

Committee Report – P/2024/00633 – Item 6.4

This report has been checked on behalf of Legal Services by Penelope James

Application Number	P/2024/00633
Planning Officer	Paige Stanley
Application Type	Householder
Site Address	1 Hollyhock Way, Branston, Staffordshire, DE14 3FE
Proposal	Erection of a single storey side and rear extension and erection of a 2 metre high boundary wall
Recommendation	Approve with conditions
Reason for being on Agenda	The applicant is related to an employee of the Council
Expiry Date	28/08/2024
Application not determined within Statutory Time Period - Reason	Extension Of Time agreed until 30 th October 2024 for amended scheme to be received, a re-consultation and for application to be reported to October Planning Committee.
Last Consultation Expiry Date	20/09/2024
Screening Opinion	Environmental Impact Assessment not required.
Biodiversity Net Gain	As a Householder application this application is exempt from Biodiversity Net Gain as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 .
Relevant Planning Policy	<p>National Policies: National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG)</p> <p>Adopted East Staffordshire Local Plan Policies: SP1, SP24, SP25, SP27, SP35, DP1, DP3, DP5 and DP7</p> <p>Branston Neighbourhood Plan Policies: B2, B3 and B11</p> <p>Supplementary Planning Documents: Paragraphs 1.3.76 to 1.3.81 of the East Staffordshire Design Guide. Parking Standards Supplementary Planning Document (where relevant). Separation Distances and Amenity Supplementary Planning Document</p> <p>Para 4.9 Loss of light, overlooking and overshadowing to neighbouring occupiers are important considerations in designing new development, especially in respect of extensions to existing buildings. In designing a new development or extension to a building or a dwelling house, care needs to be taken to safeguard the daylight to adjacent residential properties and protect them from overshadowing. The quality of daylight received by properties adjoining development sites can be severely restricted by</p>

	buildings or extensions which are too close to the boundary or project too far into rear gardens.
Relevant Planning History	<p>Dwelling approved under:</p> <p>OU/20679/001/PO - Land To South Of Main Street Branston – Outline for Residential plus B1, B2, B8 & C1 uses & construction of new vehicular access & alts. to existing access – Approve with Conditions - 08/03/1993</p> <p>RM/20679/005/PO - Land To South Of Main Street Branston – Reserved Matters application for the erection of fifty dwellings – Approve with Conditions - 05/12/1996</p> <p>RM/20679/008/PO - Land south of Main Street Branston - Submission of alternative reserved matters in respect of the siting, design and external appearance of fifty dwellings with garages, associated roads and footpaths and open space to that approved under RM/20679/005 dated 5th December 1996 on land to the south of Main Street, Branston – Approve with Conditions - 10/06/1998</p> <p>Current application at the application site</p> <p>P/2024/00632 - 1 Hollyhock Way, Branston, Staffordshire, DE14 3FE - Change of use of land to the rear of 1 Hollyhock Way to form residential curtilage, erection of a detached outbuilding and retention of a 2m high fence. – Current Application</p>
Site and Proposals	<p>Site Description</p> <p>The application site comprises a two storey detached four bedroom dwelling with an existing single storey element to the east side, located on the North side of Hollyhock Way and on the corner of Acacia Lane. There is an existing shed situated between the side (western) elevation and the boundary of the application site with Acacia Lane and an existing Beech tree within the rear garden The site sits within a modern residential estate within the Parish of Branston. The dwelling is constructed from red bricks, grey slate roof tiles and white UPVC windows and doors.</p> <p>The area surrounding the site is predominately residential in character, with a row of retail units to the rear (North) of the site, which forms the local centre for the new development. The applicant owns a small parcel of land to the rear of the site adjacent to Acacia Lane, the remainder of the land to the rear is owned by East Staffordshire Borough Council and is an area of Public Open Space with a row of trees</p> <p>The boundary to Acacia Lane, to the rear and separating the property from No.3 Hollyhock way are made up of approx. 2 metre high close board fencing.</p> <p>The application site is within an area of known archeological interest.</p> <p>The site is within the settlement boundaries as defined in the adopted Local Plan.</p> <p>The application site sits within Flood Zone 2.</p>



Proposals

This is a householder application in relation to the erection of a single storey side and rear extension.

Proposed Site Layout:



Proposed Site Layout 1:500

The proposed extension measures 3.035m in width at the front and 4.163m in width at the rear and is proposed to measure approx. 11.3m in length. The proposed rear element of the extension would project from the original rear wall of the house by 4.050m. The rear gable is proposed to measure approx. 3.8m maximum height and the side gable would measure approx.

	<p>4.1m in height. The proposed extension would form an additional downstairs bedroom.</p> <p>The proposals include a 2m high boundary wall on the West elevation to replace the existing 2m high boarded fencing that runs along the back of pavement in Acacia Lane.</p> <p>Negotiations have taken place during the course of the application that have reduced the overall height of the extension and removed 2 rooflights from the front roofslope.</p>
<p>Consultation Responses</p>	<p><u>Original Consultation Responses:</u></p> <p><u>Branston Parish Council</u> – Comment that:-</p> <ul style="list-style-type: none"> • The impact on visibility for drivers, particularly in relation to the nearby corner • The impact on neighbouring properties right to light • The application setting a precedent for other similar developments in the area • The applications compliance with 4.9 SPD reference <p><u>Environmental Health</u> – Recommend a precautionary condition for contaminated land be added to the decision notice, however otherwise no further comments.</p> <p><u>SCC Archaeology</u> – Given the scale of the proposal and the developmental history of the site, no archaeological issues are raised with the proposal.</p> <p><u>SCC Highways</u> – No Objections subject to a condition</p> <p><u>Neighbours</u> – Four representations were received objecting to both this Householder Application and the Detailed Planning Application, for the reasons summarised below:-</p> <ul style="list-style-type: none"> • Brick building straight onto the footpath, is not in keeping with the estate • Pitch of roof is too high and will be overpowering. • Parking issues at the property. • Concerns that the property may be let as a HMO and that the size of the property is already a large family home. • Loss of privacy to front windows. • Building too close to outlook of neighbouring properties • Noise and movement disturbance from gates being installed directly onto the pavement <p>Concerns were also raised in relation to decreasing the value of other properties, however this is not a material planning consideration and therefore cannot be taken into account when determining a planning application.</p> <p>Whilst the neighbour objections received are in relation to both this Householder Application and the Detailed Planning Application at the application site, this report is only considering the householder application for the single storey extension.</p> <p><u>Consultation Responses following the Re-Consultation</u></p>

	<p>No consultation responses or neighbour responses received following the re-consultation on amended plans.</p> <p>Following the an amendment to the development description to add in the 2m high boundary wall a further 14 day consultation has been undertaken. This is due to expire on 23rd October 2024 and any comments received will be reported in the Late Paper at Committee.</p>
<p>Planning Officer's Assessment</p>	<p>ASSESSMENT</p> <p>The main considerations in the determination of this householder application are considered to be the impact on visual amenities, the impact on residential amenities, the highway safety implications and heritage assets. Having regard to these considerations the local and national policies and Branston Neighbourhood Plan Polices listed on page 1 of this report are relevant.</p> <p>Due consideration has also been given to the submissions of the local residents in relation to the visual and residential impacts of the proposals in relation to this Householder Application.</p> <p>Impacts on Visual Amenities and Heritage Assets</p> <p>The proposal as amended will not adversely affect the character and appearance of this locality for the following reason(s):</p> <ul style="list-style-type: none"> • The proposal is visible from public vantage points, however its scale, design and materials are sympathetic to the existing building and follows the same line as the existing boundary fencing along Acacia Lane. • The height of the extension has been reduced during the course of the application and the roof height is now considered to be appropriate for a single storey extension. • Comments have been received in respect of the proposal being out of keeping with the area, however the extension is single storey only, with the side elevation partially forming the boundary line with the public highway and the existing strip of grass between the pavement and the existing fence/proposed extension being retained. Given the scale of development and materials proposed it is considered to relate well to its surroundings. • The proposal proposes a 2m high boundary wall to replace the existing 2 metre fencing. It is noted that other properties within the locality, including the property adjacent to the application site (No.2 Hollyhock Way) have existing boundary walls as the boundary treatment and therefore it is considered to relate well to its surroundings as this is an existing feature within the street scene and locality. • It is considered that a precedent for similar extensions would not be set as each application is determined on its own merits. • The site is in an area of known archaeological interest, however whilst there is some historic environment interest in the area (the projected line of the Roman road Rykniel Street runs through or close by the application site) but given the scale of the proposals and the developmental history of the site, SCC Archaeology have not raised any archaeological concerns with the proposals. The proposal will therefore have no impact on the significant of this heritage asset. • The Beech tree within the existing rear garden is proposed to be removed to facilitate the single storey extension, and whilst visible

from Acacia Lane, there are other trees within the locality and therefore it is considered that the proposed felling of the one Beech tree will not adversely affect the visual amenity value of the area.

Impacts on Residential Amenities

The proposal as amended will not significantly adversely affect the amenities of occupiers of neighbouring dwellings for the following reason(s):

- the juxtaposition of the proposal in relation to neighbouring properties is such that it will not have a significantly adverse impact on occupiers of those properties by way of loss of light or privacy, or by being overbearing
- The separation distance from the proposed side extension and the frontages of properties on Acacia Lane is approx. 16 metres. This is considered to be acceptable as the proposed extension is single storey with a blank side elevation and the SPD notes that frontages are less private in nature.

The scheme would ensure that the minimum amenity space provision is retained to serve the host dwelling in line with the guidance set out in the Separation Distances and Amenity SPD. In response to Branston Parish Council's comments, it is considered that the proposal complies with Paragraph 4.9 of the above SPD.

Highway Safety Implications

The proposal as amended will not have any adverse impact on highway safety for the following reason(s):

- it will not alter existing access arrangements to the property
- it will not be likely to result in a decrease in off-street parking provision
- it will not be likely to result in an increase in on-street parking
- it will not be likely to exacerbate existing parking problems on adjoining roads
- the proposal proposes an additional bedroom, resulting in the property going from a four bedroom dwelling to a five bedroom dwelling. The Council's Parking SPD states that for dwellings with 4 or more bedrooms the required number of car parking is 3 spaces and therefore the proposal complies with the Council's Parking Standards SPD as three car parking spaces are provided at the site.
- Policies B11 of the Branston Neighbourhood Plan states that one off-street parking space for each bed space created must be provided and when an extension to an existing dwelling creates additional bed-space(s), each new unit will require parking provisions according to the above standard. Whilst the proposal creates an additional bedroom, resulting in the property going from a four bed to a five bed dwelling and the proposal only proposed four car parking spaces, it is considered that this is appropriate as the property is currently a four bed dwelling with three off-street car parking spaces and therefore an additional car parking space is being provided to coincide with the additional bedroom proposed.
- the proposed extension is proposed adjacent to a straight piece of highway and is set back from the front of the site and therefore is sufficient distance away from any junction and the Highway Authority has not raised any concerns in relation to visibility. The proposal is therefore considered to not have a significant adverse impact on the visibility of the highway.
- the Highways Authority have raised no objections subject to a

	<p>condition being attached to the decision notice to state that ‘the external wall of the extension shall be a minimum of 0.5 metres from the footway edge to ensure that the excavation of the foundations does not undermine the footway construction.’ However this condition is considered unreasonable in planning terms, as boundary walls to gardens and extensions to houses are common place along the back of pavement. An informative is recommended to advise the applicant to contact the Highway Authority to enquire about any permit or license required to build along the back of the public footpath</p> <p>Other Considerations</p> <p>The site is within a flood risk area and the submitted plans confirm that the internal floor level of the development will be no lower than the dwelling’s existing internal floor level and that flood proofing of the development will be incorporated. This is appropriate in terms of the requirements of the National Planning Policy Framework.</p> <p>The property is in an area of known contaminated land. Environmental Health has commented that whilst the wider development has previously been investigated/remediated for contaminated land, it is recommended that a precautionary condition for contaminated land is added to the decision notice in case of any unforeseen isolated pockets of contaminated land are found during construction.</p> <p>The application site sits within an Amber Impact Zone for Great Crested Newts and it is therefore considered appropriate to include the standard informative within the decision notice to remind the applicant of their responsibilities in relation to Great Crested Newts.</p> <p>In regards to the concerns raised that the property may be let as a HMO, the Local Planning Authority can only deal with and assess the application as submitted, which in this case is for a single storey extension to a detached dwelling. There is an Article 4 Direction in place that restricts the use of properties in Burton as a Small Scale HMO without the benefit of planning permission.</p> <p>In respect of trees it is noted that some trees have been removed from the parcel of land to the rear of the site within the applicant’s ownership, however, these were not protected and therefore did not require consent for removal, and this piece of land is subject to a separate application. There is a Beech tree within the application site adjacent to the boundary which is proposed to be removed to facilitate the development, however the tree is also not within the conservation area or subject to a Tree Preservation Order and therefore consent is not required.</p> <p>Conclusion</p> <p>There are no other material considerations relevant to this proposal and therefore it is considered to satisfactorily comply with Local Plan Policies SP1, SP24, SP25, SP27, SP35, DP1, DP3, DP5, DP6 and DP7, Branston Neighbourhood Plan Policies B2, B3 and B11, associated SPDs and the National Planning Policy Framework.</p>
<p>Recommended condition(s)</p>	<p>1 Time Limit - 3Yr Standard</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p>

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Drawing No.s:

Drawing No: 50779-2024-NH-01A – 1:1250 Location Plan dated as received 03.07.2024

Drawing No: 50779-2024-NH-02B – 1:500 Existing Site Layout and 1:100 Existing Elevations, Floor Plans, Roof Plan and Section dated as received 07.10.2024

Drawing No: 50779-2024-NH-03D – 1:500 Proposed Site Layout and 1:100 Proposed Elevations, Floor Plan, Roof Plan and Section and Flood Risk Information dated as received 07.10.2024

Application Form dated as received 16.08.2024

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, SP27, SP35, DP1, DP3, DP5 and DP7, Branston Neighbourhood Plan Policies B2, B3 and B11, the East Staffordshire Design Guide, the Separation Distances and Amenity Supplementary Planning Document, the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

3 Matching Materials

All external materials used in the development shall match those of the existing building including colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

4 Contaminated Land Condition (Reporting of unexpected contamination)

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person in accordance with 'Land Contamination Risk Assessment ('LCRM') which was published in 2020'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation

	<p>scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.</p> <p>Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan and the National Planning Policy Framework.</p>
<p>Recommended informative(s)</p>	<p>003a: Engagement (Proactive) During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.</p> <p>004b: Compliance with simple FRA Form The applicants is advised that the submitted flood risk details, which indicate that the internal floor level of the development will be set no lower than the building's existing internal levels and that flood proofing measures will be incorporated where appropriate, form part of the approved scheme and must be complied with.</p> <p>Land Contamination You are advised that in relation to land contamination mitigation that the responsibility for securing a safe development rests with the developer and/or landowner.</p> <p>Great Crested Newts The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): to deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defense against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease and a professional and/or a suitably qualified and experience ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a license.</p> <p>Highways The applicant is advised to contact the Highway Authority (Staffordshire County Council) to enquire regarding the need for any permit or license to build adjacent to the public footpath.</p>
<p>Biodiversity Net Gain Wording for Decision Notice:</p>	<p>Biodiversity Net Gain Unless an exception or a transitional arrangement applies, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p>

	<p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be East Staffordshire Borough Council.</p> <p>This development has been considered as an exempt development in accordance with the submissions and the requirements set out in the following link: Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)</p>
Officer Details	<p>Paige Stanley Tel 01283 508644 Paige.stanley@eaststaffsbc.gov.uk</p>
Human Rights Act Considerations	<p>There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.</p>
Crime and Disorder Implications	<p>It is considered that the proposal does not raise any crime and disorder implications.</p>
Equalities Act 2010	<p>Due regard, where relevant, has been taken to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.</p>