

1 COPPER CLOSE, STOKE-ON-TRENT
MR AND MRS HOPPER

22/00594/FUL

This application seeks the variation of condition 2 of planning permission reference 20/00894/FUL to substitute approved plans with amended plans in order to change the design of a proposed two storey side extension.

The property is a detached dwelling located within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The statutory 8 week determination period expires on the 6th September.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:-

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**

Reason for Recommendation

The proposed extension is considered to represent a proportionate addition to the dwelling that would not have any adverse impact on the character or appearance of the original building or the integrity of the street scene and surrounding area. There would also be no detrimental impact on the residential amenity of neighbouring properties. The proposals accord with Policy H18 of the Newcastle under Lyme Local Plan 2011, Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the guidance and requirements of the National Planning Policy Framework 2021.

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

The development is considered to be a sustainable form of development in accordance with the National Planning Policy Framework and therefore no amendments have been sought.

KEY ISSUES

This application seeks the variation of condition 2 of planning permission reference 20/00894/FUL to substitute approved plans with amended plans in order to change the design of a proposed two storey side extension.

The property is a detached dwelling located within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

An application such as this is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission where they remain relevant.

Given the above, the main issues for consideration in the determination of this application are:-

- The design of the proposals and the impact upon the character and appearance of the area
- The impact upon neighbouring properties in terms of amenity
- The impact on parking and highway safety

- Reducing Inequalities

The design of the proposals and the impact upon the character and appearance of the area

Paragraph 126 of the National Planning Policy 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.

Paragraph 130 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 134 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Policy CSP1 of the adopted Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) details that new development should be well designed to respect the character, identity and context of the area.

Planning permission was granted on the 14th December 2020 for a two storey side and rear extension under application reference 20/00894/FUL. This variation of condition application now seeks to alter the design of the approved extension.

The proposed side extension is to be lowered from a height of 8.35m to 6.86m and the first floor section of the proposal will be set back further from the front elevation of the main dwelling which will result in the loss of a first floor en-suite bathroom. In addition to the above, the small two storey rear section of the previously approved scheme is to be omitted but new traditionally styled pitched roof dormer windows will be added to both the front and rear facing sections of the side extension.

The proposed alterations will allow the proposal to be seen as a subordinate addition to the host property and it is still considered that the proposal is acceptable with regards to its design and visual impact. It should also be noted that neighbouring dwellings surrounding the application site vary in their scale and design, with many having implemented various alterations, which will ensure the proposal would not be out of character with the appearance of the wider locality.

On the basis of the above, it is considered that the proposed development accords with Policy H18 of the Local Plan, Policy CSP1 of the CSS and the aims and objectives of the NPPF.

The impact upon neighbouring properties in terms of amenity

Criterion f) within Paragraph 130 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

Supplementary Planning Guidance (SPG) Space around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

The relationship between the proposed development and neighbouring dwellings is compliant with the advice of the SPG. In conclusion there is no significant adverse impact to neighbouring living conditions. No objections to the proposal have been received from neighbouring properties.

On the basis of the above the proposed development would accord with the guidance and requirements of the NPPF.

The impact on parking and highway safety

Paragraph 111 of the Framework states 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.

The proposed extension would result in the same number of bedrooms as the extension that was approved under the existing planning permission for a two storey extension.

Alterations to the existing driveway are proposed but these do not raise any significant concerns.

Therefore, as there would be off street car parking spaces for at least 3 vehicles, the property would provide sufficient off street parking in accordance with the standards outlined in Policy T16 of the Local Plan, and is unlikely to result in any adverse parking and/or highway safety implications.

The proposal complies with Policy T16 of the Local Plan as well as the provisions of the NPPF.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

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

Policy H18: The design of residential extensions, where subject to planning control
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(2021\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

[Space around Dwellings Supplementary Planning Document \(2004\)](#)

[Relevant Planning History](#)

10/00278/OUT - 12 dwellings Permitted

14/00235/REM - Erection of 12 dwellings, 10 semi detached and 2 detached dwellings Permitted

20/00894/FUL – Two storey side extension – Permitted

[Consultees](#)

Kidsgrove Town Council have not responded to date but the statutory publicity period does not expire until the 14th August 2022.

[Representations](#)

None received to date but the statutory publicity period does not expire until the 14th August 2022.

[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/22/00594/FUL>

[Background papers](#)

Planning files referred to
Planning Documents referred to

[Date report prepared](#)

27th July 2022