

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Mr Lees                      **Application No** 12/00344/FUL

**Location** Whitegates, Main Road, Betley

**Description** Retention of detached garage

### **Policies and proposals in the Development Plan relevant to this decision:**

#### **West Midlands Regional Spatial Strategy 2008**

Policy QE3 – Creating a High Quality Built Environment for All

#### **Staffordshire and Stoke on Trent Structure Plan 1996 - 2011**

Policy D1: Sustainable Forms of Development.

Policy D2: The Design and Environmental Quality of Development

Policy D4: Managing Change in Rural Areas

Policy NC13: Protection of trees, hedgerows and woodlands

Policy NC19: Conservation Areas

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

Policy CSP1: Design Quality

Policy CSP 2: Historic Environment

Policy ASP6: Rural Area Spatial Policy

#### **Newcastle under Lyme Local Plan 2011**

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

Policy B14: Development in or adjoining the boundary of Conservation Areas

Policy B15: Trees and landscape in Conservation areas

Policy N12: Development and the protection of trees

### **Other Material Considerations**

#### **Relevant National Policy Guidance:**

National Planning Policy Framework (2012)

**Newcastle under Lyme Borough Council's Register of Locally Important Buildings and Structures (2011)**

**Betley Conservation Area Appraisal (2008)**

**Betley Conservation Area Management Plan (2008)**

**The Secretary of State's announcement of his intention to abolish RSS**

Pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan.

**Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)**

## **Planning History**

03/00128/FUL

Permitted

02.04.2003

Two storey rear extension

## **Views of Consultees**

**Betley, Balterley and Wrinehill Parish Council** – no objection to the application, but in view of the comments from the neighbour about the reduction in light, which is also of concern to the Parish Council, if the Borough Council is minded to give planning consent it will need to confirm that the development has not had a significant adverse impact upon the natural light available to the neighbouring property. The Parish Council also has concerns that the footings of the building will have an adverse impact on the roots of the hedge (which is itself a feature of the Conservation area), leading to dieback.

**Conservation Advisory Working Party** – No objections

**Landscape Division** – No objections, however if within the next two years it becomes evident that damage has been caused to the existing hedge on the southern boundary of the site then the affected section should be replanted or suitable remedial works carried out

## **Representations**

Two letters of representation have been received, which are summarised below:

Letter 1

- Unhappy that the garage is too close to the established Holly Hedge, making it difficult to maintain.
- The footings could possibly kill the hedge
- This will impact the conservation area

Letter 2

- Strongly object
- The plans state that the layout is on the same footprint as the old garage apart from 2 metres longer, which is incorrect, it is wider and taller than the previous garage
- The new garage stands above the old established holly hedge whereas the old one was below it
- The height above ground level measured from the objectors' side is now over 2.6 metres and blocks light from the kitchen working area.
- The previous garage was not visible over the hedge
- The west end of the new garage extends across the end of the objectors conservatory, which is imposing and again taking light from the area where the objector eats all of their meals
- The garage is closer to the boundary
- The application states that no hedges need pruning to carry out the proposal the established holly hedge was severely pruned prior to digging out the footings on 16<sup>th</sup> April 2012. The roots of the hedge were disrupted and the objector is concerned for the maintenance and ongoing life of the hedge
- It is that close that the new garage wall has not been pointed and neither the wall nor hedge will be able to be maintained

### **Applicants/agents submission**

A Design and Access Statement, incorporating a heritage statement, has been submitted with the retrospective planning application, which can be viewed on Public Access on the Borough Council's website.

### **Key Issues**

Retrospective planning permission is sought for the retention of a detached garage at Whitegates, Main Road, Betley, which is a detached single storey dwelling located in the Betley Conservation Area, as designated in the Local Development Framework Proposals Map.

The garage measures 6.1 metres in length, by 3.2 metres in width, by 2.9 metres in height at its highest point. There is a slight change in ground level, meaning at one end the garage is 2.4 metres in height, but rises to 2.9 metres where the ground level drops at the rear.

Red facing bricks have been used to construct the garage, with areas of pebble dash render.

The key issues in the consideration of this application are:

- Design and the impact on the conservation area
- Impact on amenity
- Impact on trees and hedgerows

### **Design of the proposal and the impact on the Betley Conservation Area**

Paragraph 56 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.

Section 12 the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Further, it states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Policy B9 of the Local Plan "Prevention of harm to Conservation Areas" states that *"the Council will resist development that would harm the special architectural or historic character or appearance of conservation areas."*

Policy B10 specifies that “permission will be granted to construct, alter the external appearance or change the use of any building only if its proposed appearance or use will preserve or enhance the character or appearance of a Conservation Area.” This will be achieved by a set of specified criteria being met.

Both the Conservation Advisory Working Party and the Conservation Officer have no objections to the garage.

The garage is not visible from the highway and is set a considerable distance back from the road. Whilst it has little design merit, neither does the dwelling, but it is not believed that it would have any impact upon the character or appearance of the Betley Conservation Area.

The proposal is therefore considered acceptable in terms of Policies NC19 of the Staffordshire and Stoke on Trent Structure Plan, Policy CSP 2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026, policies B9, B10, B13, B14 and B15 of the Newcastle under Lyme Local Plan 2011 and the guidance contained within the National Planning Policy Framework.

#### Impact on amenity

It is important to assess how a proposal will impact upon residential amenity in terms of loss of light and privacy, and the Borough Council's Space around Dwellings Supplementary Planning Guidance sets out acceptable levels of amenity to be achieved for new development.

An objector has strong objections to the loss of light to their kitchen window on the side of the property immediately adjacent to the application site, and also their conservatory which is used as a dining area.

In terms of the loss of light to the side facing kitchen, the new garage only conflicts with the 45 degree in the horizontal when taken out towards the rear (west). When taking the 45 degree line up in the vertical, the new garage does not cross the 45 degree line, therefore meets the Space around Dwellings guidance. It should be noted the application site is sited the north of the neighbouring property windows and as such would not adversely cause any adverse over shadowing by this orientation.

In terms of the impact upon the conservatory, the garage does not conflict with the 45 degree line when taken from the rear windows of the conservatory, therefore the garage meets the requirements of the Space Around Dwellings SPG.

The garage does not cause any adverse loss of privacy to any neighbouring occupiers, therefore is acceptable in this regard.

Overall, in terms of residential amenity, the garage is considered acceptable.

#### Impact to trees and hedgerows

The garage is immediately adjacent to an existing Holly Hedge. Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting and design.

Policy B15 of the Local Plan “Trees and Landscape in Conservation Areas” states that trees and landscape features which contribute to the character and appearance and are part of the setting of a Conservation Area will be retained. Where consent is given to remove protected trees, conditions will be imposed to require trees of an appropriate species and size to be planted and replaced if they die within 5 years.

The Landscape Division has no objections to the development, however, if within the next two years it becomes evident that the hedge has been damaged, the affected section should be replanted or suitable remedial works carried out.

With the inclusion of a condition to ensure the above is carried out, it is considered that the development is acceptable in relation to impact on trees and hedges, and in compliance with Policy N12 and B15 of the Newcastle under Lyme Local Plan.

### **Reasons for the grant of planning permission**

The proposed development would preserve the character and appearance of the Conservation Area. The proposed development would have an acceptable impact upon residential amenity, and would not harm any protected trees surrounding the development. The proposal therefore complies with policies D2, D4, NC13 and NC19 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, policies CSP 1, CSP 2 and ASP 6 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026, policies B9, B10, B13, B14, B15 and N12 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework 2012.

### **Recommendation**

**Permit** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Design and Access Statement, received 27<sup>th</sup> June 2012
  - Detailed plan, received 18<sup>th</sup> June 2012
- R1. For the avoidance of doubt and in the interests of proper planning.
2. If within 2 years of the date of this permission, it becomes evident that damage has been caused by the works to the existing hedge on the southern boundary of the site, then the affected section should be replanted or suitable remedial works carried out in accordance with details submitted to and approved in writing by the local planning authority beforehand.
- R2: In the interests of the protection of the hedge on the site, in accordance with Policy N12 and B15 of the Newcastle under Lyme Local Plan, and Policy NC13 of the Staffordshire and Stoke on Trent Structure Plan.

### **Notes to applicant**

1. You are reminded of the requirement to comply with the conditions attached to this permission.

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>27.7.12</b>	Decision Sent Out	
Case Officer Recommendation	<b>20.8.12</b>	8 Week Determination	<b>22.8.12</b>
Management check	<b>PR revised 20.08,2012</b>		