

The application is for full planning permission for the demolition of the existing detached garage and erection of a detached dormer dwelling.

The application site lies outside of Loggerheads village envelope as indicated on the Local Development Framework Proposals Map and the Loggerheads Neighbourhood Plan. The site contains a number of trees that are protected by Tree Preservation Order no. 9.

The application has been called to the Planning Committee for determination by two Councillors due to the following concerns:

- Outside of village envelope and not in compliance with Neighbourhood Plan
- Out of keeping with the locality.
- Loss of privacy.
- Garden grabbing.
- Increased likelihood and ease of fire spreading within the immediate locality.
- Impact on bats.

The 8 week period for the determination of this application expired on 25th April 2019, however the determination period has been extended to the 24th June 2019, following agreement by the applicant.

RECOMMENDATION

REFUSE for the following reasons: -

- 1. The proposed scale of the proposed dwelling would result in it being disproportionate to the size of the plot which would be out of keeping and harmful to the character of the Ashley Heath area. The proposed development is therefore contrary to policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, policies LNPP1 and LNPP 2 of the Loggerheads Neighbourhood Plan, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) and the requirements and policies of the National Planning Policy Framework 2019.**
- 2. The proposed development would result in the loss of visually significant trees which would be harmful to the character of the Ashley Heath area. The proposed development is therefore contrary to saved policies N12 and N13 of the Newcastle-under-Lyme Local Plan 2011, policies LNPP1 and LNPP2 of the Loggerheads Neighbourhood Plan, and the requirements and policies of the revised National Planning Policy Framework 2019.**

Reason for Recommendation

Planning permission has in the past been granted for residential development here, the permission is extant, and as such there can be no objections with regard to the principle of the development or in respect of highway safety. The size of the dwelling on this plot will, however, be out of keeping with the character of the Ashley Heath area and would unacceptably result in the loss of visually significant trees to the detriment of the character of the area.

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

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns of this development.

Key Issues

This application is for full planning permission for the erection of a detached dormer dwelling in the rear garden of the existing property, Silver Birch.

Planning permission has been granted on this site for a detached bungalow, 15/00435/FUL, and a lawful material commencement of that permission has taken place. As such the permission remains extant. In light of this it can be concluded that the development of this site for a single dwelling has been established and therefore it must be concluded that the principle of residential on this site is acceptable.

The proposed access is that already approved under 15/00435/FUL and given that the proposal does not involve a material intensification of the use of that access and in light of the Highway Authority not raising objections to the proposal it is considered that the current application does not raise highway safety concerns.

The main issues in the consideration of the application are therefore:

- Is the proposal acceptable in terms of its impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Would there be any adverse impact on trees?

Would the proposed development have a significant adverse impact on the character and appearance of the area?

The site comprises a greenfield, former garden site surrounded by residential development.

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. It goes on to say at paragraph 130, 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

The Urban Design Supplementary Planning Document, at R12, indicates that residential development should be designed to contribute towards improving the character and quality of the area. Where in or on the edge of existing settlements developments should respond to the established character where this exists already and has definite value. Where there is no established character the development should demonstrate that it is creating a new character that is appropriate to the area. At RE7 it indicates that new development in the rural areas should respond to the typical forms of buildings in the village or locality; RE6 states that elevations of new buildings must be well composed, well-proportioned and well detailed: and RE7 says new buildings should respond to the materials, details and colours that may be distinctive to a locality.

Policy LNPP1 of the Loggerheads Neighbourhood Plan (LNP) indicates that to be supported new development must demonstrate high standards of design. This includes amongst other things:

- Comprising site specific design solutions to complement, but not necessarily imitate, the surrounding context.

- Complementing the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces.
- Retaining trees and hedgerows (unless it is demonstrated the need for, and benefits of, development in that location clearly outweigh the loss or they are judged to be poor specimens or species not appropriate to the area) and providing high quality planting and landscape design.

Policy LNPP2 of the LNP says that new development must complement and reinforce the local character of the area and non-designated heritage, including conserving buildings and their setting and comprising high-quality, site-specific design. In respect of the Ashley Heath character area particular attention must be paid to complementing the established character, based on housing set-back from the road, often with front boundary hedges, and preserving protected trees.

The surrounding area is characterised by medium to large residential properties set within plots of varying sizes but which are generally larger than the plot that has been created by the subdivision of the existing garden as proposed. Planning permission has already been granted for the construction of a modest detached bungalow on this plot, including the demolition of the existing detached garage.

The current proposal is for a larger dormer dwelling on a 'T' shaped footprint with a steeply pitched roof, to be covered with a standing seam finish or concrete interlocking tiles. A projecting gable, incorporating a balcony at upper floor is proposed on the front, south-west elevation and rear, north-east elevation. The balcony originally proposed within the south-east elevation has been removed from the proposed scheme and replaced by obscure glazed windows within the gable. A dormer was proposed within the roof plane on the front elevation but amended plans suggest that this has been amended to a dormer window, there is, however, a discrepancy on the plans and therefore clarification is sought. A large section of glazing is proposed within the plane of the roof on the side, north-west elevation. The roof plane also incorporates a number of roof lights on all elevations.

There are a variety of styles of dwellings in the area and it is considered that the design of the dwelling proposed is of a high quality and would be acceptable in this location. Of concern, however, is the scale of the proposed dwelling. The footprint of the dwelling results in a large proportion of the plot being covered by building and hardstanding and the rear, north-east elevation and side, south-west elevation extend very close to the side and rear boundary as a result. This results in the proposed dwelling visually dominating the plot which is out of keeping with the area where, as indicated above, the dwellings are generally medium to large properties within larger plots than this application and therefore with more open/garden space around them. This differs from the bungalow permitted under 15/00435/FUL which had a smaller footprint and more garden space.

Notwithstanding that the plot is to the rear of an existing property and would not be prominent in public views the scale of the proposed dwelling is nevertheless unsympathetic to the character of the wider area and as a result would conflict with Policy CSP1 of the CSS, the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guide and Policies LNPP1 and 2 of the LNP as well as the NPPF.

Would there be any adverse impact on residential amenity?

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

There was concern, initially, about the relationship of principal windows within the proposed dwelling and the neighbouring property, the Shielling which is situated to the south-east of the application site and that this would result in the loss of privacy within that dwelling and its private rear garden space. This resulted in the submission of amended plans which repositioned the dormer window on the front, south-west elevation higher above the floor level of the upper floor to limit the ability to overlook the adjacent property. In addition the side facing balcony, which was positioned in very close proximity to the side, south-east boundary with the Shielling, has been omitted from the plans and replaced by obscure glazed windows. It is considered, given the separation distance involved between the dormer window and the nearest rear facing principal window of the Shielling that the amendments have satisfactorily addressed the concerns regarding privacy.

With respect to the interrelationship of the proposed dwelling with the other neighbouring properties, sufficient distances are proposed between existing and proposed dwellings in compliance with the Council's SAD SPG.

Whilst the proposed dwelling would be close to the side boundary with the Shielling, this is at the bottom of their rear garden and would not, therefore, result in the building having an unacceptable overbearing impact. Whilst the proximity to the boundary is tight and would be out of keeping with character of the area this is a matter of visual amenity rather than residential amenity.

In conclusion, it is not considered that a refusal could be sustained on the grounds of impact on residential amenity.

Would there be any adverse impact on trees?

There are a number of trees on the site and the application is accompanied by an Arboricultural Report. In granting planning permission under 15/00435/FUL, it was accepted that a number of category U trees should be removed to accommodate the development but which would in any event have needed to be removed in the interest of good tree management. Three trees have subsequently been felled.

The current proposal involves the removal of a further 4 trees. Three of these trees are category B (trees of moderate quality with an estimated remaining life expectancy of at least 20 years) with the other being category C (trees of low quality with an estimated remaining life expectancy of at least 10 years). It is considered that the loss of these trees would cause substantial visual harm to the area given the importance of the tree cover to the character of that area and as such is unacceptable

Concern has been expressed by the Landscape Development Section (LDS) that the proposed development could compromise further trees within the site and on adjoining land. An amendment has been received which adjusts the position of hardstanding so that it is largely outside of Root Protection Areas. In addition discussions are ongoing between the applicant's arboriculturalist and the LDS and it is possible that the LDS will be satisfied that no further tree loss than the 4 identified above will arise as a direct consequence of the construction of the dwelling. Further information in this regard will be reported prior to the meeting, if available.

The LDS have also expressed concern that the proximity of the dwelling to retained trees, particularly in respect of the balconies, could lead to post development resentment of the trees by the occupants of the dwelling would be likely to lead to subsequent pressure for felling or pruning. To some extent this has been addressed by the removal of the balcony from the side elevation and taking into account that other residents of Ashley Heath already live in close proximity to trees, given the extent of tree cover in the area, it would be difficult to argue that the Council would have no choice but to succumb to any pressure for tree removal. It is therefore considered that such a concern does not in itself justify refusal of planning permission. It, however, remains that the loss of trees arising from the development is unacceptable as indicated above.

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 ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5:	Open Space/Sport/Recreation

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

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees

[Loggerheads Neighbourhood Plan \(LNP\) 2013-2033](#)

Policy LNPG1:	New Housing Growth
Policy LNPP1:	Urban Design and Environment
Policy LNPP2:	Local Character & Heritage
Policy LNPT1:	Sustainable Transport

Other Material Considerations include:

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

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

[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

03/00097/OUT	Refuse	Erection of dwelling
03/00096/FUL	Refuse	New double garage with driveway, turning area and access point
04/00259/OUT	Refuse	Conversion of existing garage and extension to form a retirement bungalow. Subsequent appeal dismissed.
07/00397/FUL	Refuse	Single storey rear extension, porch and double garage
07/00852/FUL	Permit	Single storey rear extension and front entrance
15/00435/FUL	Permit	erection of a detached bungalow, associated access and car parking arrangements

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions restricting construction hours, setting maximum noise levels, requiring electric vehicle charging points, and requiring details of design measures, supported by an appropriate assessment of road traffic noise from the A53 to be submitted and approved.

The **Landscape Development Section** indicates that the proposals would have a major impact on existing trees and that it has no option but to object to the scheme in its current form. Most of the trees are included in Tree Preservation order number 9. The arboricultural report takes no account of the three trees that have already removed and there are objections to the removal of a further 4 trees. Not only would the loss of these trees cause substantial harm to the tree cover but there is concern that their removal is likely to increase the effect of wind on adjacent trees and cause further loss. The arboricultural report does not take full account of all proposed surfacing within Root Protection Areas (RPAs) and fails to address the issue of the proposed building and garden walls being within RPAs. Category A trees within the grounds of the adjoining properties, Pinetrees and the Sheiling, would all be compromised by the proposals. The proximity of the retained trees to the building, particularly to the balconies, could lead to post development resentment of the trees by the occupants of the dwelling arising from concerns such as shading, damage to property during strong winds and leaves blocking gullies. This would be likely to lead to subsequent pressure for the felling or pruning of trees.

The **Highway Authority** has no objections to the proposal subject to the imposition of conditions requiring the access, parking and turning areas to be provided prior to occupation, and the retention of the carport for the parking of motor vehicles and cycles.

Loggerheads Parish Council objects to the application as it does not comply with the policies in the Loggerheads Neighbourhood Plan regarding development, and the proposal is for a two storey dwelling adjacent to a bungalow and the design and layout will impact on the amenity of this bungalow.

Representations

Representations have been received from 15 individuals objecting to the application. The main concerns expressed are summarised as follows:

- The proposed larger two-storey dormer type house deviates from the previously approved bungalow. It is too large for the size of the plot and this and the proposed design and choice of materials results in the development not being in keeping with surrounding properties and the wider area.
- The proposal would be harmful to the character of the area which the Parish Council considers should be designated as a Conservation Area.
- The proposal is not in keeping with the Neighbourhood Plan.
- Protected trees will need to be removed in order to build this much larger property which will have an impact on the woodland and wildlife habitats for which Ashley Heath.
- The position of balconies and windows in the proposed development will result in unacceptable overlooking of adjoining properties contrary to guidance. Diagrams within the submission fail to show the proximity of the dwelling to boundaries
- The development as proposed necessitates the demolition of an existing garage which was rejected by planning last time as it was stated that the garage should be retained for parking this was requested and will seriously disrupt several protected trees.
- The retention of the garage has not allowed the foundations for the dwelling to be permitted under 15/00435/FUL which raises the question as to whether that development has been commenced.
- Birks Drive is a single track unadopted road. The proposal does not adequately provide parking, loading or turning facilities for larger vehicles which may result in the need to use private land to gain access.
- Birks Drive would not be able to withstand heavy construction and delivery vehicles.
- This proposal is similar to the Owl House where permission was granted for a small dwelling which was subsequently exceeded by subsequent approvals.
- Additional noise during building works will cause problems for shift workers and young children due to the close proximity of other properties.

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00103/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

5th June 2019