Framework in that it seeks to apply maximum parking standards it states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The parking standards identified in the Local Plan indicate that for two or three bedroom dwellings, which are being proposed here, a maximum of two off street car parking spaces should be provided per dwelling. Two parking spaces are shown to the front of No. 26, for each of the existing and proposed dwellings.

A Technical Note has been submitted on behalf of the objectors which asserts that while four parking spaces are indicated, the spaces do not meet the required dimensions.

The Highway Authority has raised no objections subject to a number of conditions including a requirement for details of four parking spaces, each with a minimum dimension of 2.4m x 4.8m, within the curtilage of the site.

It does appear to be the case that the width and length of the parking spaces indicated on the plans falls significantly short of recommended dimensions and therefore only one space would be provided for the proposed dwelling and it may not be possible to provide any parking for the existing property without encroaching onto the pavement. Given the proximity of the site to a school, the lack of off-road parking has the potential to exacerbate parking problems in the vicinity and therefore it is considered that the proposed development would have an adverse impact on highway safety contrary to the provisions of the NPPF.

## **APPENDIX**

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy T16: Development – General Parking Requirements

### **Other material considerations include:**

#### [National Planning Policy Framework \(NPPF\) \(2019\)](#)

#### [Planning Practice Guidance \(2014\)](#)

#### [Supplementary Planning Guidance/Documents](#)

#### [Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

#### [Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

#### [Relevant Planning History](#)

None

#### [Views of Consultees](#)

The **Highway Authority** has no objections to the proposal subject to conditions regarding submission of details of parking spaces, provision and retention of access and parking area, surfacing of the parking area in a bound material and restrictions on hours of arrival/departure of delivery vehicles.

The **Landscape Development Section** has no objections subject to the retention/protection throughout the construction period of any trees from neighbouring properties overhanging the site.

The **Environmental Health Division** has no objections subject to conditions regarding construction and demolition hours and electric charging points.

#### [Representations](#)

Letters of objection have been received from the occupiers of 8 properties. A summary of the objections raised is as follows:

- The property would have two bedrooms on the ground floor and one bedroom and a 'study/hobby room' on the first floor which could easily be used as an additional bedroom. Therefore, it should be described as a 'four bedroom, detached two-storey dwelling'.
- There are inaccuracies in the labels on the plans.
- Impact on amenity of neighbours due to potential overlooking from the first floor bedroom windows to properties on Court Lane and poor outlook from properties on Sandhurst Close and Court Lane.
- Provision of insufficient garden area to serve both the proposed dwelling and the balance of the existing dwelling at no.26 Milehouse Lane.
- Contrived layout of the scheme which would result in an overdeveloped plot with an unsuitable access via a narrow walkway.
- The proposal would result in an unacceptable form of backland development as it would inadequately address the street scene and therefore result in a poorly designed scheme.
- The proposal would result in a compact area of car parking at the front of no.26 Milehouse Lane which would adversely affect the street scene.
- The proposed development would fail to provide safe and suitable access (as set out in the accompanying Transport Technical Note from i-Transport).
- Impact of excavations.

#### Applicant/agent's submission

The requisite plans and application form are available for inspection via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00047/FUL>

#### Background Papers

Planning files referred to

Planning Documents referred to

#### Date report prepared

11<sup>th</sup> March 2019