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<b>PLANNING COMMITTEE REPORT</b> <b>1<sup>st</sup> JULY 2020</b>	
<b>Application No:</b>	CH/20/133
<b>Received:</b>	14-Apr-2020
<b>Location:</b>	500B, Littleworth Road, Cannock, WS12 1JB
<b>Parish:</b>	Non Parish Area
<b>Description:</b>	Garage conversion, single storey front extension and two storey side extension
<b>Application Type:</b>	Full Planning Application

<b>RECOMMENDATION:</b>
Approve Subject to Conditions

<b>Reason(s) for Recommendation:</b>
In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

<b>Conditions (and Reasons for Conditions):</b>
<ol style="list-style-type: none"> <li>The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.</li> </ol> <p>Reason</p>

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those used on the existing building.

**Reason**

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 2446 01 Rev A

**Reason**

For the avoidance of doubt and in the interests of proper planning.

**Notes to Developer:**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Consultations and Publicity**

**External Consultations**

None.

**Internal Consultations**

None.

**Response to Publicity**

The application has been advertised by site notice and neighbour letter, with one representation in objection to the proposal received. The comments received related to land ownership and have since been resolved by amending the site boundary. The neighbour has since commented that they are now satisfied with the amended site boundary.

## **Relevant Planning History**

CH/16/065: Residential Development: 1no. detached house with detached garage. Approved 13/10/2016

## **1 Site and Surroundings**

- 1.1 The application site is comprised of detached bungalow located at the end of a private cul-de-sac off Littleworth Road, Cannock.
- 1.2 The property is of a brick construction under a gable roof and is finished in brick, brown roof tile and UPVC fenestration. The property has a tarmac drive to the front and garden area to the rear bound by 1.8m close-board fencing.
- 1.3 The cul-de-sac is comprised of similar style bungalows and a mix of two storey dwellings and bungalows on Littleworth Road. The wider area is predominantly residential.
- 1.4 The site is unallocated in the Local Plan, however the site is located within the Forest of Mercia, a Mineral Safeguarding area for Coal Fireclay and a Coal Authority Low Risk Area.

## **2 Proposal**

- 2.1 The application seeks planning permission for the erection of a single storey front extension, a two storey side extension and a garage conversion.
- 2.2 The proposed single storey extension would form a new front facing gable end and would measure 4.2m in height, 2.6m to the eaves, 4.4m in depth and 5m in width. The proposed two storey extension would have pitched roof and a dormer window at first floor level, and would measure 5.3m to the ridge, 2.9m to eaves, 4.9m in length and 9.2m in width.
- 2.3 The proposed extensions would be finished in brick, and tile to match existing.

## **3 Planning Policy**

3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach  
CP3 - Chase Shaping – Design

Relevant policies within the minerals plan include: -

Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure

### 3.3 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

## **4 Determining Issues**

4.1 The determining issues for the proposed development include:-

- i) Principle of development.
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Minerals safeguarding.

4.2 Principle of the Development

4.2.1 The application site is on undesignated land within the main urban area of Cannock and contains an existing dwellinghouse. The proposal is for an extension to the existing dwelling for additional living, kitchen and dining space and is therefore acceptable in principle subject to the considerations listed below.

4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.

4.3.6 The size and scale of the proposed extension would be proportionate to the existing dwelling and its plot and the use of matching finishes and pitched roofs would enable it to assimilate with the design of the existing property.

4.3.7 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The material considerations in this case are the potential for overlooking and loss of light to neighbouring dwellings.
- 4.4.4 In respect to overlooking, the proposal is single storey and the application site is relatively flat and the proposal would not introduce any windows that would directly face into any principal windows of neighbouring properties within 21.3m.
- 4.4.5 In respect to assessing the potential for loss of light to neighbouring properties, the Design SPD recommends the application of the 45/25 degree daylight test for windows serving principal rooms. The proposed single storey extension would cut the 45 degree angle taken from a ground floor window serving a habitable room at No. 500a, however the proposed extension would not cut the 25 degree vertical angle. As such the proposal meets this test and therefore would not cause any significant loss of light to habitable rooms to neighbouring properties.
- 4.4.6 Following the above, it is therefore considered that the design of the proposal is acceptable, and it would meet the requirements of the NPPF, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The proposal would result in the loss of the existing garage, however the number of bedrooms would not increase. Two spaces would be available at the front of the property which would meet the Council's Parking Standards.

As such on-site parking provision would be adequate. Further, the proposal would not alter the existing access arrangements or any visibility splays. Therefore, the proposal would not have an adverse impact on highways safety and would be in accordance with Paragraph 109 of the NPPF.

#### 4.6 Mineral Safeguarding

4.6.1 Part of the site falls within a Mineral Safeguarding Area (MSAs). Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.

4.6.2 Policy 3.2 of the Minerals Local Plan states that:

‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.6.3 The development would fall under Item 1 within the exemption list as an application for householder development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### **Equalities Act 2010**

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.