



Please ask for: Mrs W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

24 April 2023

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 3 May 2023

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members should note that the following site visits have been arranged: -

Application Number	Application Location and Description	Start Time
CH/23/0042	21 Beechmere Rise, Etching Hill, Rugeley, WS15 2XR Retention of walk on balcony on existing flat roof with stainless steel balustrade and proposed composite panel screening	2.00pm
CH/23/0091	17 Southbourne Place, Cannock, Staffordshire, WS11 4SA Change of use of land to incorporate into private garden and to construct 1m high fencing along boundary	2.30pm

Members wishing to attend the site visits are requested to meet at 21 Beechmere Rise, Etching Hill, Rugeley, WS15 2XR at 2.00pm as indicated on the enclosed plan.

Please note that, following a risk assessment, Members undertaking site visits must wear full PPE or they will not be permitted on to the site. In this case, the PPE will constitute a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,

Tim Clegg
Chief Executive

To Councillors:

Thompson, S.L (Chair)

Beach, A. (Vice-Chair)

Cartwright, S.M.	Kenny, B.
Crabtree, S.K.	Kruskonjic, P.
Fisher, P.A.	Muckley, A.M.
Fitzgerald, A.A.	Pearson, A.R.
Hoare, M.W.A.	Thornley, S.J.
Jones, V.	Wilson, L.J.

Agenda

Part 1

- 1. Apologies**
- 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

- 3. Disclosure of Details of Lobbying of Members**

- 4. Minutes**

To approve the Minutes of the meeting held on 5 April 2023 (enclosed).

- 5. Members' Requests for Site Visits**

- 6. Report of the Planning Services Manager**

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Planning Services Manager

Details of planning applications can be accessed on the Council's website by visiting www.cannockchasedc.gov.uk/residents/planning and then clicking on the square marked 'Planning Applications'.

Site Visit Applications

	Application Number	Application Location and Description	Item Number
1.	CH/23/0042	21 Beechmere Rise, Etching Hill, Rugeley, WS15 2XR - Retention of walk on balcony on existing flat roof with stainless steel balustrade and proposed composite panel screening	6.1 - 6.19
2.	CH/23/0091	17 Southbourne Place, Cannock, Staffordshire WS11 4SA - Change of use of land to incorporate into private garden and to construct 1m high fencing along boundary	6.20 - 6.30

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee
Held on Wednesday 5 April 2023 at 3:00pm
In the Council Chamber, Civic Centre, Cannock

Part 1

Present: Councillors

Thompson, S.L. (Chair)	
Cartwright, S.M.	Kenny, B.
Elson, J.S. (Substitute)	Kruskonjic, P.
Fitzgerald, A.A.	Pearson, A.R.
Hoare, M.W.A.	Thornley, S.J.
Jones, V.	Wilson, L.J.

92. Apologies

Apologies for absence were received from Councillors A. Beach (Vice-Chair), S.K. Crabtree and A.M. Muckley.

Notification had previously been received that Councillor J.S. Elson would be acting as substitute for Councillor S.K. Crabtree.

93. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

None.

94. Disclosure of Details of Lobbying by Members

None.

95. Minutes

Resolved:

That the Minutes of the meeting held on 21 March 2023 be approved as a correct record.

96. Members Requests for Site Visits

The following site visits were requested: -

(A) Application CH/23/0115 - Burns Street, Cannock, WS11 6DR, proposed 15.0m Phase 9 slimline monopole and associated ancillary works

Reason: to assess the effect on the street scene

(B) Application CH/23/0040 - Sherbrook Court, Kingsley Wood Road, Rugeley, WS15 2UF, replacement of existing dwelling, garage workshop and greenhouse with new dwelling

Reason: to assess any overdevelopment of the site

(C) Application CH/23/0091 - 17 Southbourne Place, Cannock, WS11 4SA, change of use of land to incorporate into private garden and to construct 1m high fencing along boundary

Reason: To assess the loss of a green space owned by the Council

(D) Application CH/23/0137 - Land at Farm Petrol Station, Hednesford Road, Cannock, WS12 3TN, proposed new food convenience store with associated access and parking - use classification E. Resubmission of CH/22/0322 (amended plans received)

Reason: to assess the implications on highway safety

Resolved:

(A) That site visits be undertaken in respect of Planning Applications CH/23/0040, CH/23/0091 and CH/23/0137 for the reasons outlined above.

(B) That, in respect of Planning Application CH/23/0115, the application be allowed to progress to determination unless Officers were minded to approve it, at which time, a site visit be undertaken.

97. Application CH/22/0398 - Land at the corner of Avon Road and Hunter Road, Cannock - Proposed Residential Care Home with associated landscaping and car parking.

Consideration was given to the Report of the Interim Development Control Manager (Item 6.1 - 6.34) presented by the Planning Officer.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application, representations were made by Roisin McFeely, Planning Consultant, speaking in support of the application on behalf of the applicant.

Resolved:

(A) That the applicant be requested to enter into an Agreement under section 106 of the Town and Country Planning Act 1990 to secure NHS Healthcare Contributions for £23,222 (index linked)

(B) That, on completion of the Agreement, delegated authority be granted to the Head of Economic Prosperity to approve the application subject to the conditions contained in the report for the reasons stated therein.

The meeting closed at 3:34 pm.

Chair

Application No: CH/23/0042

Location: 21 Beechmere Rise, Etchingill, Rugeley, WS15 2XR

Proposal: Retention of walk on balcony on existing flat roof with stainless steel balustrade and proposed composite panel screening



**SITE VISIT
MEETING POINT**

Application No: CH/23/0091

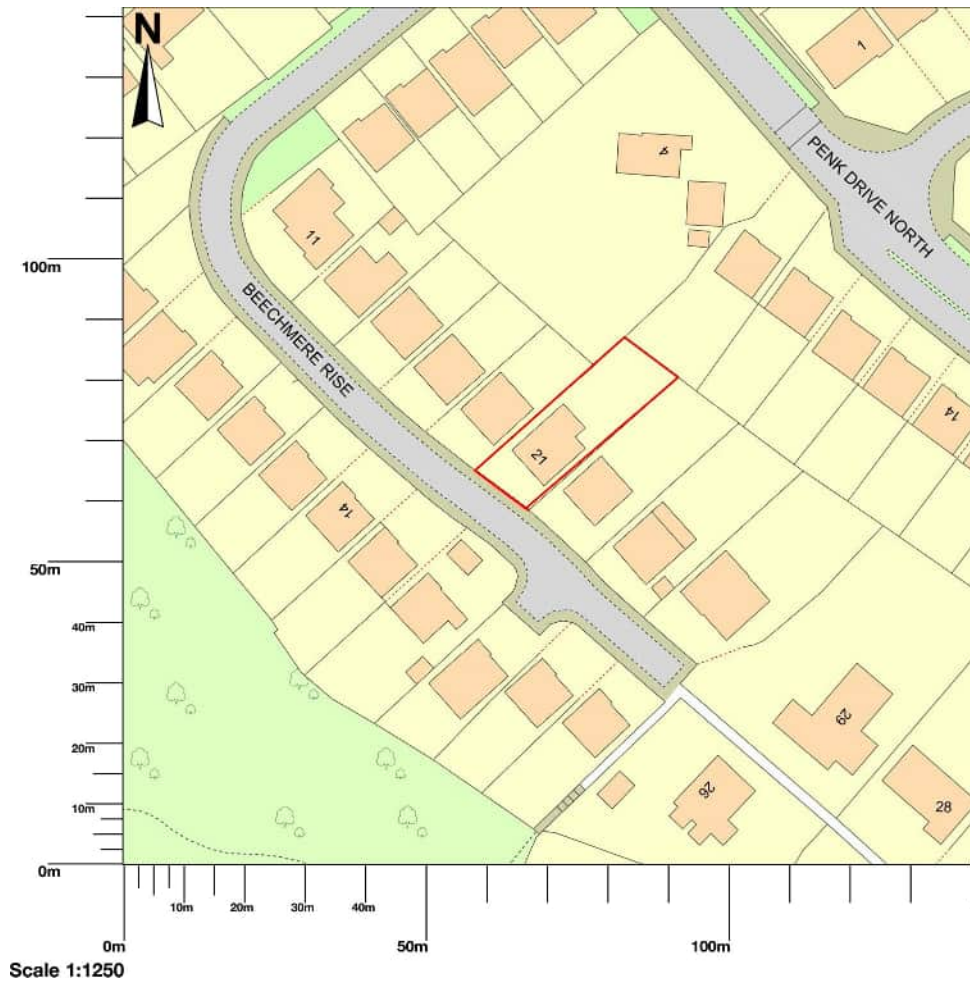
Location: 17 Southbourne Place, Cannock, WS11 4SA

Proposal: Change of use of land to incorporate into private garden and to construct 1m high fencing along boundary



**SITE VISIT
MEETING POINT**

21 Beechmere Rise, Rugeley, WS15 2XR



Map area bounded by: 402801,318784 402943,318926. Produced on 24 July 2021 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2021. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2cuk/666333/902862

PROPOSED BALCONY ADDITION
 FLOOR PLAN
 21 BEECHMERE RISE WS 152/R

—= EXISTING FLOOR PLAN
 —= PROPOSED STRUCTURE



TITLE	DRAWING NO	ISSUE + DATE	SCALE	SCALE BAR IN METRES
FIRST FLOOR FLOOR PLAN	LH004	1.20/7/2021	1:50	0 1 2 3 4 5

PLAN VIEW DEMONSTRATING
THAT THIS PROPOSAL PROVIDES
IMPROVED PRIVACY COMPARED
TO THE ORIGINAL BUILDING

No 21.

No 19.

No 23

BOUNDARY

EXISTING WINDOW
(WITHOUT BEING OPEN)

ORIGINAL
SPRAYED VIEW
FROM WINDOW

ADDITIONAL AREA
OF VIEW FROM
EXISTING WINDOW
✓ PROPOSAL

← POSITION OF SCREENS →

ADDITIONAL
AREA OF
VIEW FROM
EXISTING
WINDOW
✓ PROPOSAL

BOUNDARY

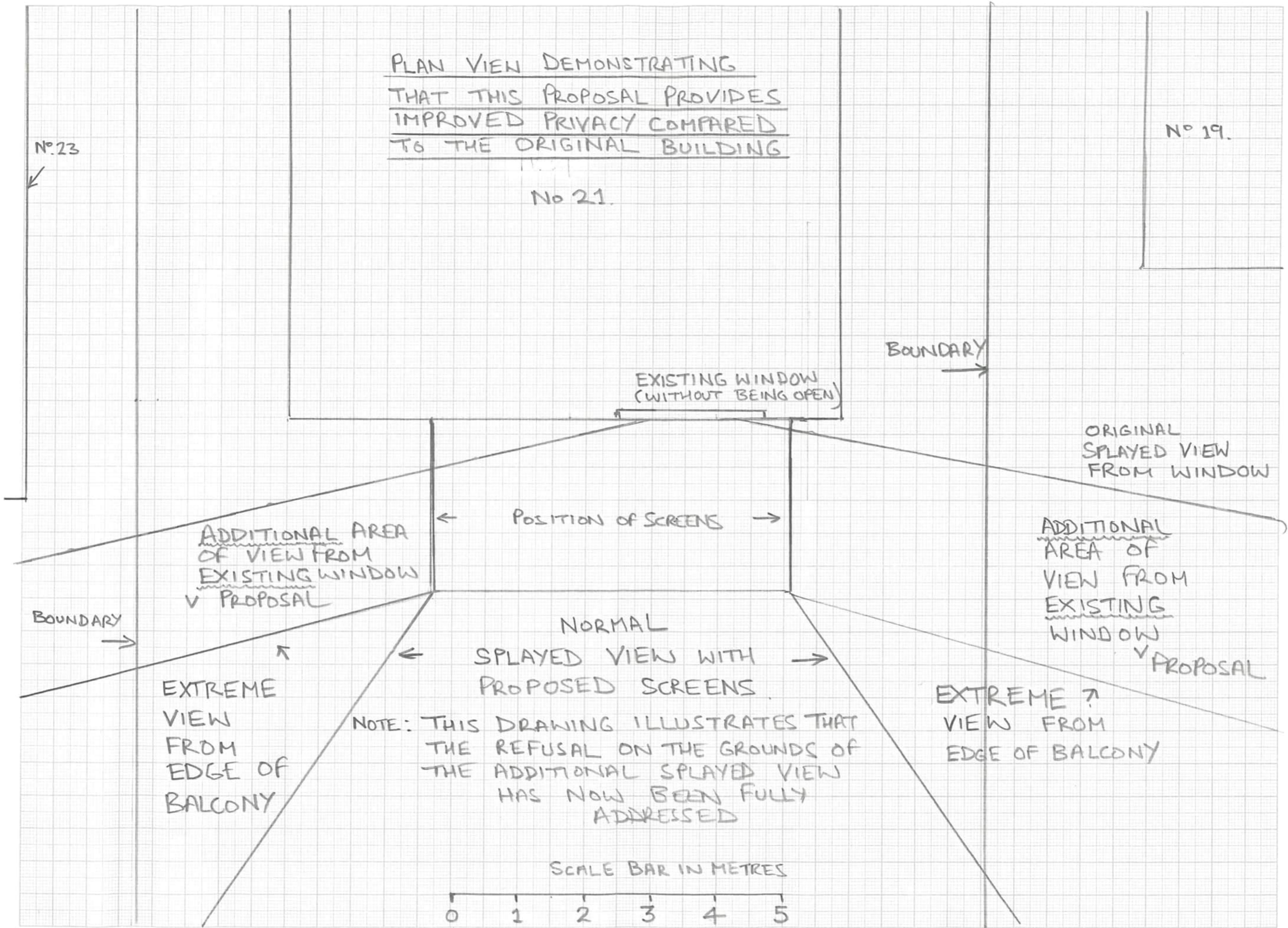
NORMAL
SPRAYED VIEW WITH
PROPOSED SCREENS

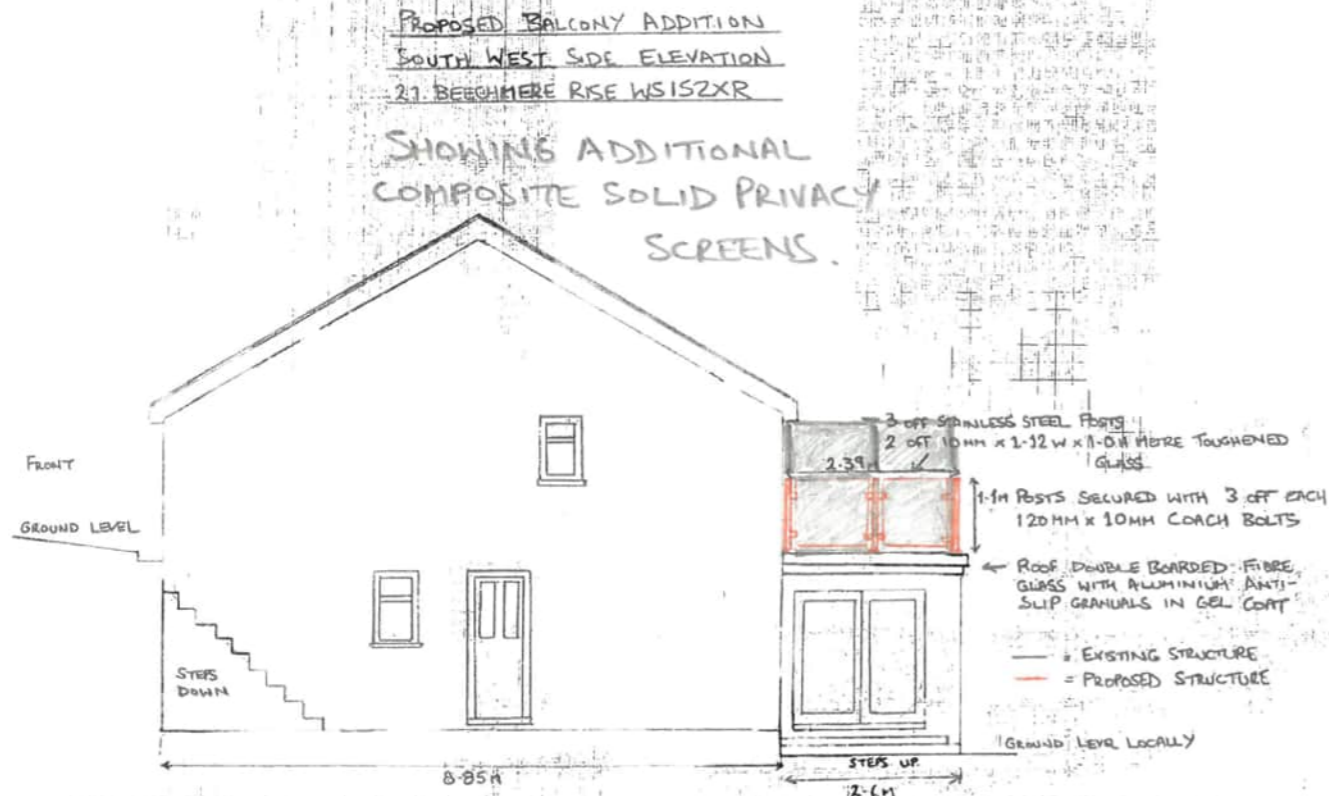
EXTREME
VIEW
FROM
EDGE OF
BALCONY

NOTE: THIS DRAWING ILLUSTRATES THAT
THE REFUSAL ON THE GROUNDS OF
THE ADDITIONAL SPAYED VIEW
HAS NOW BEEN FULLY
ADDRESSED

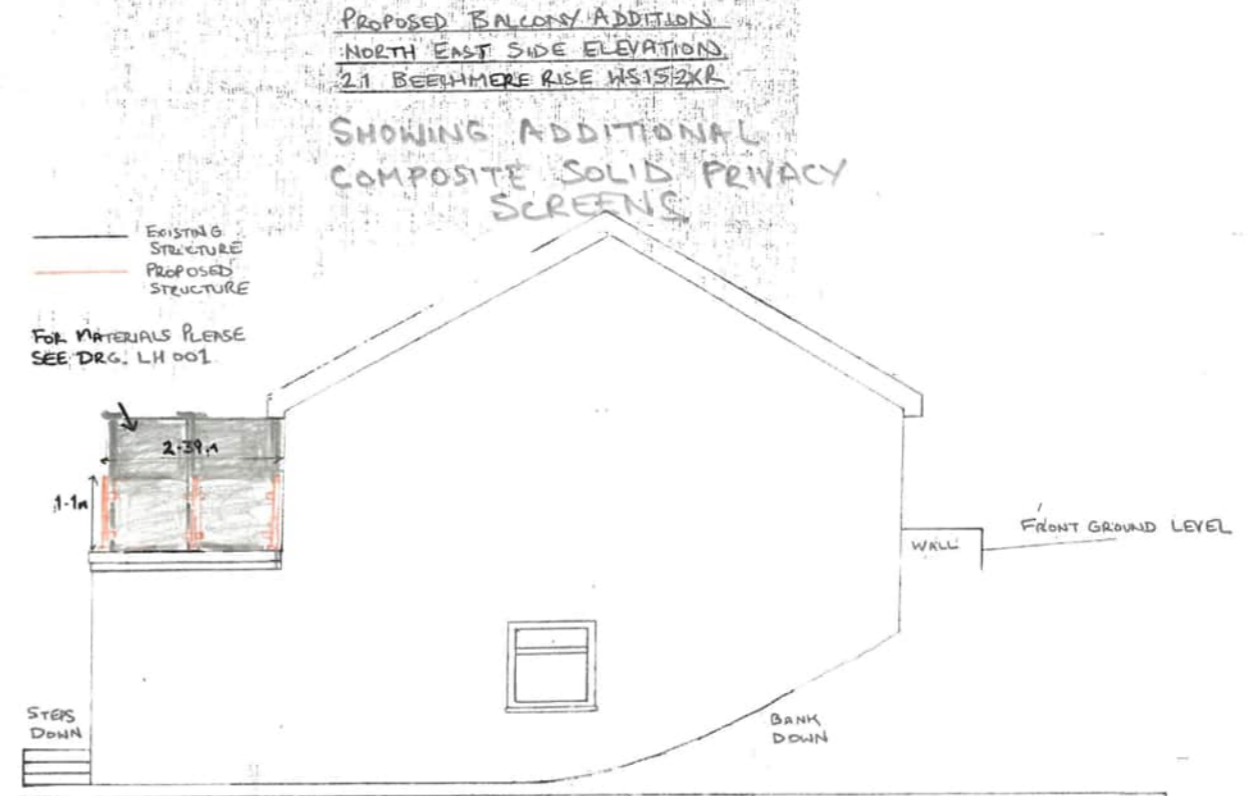
EXTREME ?
VIEW FROM
EDGE OF BALCONY

SCALE BAR IN METRES

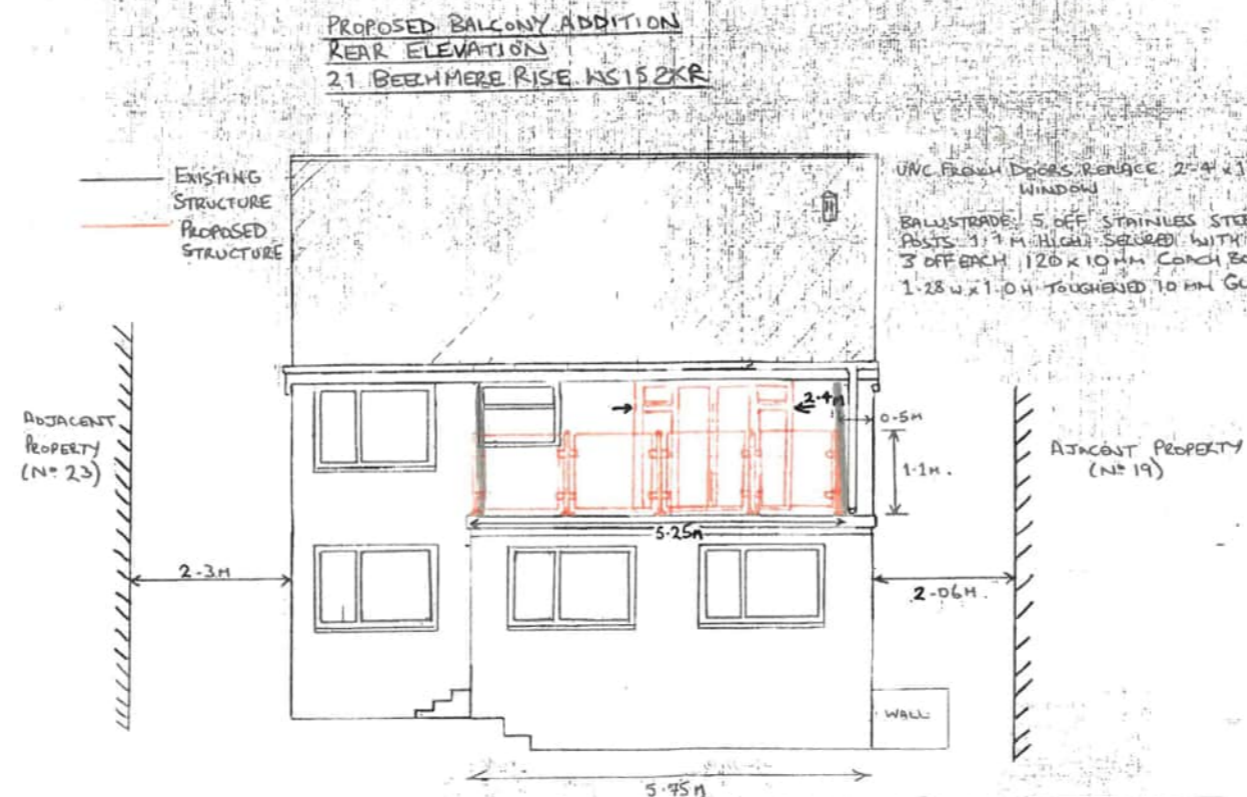




TITLE	DRAWING N°	ISSUE + DATE	SCALE	SCALE BAR IN METRES
WALK ON BALCONY OVER DINING ROOM SIDE 1	LH001	3, 20/7/2021 12/01/23	1:100 METRES	0 1 2 3 4 5



TITLE	DRAWING N°	ISSUE + DATE	SCALE	SCALE BAR IN METRES
WALK ON BALCONY OVER DINING ROOM SIDE 2	LH002	3, 20/7/2021 12/01/23	1:100 METRES	0 1 2 3 4 5



TITLE	DRAWING N°	ISSUE + DATE	SCALE	SCALE BAR IN METRES
WALK ON BALCONY OVER DINING ROOM REAR	LH003	3, 20/7/2021 12/01/23	1:100 METRES	0 1 2 3 4 5

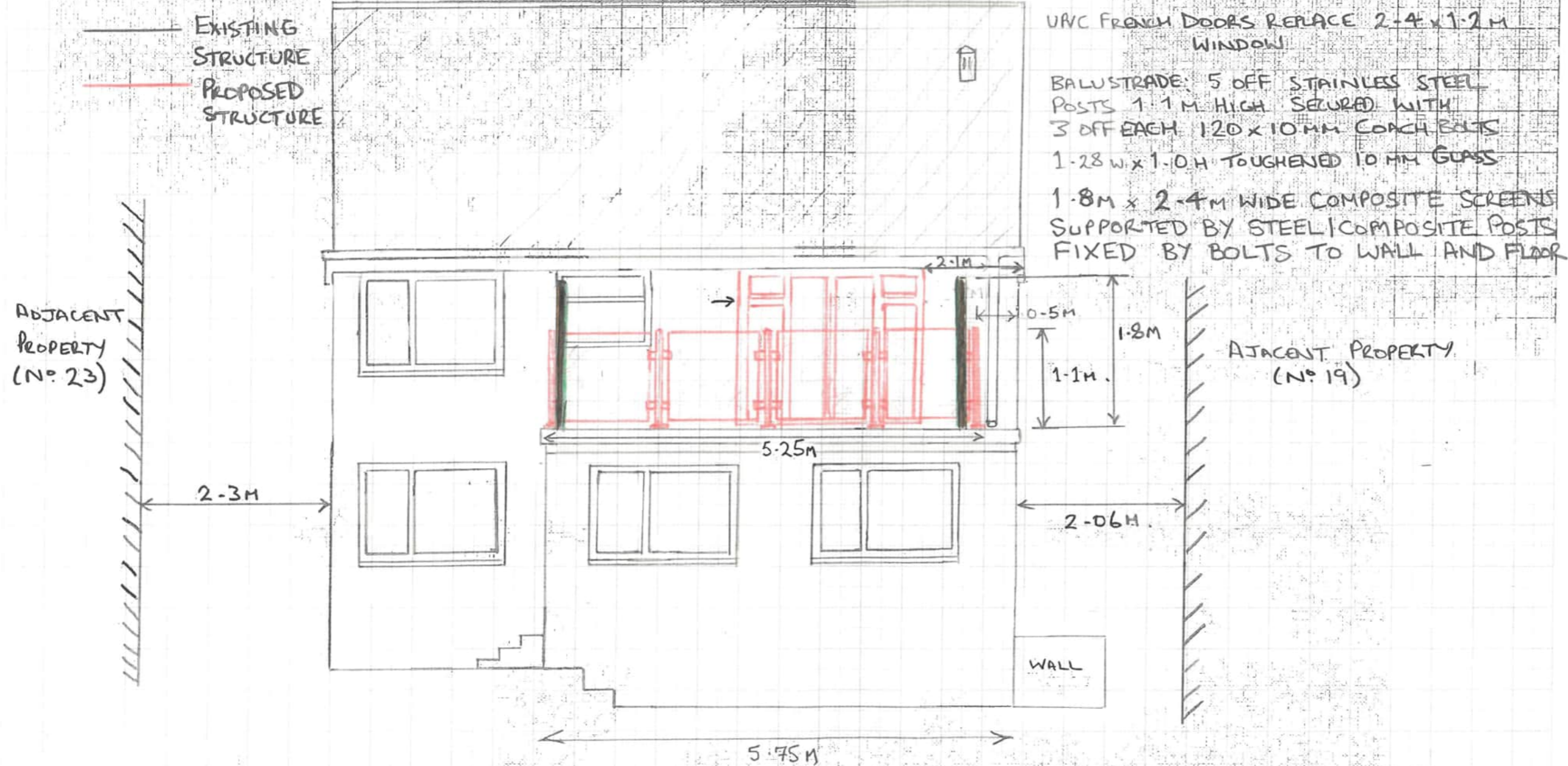
PROPOSED BALCONY ADDITION
REAR ELEVATION
21 BEECHMERE RISE NS152KR

NOTE: THIS BALCONY PROVIDES ACCESS FOR A DISABLED PERSON TO OUTSIDE SPACE FROM THEIR BED ROOM (WHICH IS OTHERWISE NOT AVAILABLE TO THEM AT THE PROPERTY)

UVC FRENCH DOORS REPLACE 2.4 x 1.2 M WINDOW

BALUSTRADE: 5 OFF STAINLESS STEEL POSTS 1.1 M HIGH SECURED WITH 3 OFF EACH 120 x 10 MM COACH BOLTS
 1.28 W x 1.0 H TOUGHENED 10 MM GLASS

1.8 M x 2.4 M WIDE COMPOSITE SCREENS SUPPORTED BY STEEL/COMPOSITE POSTS FIXED BY BOLTS TO WALL AND FLOOR



TITLE	DRAWING N ^o	ISSUE + DATE	SCALE	SCALE BAR IN METRES.
WALK ON BALCONY OVER DINING ROOM REAR + PRIVACY SCREENS	LH003 (ADDED NOTE)	2. 02/5/2022 3. 12/01/2022	1:100 METRES	0 1 2 3 4 5

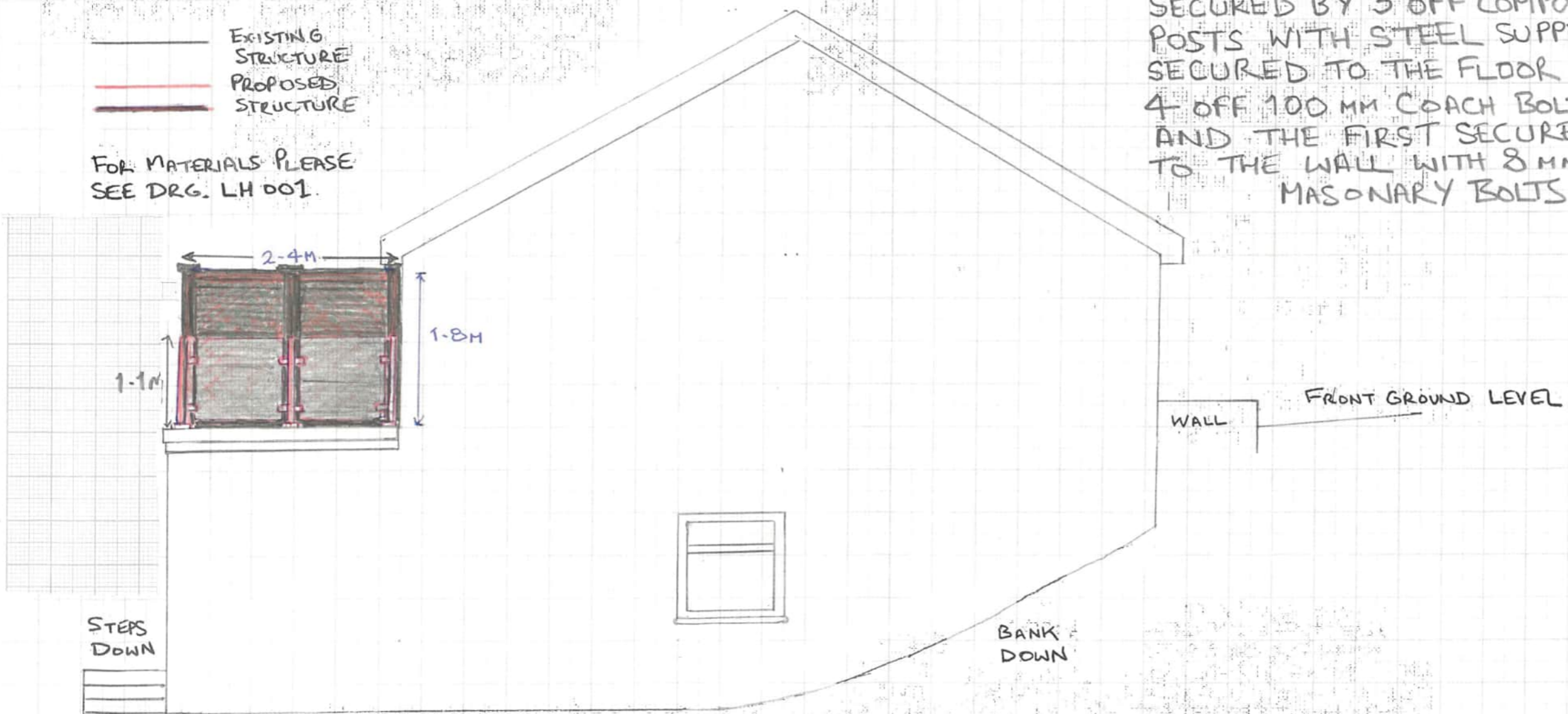
PROPOSED BALCONY ADDITION
NORTH EAST SIDE ELEVATION
2.1 BEECHMERE RISE WS152XR

SOLID PRIVACY SCREENS TO SIDES

1.8M x 2.4M WIDE COMPOSITE
 SCREENS - PERMANENT, NO
 MAINTENANCE, NO GAPS.
 SECURED BY 3 OFF COMPOSITE
 POSTS WITH STEEL SUPPORTS
 SECURED TO THE FLOOR WITH
 4 OFF 100 MM COACH BOLTS
 AND THE FIRST SECURED
 TO THE WALL WITH 8MM
 MASONARY BOLTS.

— EXISTING
 STRUCTURE
 — PROPOSED
 STRUCTURE

FOR MATERIALS PLEASE
 SEE DRG. LH 001.



TITLE	DRAWING N°	ISSUE + DATE	SCALE	SCALE BAR IN METRES
WALK ON BALCONY OVER DINING ROOM SIDE 2. + PRIVACY SCREEN	LH 062	3, 12/01/23	1:100 METRES	0 1 2 3 4 5

PROPOSED BALCONY ADDITION
SOUTH WEST SIDE ELEVATION
21 BEECHMERE RISE WSISZXR

NOTE:

THE VIEW TO THE SIDES IS MORE RESTRICTED IN THIS PROPOSAL THAN THAT OF THE ORIGINAL WINDOW.

THE VIEW TO THE FRONT IS THE SAME AS THAT FROM THE ORIGINAL WINDOW.
 (SEE ADDITIONAL DRG.)

SOLID PRIVACY SCREENS TO SIDES
 SEE NORTH EAST SIDE ELEVATION FOR MORE DETAIL



TITLE	DRAWING N ^o	ISSUE + DATE	SCALE	SCALE BAR IN METRES
WALK ON BALCONY OVER DINING ROOM SIDE 1+PRIVACY SCREEN	LH001	3, 12/01/23	1:100 METRES	0 1 2 3 4 5

Contact Officer:	David O'Connor
Telephone No:	(01543) 464 515

<p>Planning Control Committee</p> <p>3 May 2023</p>

Application No:	CH/23/0042
Received:	26 Jan 2023
Location:	21 Beechmere Rise, Etchinghill, Rugeley, Staffordshire WS15 2XR
Parish:	Rugeley CP
Ward:	Etching Hill and The Heath
Description:	Retention of walk on balcony on existing flat roof with stainless steel balustrade and proposed composite panel screening
Application Type:	Full Planning Application

Recommendation:

Approve subject to conditions.

Reason(s) for Recommendation:

- 1 The application seeks retrospective planning permission for the creation of a balcony / raised platform to the rear of the existing house. As part of the current application, it is proposed to remove the trellis and replace it with a more permanent and solid composite screen of 1.8m in height.
- 2 Officers assess the effect of the balcony and screening proposed upon the wider character and appearance of the area is relatively minimal and as such there are no objections from Officers in this regard.
- 3 A range of neighbours are potentially affected by the proposals. Officers examine these neighbours in the context of relevant standards and in the context of the inclusion of the solid composite screening now proposed. For the reasons set out in this report, no substantive impacts upon the properties at Penk Drive North, the properties beyond no. 19 and no. 23 are envisaged. Officers judgement was exercised in assessing the effect of views from the balcony over the garden of No. 19. In particular whether or not this substantially differed from those views already offered by the first-floor window to the host property. In light of the evidence presented in the application, Officers adopt the view that subject to the inclusion of the permanent screening, the views over the end of the garden of No. 19 are not

significantly increased from those that were already available. As such Officers adopt the view a consistent level of privacy is retained for this property.

- 4 For these reasons, it is considered that the balcony as proposed with the addition of the new screening, would sufficiently offset impacts on privacy to neighbouring properties in line with the requirements of Local Plan Policy CP3 and NPPF Para 130(f).

Conditions

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

LH003, LH002 and LH001 and the submitted Composite Fencing Brochure

Reason: In the interests of proper planning

2. Within 1 month of the date of this consent, the composite screening hereby permitted shall be erected in accordance with the submitted Drawing No's LH003, LH002 and LH001 and specification provided. The colour to be utilised shall be Graphite in line with the specification fencing document dated as received 21 March 2023. Thereafter the approved fencing shall be retained in position and kept in good order for the life of the balcony development hereby permitted.

Reason: In the interests of privacy and visual amenity in accordance with Local Plan Policy CP3.

Consultations and Publicity

Internal Consultations

None

External Consultations

Rugeley Town Council

Consulted but have provided no comments to date on the current application. Previous comments objected to the proposed retention of the balcony. Cllrs were previously concerned at the lack of resulting privacy to neighbouring properties.

Response to Publicity

The application has been advertised by site notice and neighbour letter. 5 No. letters of representation have been received objecting to the proposals. The main points of objection in summary are:

- Concerns in relation to overlooking and privacy impacts. Feelings of being watched when out in the garden or concerns around intervisibility from the balcony to neighbouring bedrooms. Children's bedrooms are impacted by these proposals. The privacy impacts resulting have a negative effect on neighbour's mental wellbeing and continue to impact the reasonable enjoyment of neighbouring properties.
- Concerns in relation to the quality of the submitted plans.

- Concerns regarding the 'ad hoc' appearance of the balcony proposals and the temporary nature of the trellis screening erected. The addition of the proposed composite panelling makes no difference to views across neighbouring gardens.
- The composite panels could still be removed once erected.
- The plans provided do not reflect the splay of vision that is possible in practice.
- This is the third application for the balcony without the Council having taken enforcement action.
- Concerns around setting a future precedent for similar proposals.

Relevant Planning History

CH/05/0089 Residential development Full - Refusal 09/16/2005.

CH/06/0586 Two storey side extension incorporating garage & dormer to front Full - Approval with Conditions 10/04/2006.

CH/10/0389 Extension of time - 2 dormer bungalow - Approved with Conditions 12/15/2010.

CH/13/0438 Residential development - erection of two detached 4-bedroom bungalows Withdrawn 04/08/2014.

CH/16/403 Proposed two storey side extension Full - Approval with Conditions 12/16/2016.

CH/21/0331 Demolition of existing garage & house, construction of 2 detached dwellings Full - Refusal 10/21/2021.

CH/21/0341 Walk on balcony on existing flat roof off bedroom Full- Refusal 10/06/2021.

CH/22/0034 Demolition of existing garage and house construction of two detached dwellings. Full - Approval with Conditions 09/29/2022

CH/22/0282 Re-submission of CH/21/0341 - walk on balcony on existing flat roof. Stainless steel ballustrade with toughened glass panels. 1.8m heavy duty trellis. Refused September 2022. Reason for refusal was as follows:

1. *The proposal by virtue of its elevated position, reasonably open design, and close proximity to shared boundaries would result in significant detrimental impact to the privacy of adjoining neighbours. Whilst the proposed trellising seeks to alleviate this concern, the trellising is transparent to a level that still permits overlooking of private amenity space, is not sufficiently permanent as a solution to the privacy issues at hand and the balcony nevertheless provides a splay of vision towards neighbouring gardens that is not interrupted by trellising or other potential screening.*

As such the proposals would fail to provide a high standard of residential amenity, contrary to policy CP3 of the Local Plan, the Design Supplementary Planning Document and paragraph 130(f) of the National Planning Policy Framework.

1 Site and Surroundings

- 1.1 The application property consists of what appears from the front as a detached bungalow yet to the rear the property is a two-storey building. This is as a consequence of the topography that slopes down from Beechmere Rise to the Northeast.
- 1.2 The dwelling is constructed of red brick under a tiled roof with white upvc doors and windows. The front boundary consists of a low brick wall and there is on site parking sufficient for 1 vehicle. There is a single storey extension at the rear upon which a walk on balcony has been built. This balcony is the subject of this application.
- 1.3 The rear garden is stepped with substantially different levels across its length. Similar levels differences are apparent for neighbouring properties. The side boundaries with these properties consist of 1.8m high close boarded wooden fencing. The rear boundary is well screened and there are various trees, plants, and bushes. The dwellings in the surrounding area are mostly bungalows but there are also some detached two storey dwellings.

2 Proposal

- 2.1 The application seeks retrospective planning permission for the creation of a balcony / raised platform to the rear of the existing house. The balcony has already been constructed and is positioned 2.6m above ground level at its base and comprises of 1.1m high glass balustrade to three sides with additional trellis added in a fairly ad hoc manner. The trellis as erected is broadly see-through and as such still permits views through to the nearest neighbouring gardens. The sides of the balcony are approx. 2m from the neighbouring boundary on each side.
- 2.2 As part of the current application, it is proposed to remove the trellis and replace it with a more permanent and solid composite screen of 1.8m in height.

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

CP14 – Cannock Chase AONB

Relevant Policies within the Minerals Plan include:

3.2 Safeguarding Minerals

National Planning Policy Framework

- 3.3 The NPPF (2021) 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.
- 3.4 The NPPF (2021) 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.
- 3.5 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 |
| 111: | Highway Safety and Capacity |
| 126, 130, 132, 134: | Achieving Well-Designed Places |
| 218, 219 | Implementation |
- 3.6 Other relevant documents include: -
1. Design Supplementary Planning Document, April 2016.
 2. Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
 3. Manual for Streets.

4 Determining Issues

- 4.1 The determining issues for the proposed development include:
1. Principle of development
 2. Character and Appearance
 3. Impact on residential amenity.
 4. Impact on highway safety.

5 Principle of the Development

- 5.1 The site is located within the built-up area of Etchinghill, Rugeley and is an established dwelling. The site is not allocated or otherwise designated Green Belt. As such, subject to consideration of the design, amenity and highways impacts associated with the proposals, the development is considered acceptable in principle.

6 Character and Appearance

6.1 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.*



Figure 1: Imagery provided from an objector's letter showing the appearance of the trellising as erected. Composite panels would replace the trellis as proposed within this application

- 6.2 The balcony comprises of relatively contemporary materials in the form of sleek glass balustrading and upright stainless-steel posts. The balustrading itself is an appropriate addition to a domestic property of this type in design terms. The balcony at present incorporates trellising with faux green foliage cover. Within these proposals, this is to be replaced with composite panelling. This will be solid, grey in colour and of a similar height to the trellis fencing erected that would be removed to facilitate the installation of the composite panels. Situated to the rear of the property and with relatively limited views from public vantage points, Officers have no concerns with the appearance of the balustrading and accompanying composite screening proposed. Accordingly, the balcony is considered to have little effect on the appearance of the dwelling, its setting, or the quality of the street scene.
- 6.3 Therefore, having had regard to Policies 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, such that it would be acceptable in respect to its impact on the character of the area.

7 Impact on Residential Amenity

- 7.1 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 onto 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.
- 7.2 Paragraph 130(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.
- 7.3 Considering the relatively limited height of the balcony balustrading and screening, Officers have no substantive concerns in relation to direct daylight impacts to neighbouring properties or concerns in relation to the balustrading being overbearing to other properties in a physical sense.
- 7.4 The main issue for consideration in this case is the overlooking of neighbouring gardens. The balcony is situated at first floor level and would be positioned approx. 2m from the shared boundaries of the site. The balcony is comparatively open and gives views on three sides. Whilst it is accepted the trellising erected (and faux foliage) conveys a slightly more positive relationship than without these additions, Officers nevertheless previously assessed the trellis did not sufficiently eliminate overlooking of neighbouring gardens. It was also noted that a splay of vision from the centre of the balcony exists towards neighbouring sitting out space at No 19 that is not interrupted by the screening was possible. As such to eliminate overlooking of all neighbouring properties entirely would seem difficult to achieve.



Figure 2: Extract from location plan shown scaled measurements to nearby properties taken from the facing edge of the balcony

- 7.5 In relation to properties on Penk Drive North, it is noteworthy that the Council's separation distances of 21.3m are expected between main facing elevations. These distances can be increased by a few metres (according to judgement)

where differences in levels are apparent. In the circumstances in this case, the distances involved exceed 33m and are therefore considerably above typical standards set out in the Council's Design Guidance. Additionally, a good level of tree planting exists in between these properties and the balcony. In this regard Officers have no significant concerns with the privacy implications of the proposals for properties on Penk Drive North as the Council's adopted standard is satisfied for these properties.

7.6 The current application includes the provision of solid composite panels. These would be butt jointed according to the applicant's submissions and hence would convey a solid containing barrier flanking the sides of the balcony. The applicant goes on to make the case the proposals convey a similar splay of vision from that which already exists for the window to the first floor.



Figure 3: Example imagery of proposed fencing taken from supplied brochure

7.7 Officers note reference is made to visibility from the balcony into neighbouring windows such as No. 19 and the properties beyond. In the course of the normal use of the balcony and given the set back of these properties from the balcony coupled with panelling proposed, Officers do not observe obvious visibility towards No. 19 and properties beyond (See Fig 4). The proposals in their current form allow interruption of views by the composite panelling as proposed.

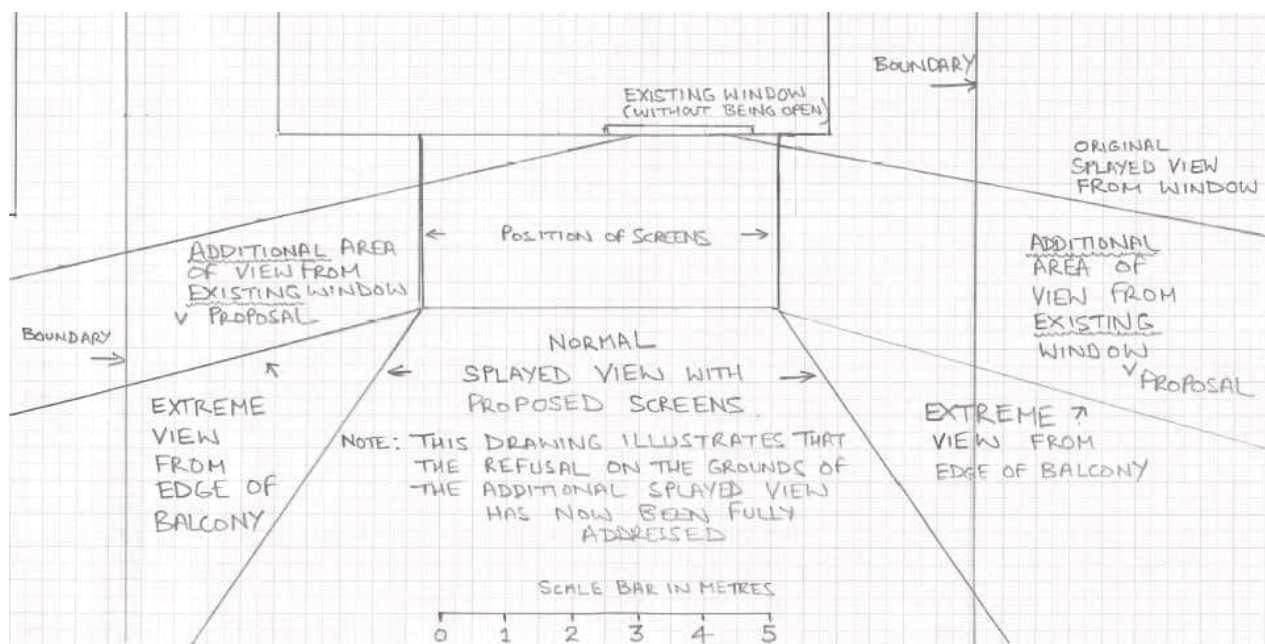


Figure 4: Plan showing splay of vision apparent from existing window versus the splay of vision from the balcony

- 7.8 Officers would suggest therefore the main point of judgement relates to the perception of impact in the area shown as 'Extreme view from edge of balcony' in the above image (fig 4). It is relevant the Council adopts a standard of 10m separation from boundaries for windows to try and minimise overlooking, however there is no adopted standard for balconies or standard that considers more peripheral outlook from first floor windows over adjacent gardens. Such outlook is quite common in residential estate development as is apparent in this case.
- 7.9 For the neighbour at 23 (left of the image Fig 4) a good level of tree screening exists that interrupts main views and, in this regard, coupled with the panelling proposed, Officers have no significant concerns therefore about impacts to privacy.
- 7.10 In relation to the No. 19 (right of the image) some visibility of the neighbouring garden is possible (Fig 5). In particular this includes a portion of sitting out space beneath a pergola towards the end of the garden. The applicant would suggest in line with the image at Fig. 4, that the splay of vision from the existing window/door would already have visibility of this location.
- 7.11 In decision terms therefore, Members in reaching their decision must assess whether, coupled with the screening proposed, the view from the balcony is so significantly more intrusive than the visibility that exists from the existing window as to warrant refusal. In the Officers view, in light of the information presented in these submissions this is not the case. I.e., although visibility of the neighbouring garden is possible, this is relatively similar as illustrated in Fig. 4 from the existing window to that in Fig. 5. Accordingly, the effect from the balcony (provided solid new screening is incorporated) is not substantially harmful to warrant refusal. Instead, subject to conditions requiring the permanent retention of the screening, the application would be acceptable in amenity impact terms in the Officer's view.

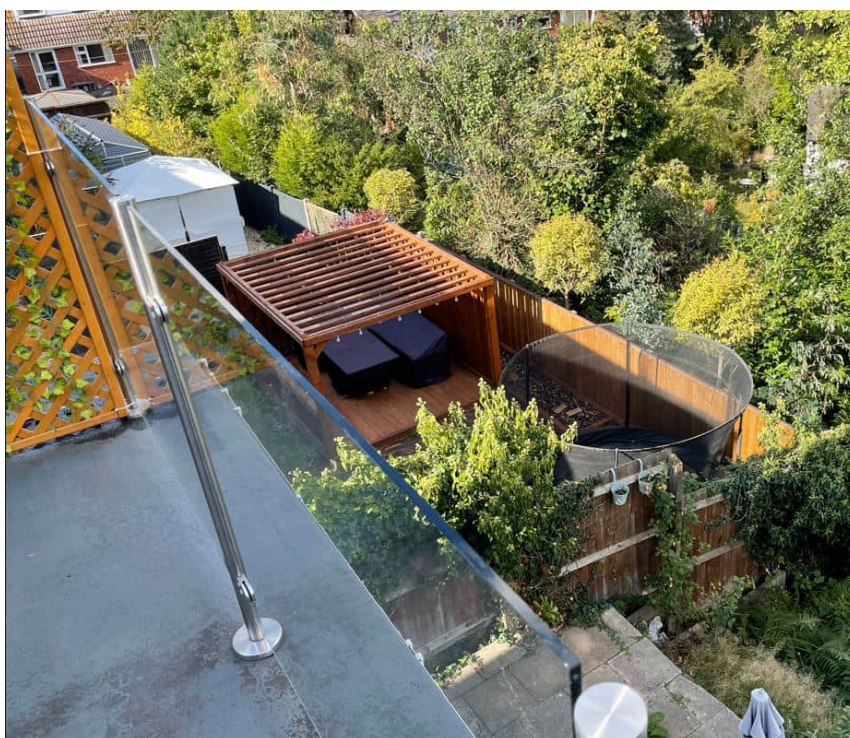


Figure 5: Image taken from balcony looking towards seating area of garden at No. 19.

- 7.12 Whilst the previous trellis screening tied on with cable ties raised concerns in relation to the degree of permanence of the screening then proposed, the current application seeks to incorporate composite panels in place of the trellising. These are more substantial and permanent. Conditions can require the permanent retention of the screen fencing and such would be enforceable for the life of the development. This provides additional certainty to neighbouring occupiers than the current screening erected.
- 7.13 For these reasons, it is considered that the balcony as proposed with the addition of the new screening, would sufficiently offset impacts on privacy to neighbouring properties in line with the requirements of Local Plan Policy CP3 and NPPF Para 130(f).

8 Impact on Highway Safety

- 8.1 Paragraph 111 of 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.
- 8.2 Whilst the proposal would result in an increase in useable floor area to the dwelling, the number of bedrooms at the property would remain unchanged and there would continue to be adequate off-street parking space to serve the property. The access arrangements would otherwise be as existing, and no unacceptable harm is anticipated to highway safety as a consequence of the balcony. As such there are no objections in highways terms

9 Other Issues

Quality of submitted plans

- 9.1 In examining the submitted plans, Officers and the public have been able to understand the proposals and examine the relationship to neighbouring properties. As such the quality of the submitted plans is judged to be adequate and fit for purpose in these considerations.

Setting a Precedent

- 9.2 Reference is made from objectors to setting a precedent for similar proposals. In this assessment Officers have examined the individual considerations of this site. Indeed, in principle a balcony proposal is acceptable, subject to consideration of matters such as character and appearance and privacy considerations. In this regard, approval or not of the scheme is predicated on the merits of the case at hand and not because of previous 'precedents.'
- 9.3 Officers also recall the applicant making reference to other examples of balconies in the vicinity of the site. These other examples do not form part of the applicant's submissions for consideration and as such Officers have little information in this regard. Irrespective, and similar to the above point, Officers have assessed the proposals on their merits with little room for precedent setting taking account the individualised circumstances of this site.

10 Mineral Safeguarding

10.1 Part of the site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, 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.

10.2 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.

10.3 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.

11 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

11.1 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.

Equality Act 2010

11.2 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.

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

1. *Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited.*
2. *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.*
3. *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

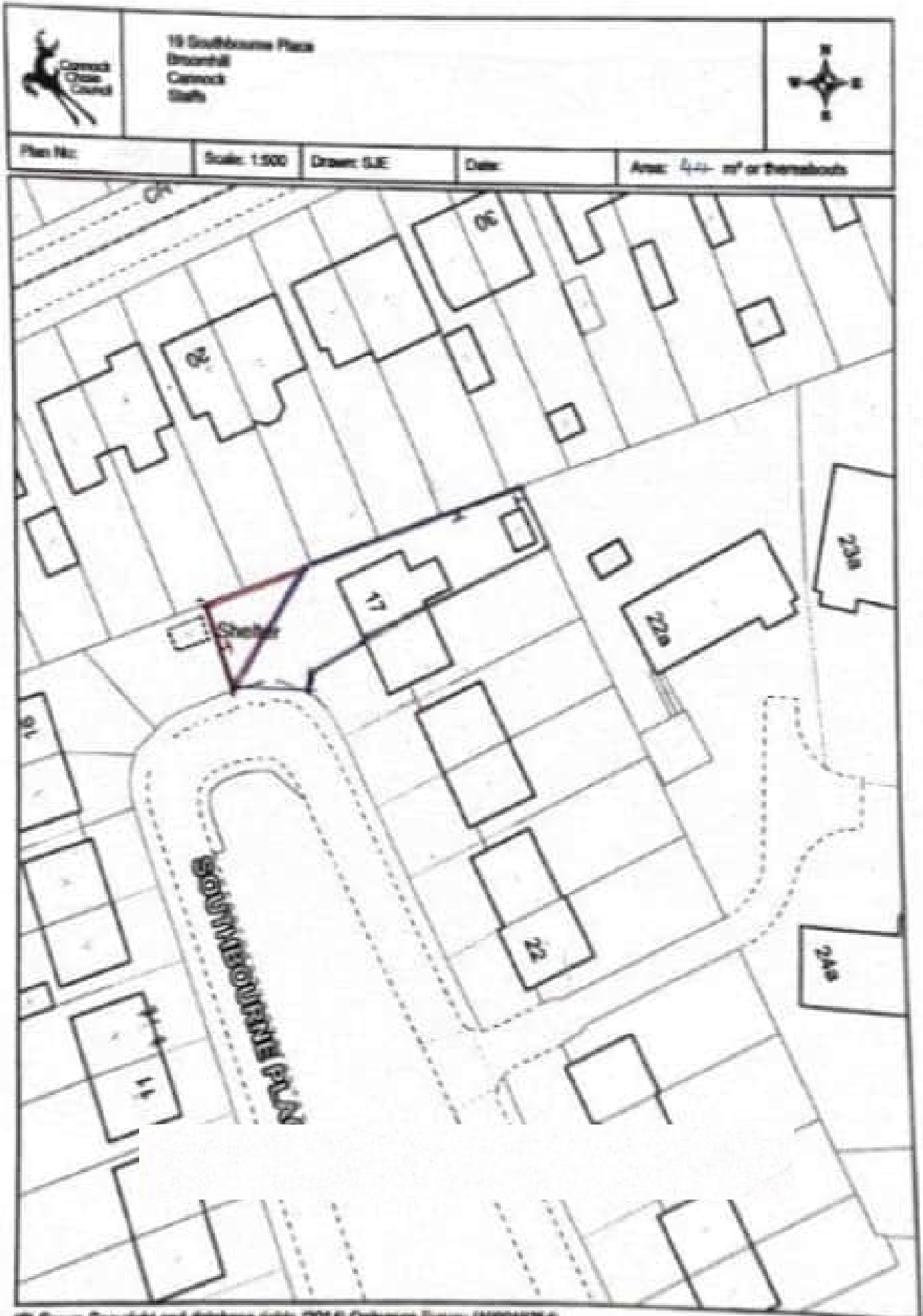
11.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

11.5 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 Equality Act.

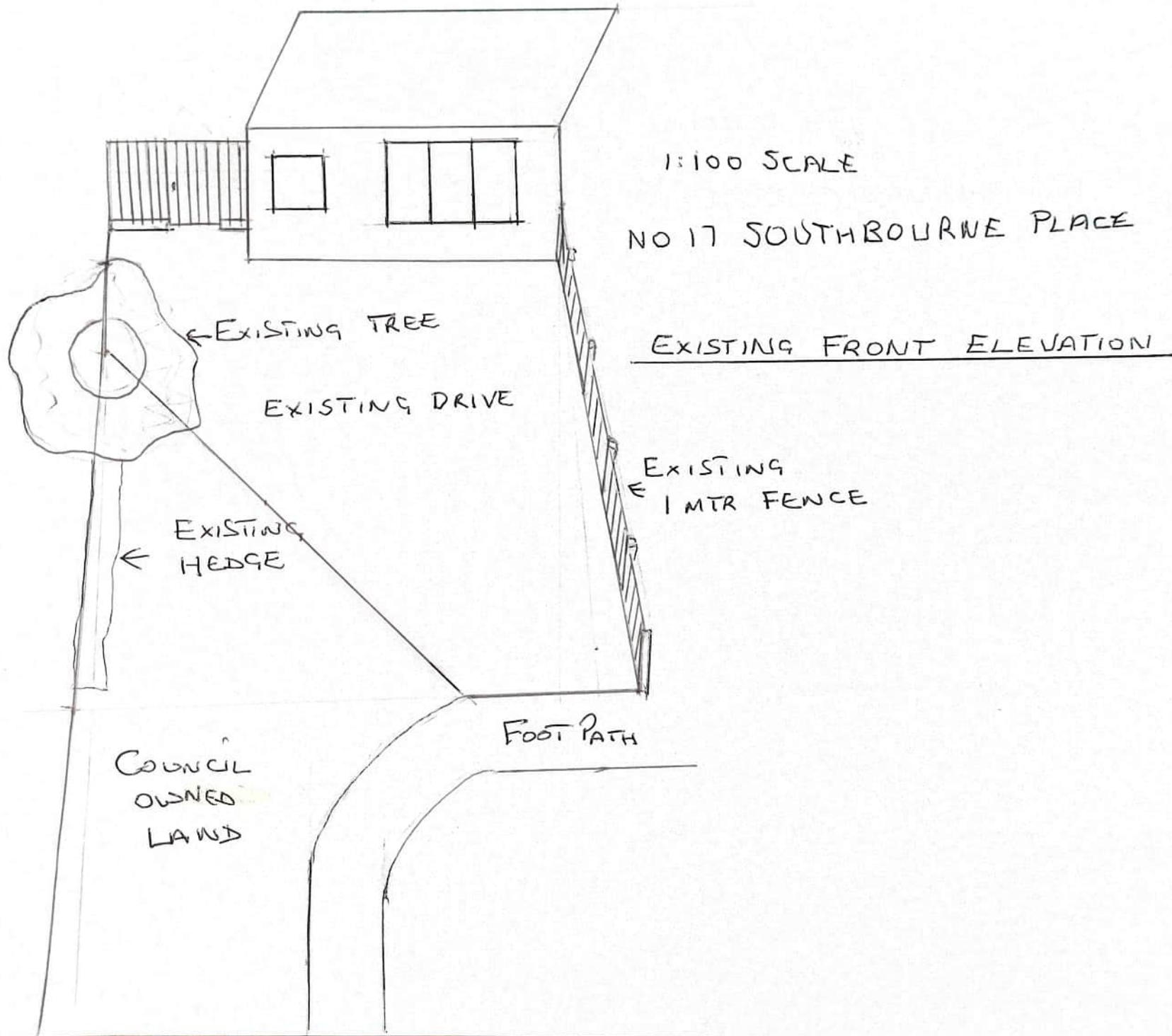
12 Conclusion

- 12.1 The application seeks retrospective planning permission for the creation of a balcony / raised platform to the rear of the existing house. As part of the current application, it is proposed to remove the trellis and replace it with a more permanent and solid composite screen of 1.8m in height.
- 12.2 Officers assess the effect of the balcony and screening proposed upon the wider character and appearance of the area is relatively minimal and as such there are no objections from Officers in this regard.
- 12.3 A range of neighbours are potentially affected by the proposals. Officers examine these neighbours in the context of relevant standards and in the context of the inclusion of the solid composite screening now proposed. For the reasons set out in this report, no substantive impacts upon the properties at Penk Drive North, the properties beyond no. 19 and no. 23 are envisaged. Officers judgement was exercised in assessing the effect of views from the balcony over the garden of No. 19. In particular whether or not this substantially differed from those views already offered by the first-floor window to the host property. In light of the evidence presented in the application, Officers adopt the view that subject to the inclusion of the permanent screening, the views over the end of the garden of No. 19 are not significantly increased from those that were already available. As such Officers adopt the view a consistent level of privacy is retained for this property.
- 12.4 For these reasons, it is considered that the balcony as proposed with the addition of the new screening, would sufficiently offset impacts on privacy to neighbouring properties in line with the requirements of Local Plan Policy CP3 and NPPF Para 130(f).



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1:100 SCALE

NO 17 SOUTHBOURNE PLACE

EXISTING FRONT ELEVATION

← EXISTING TREE

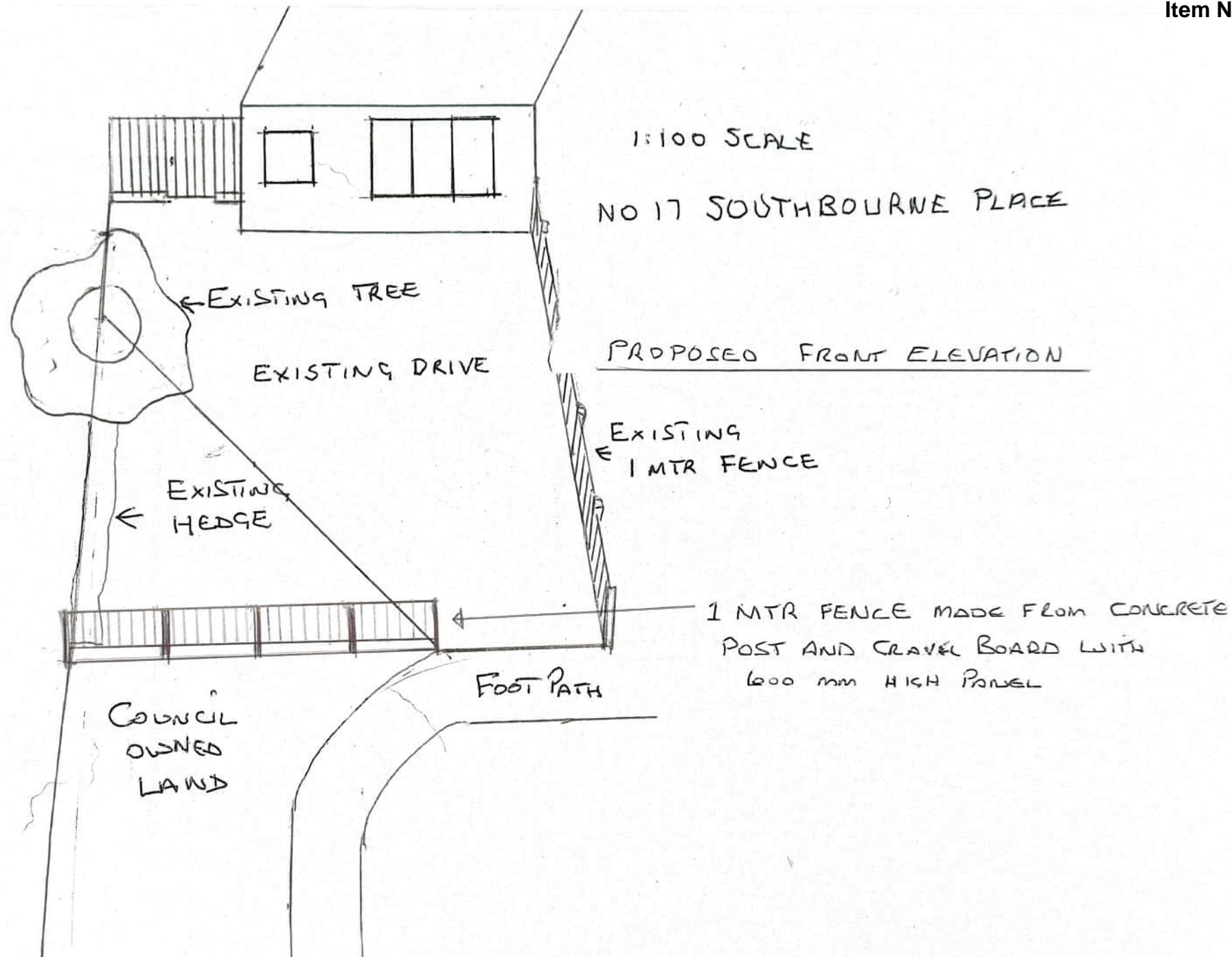
EXISTING DRIVE

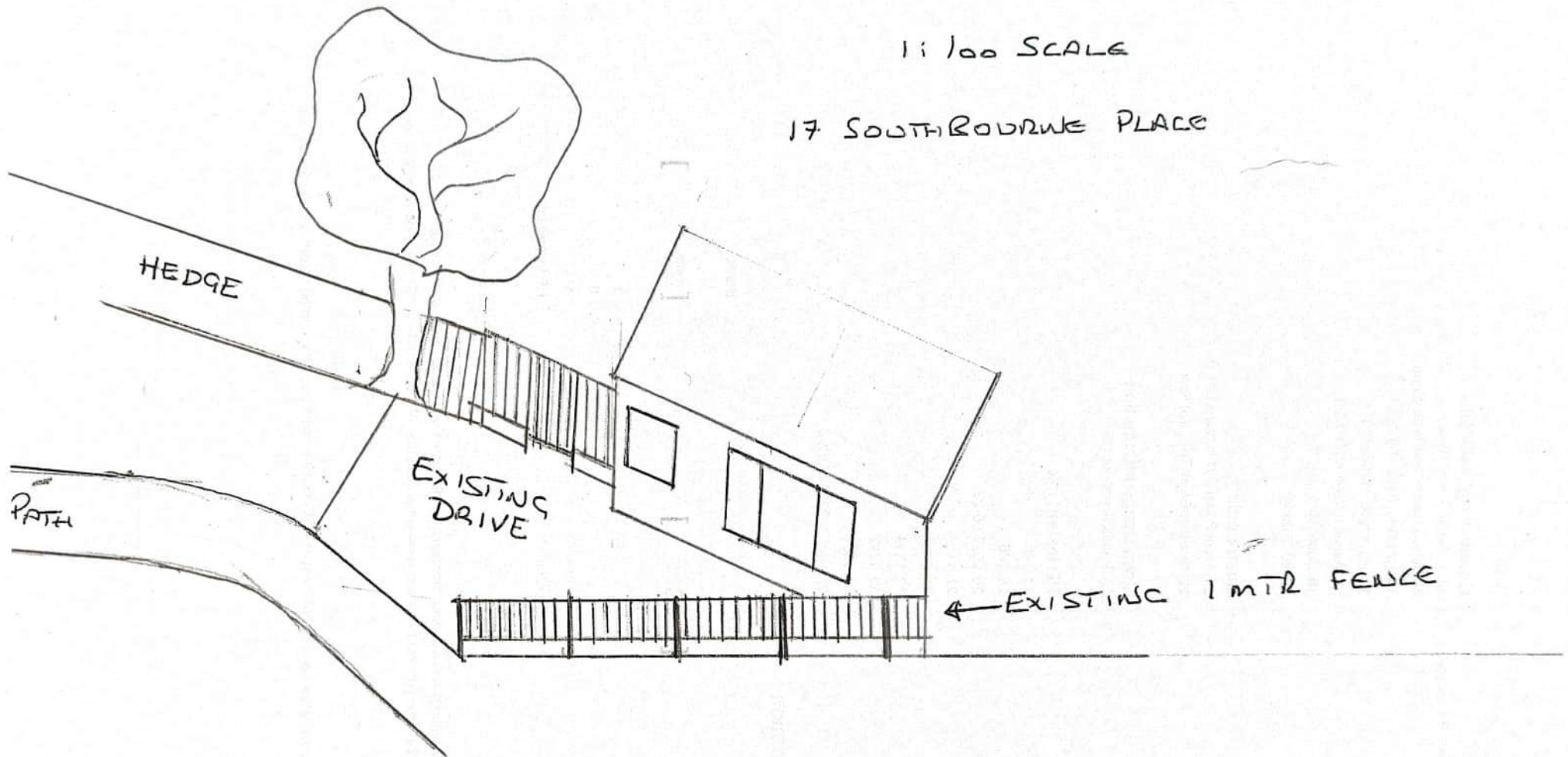
← EXISTING HEDGE

EXISTING
1 MTR FENCE

FOOT PATH

COUNCIL
OWNED
LAND

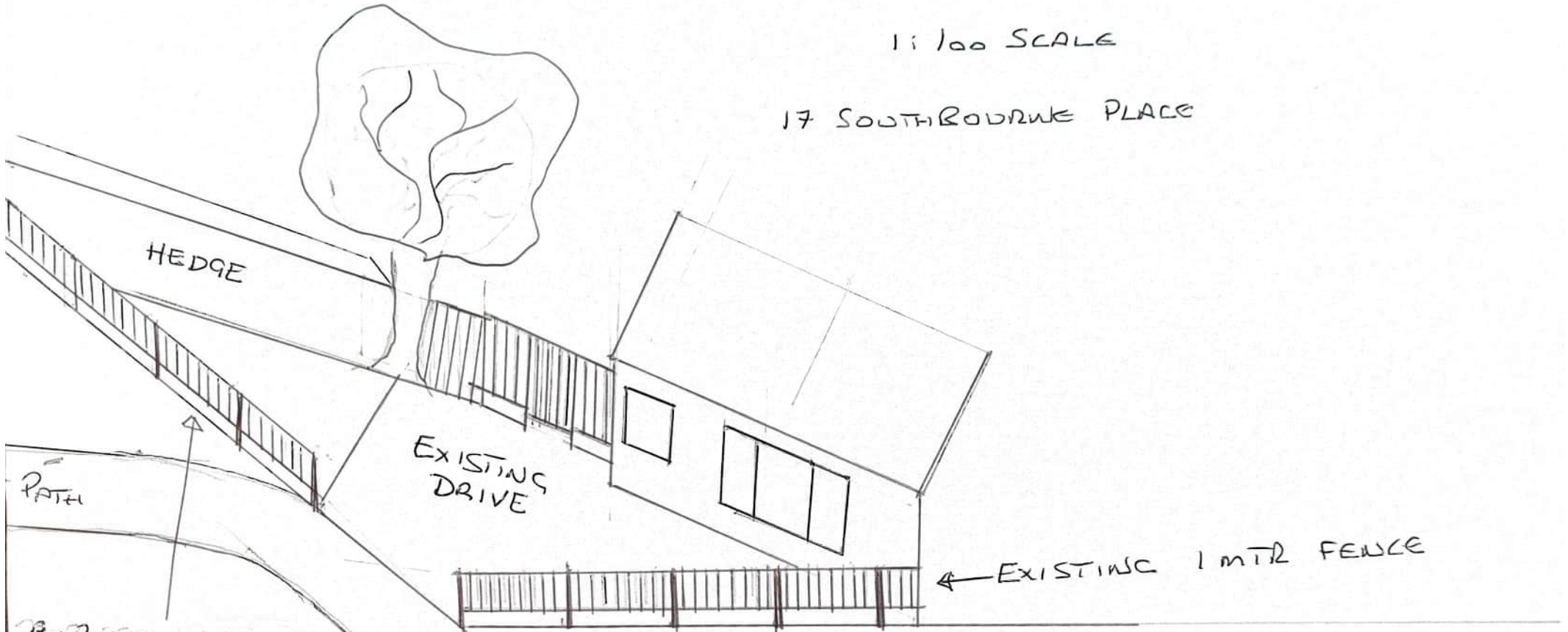




EXISTING SIDE ELEVATION

1:100 SCALE

17 SOUTH BOURNE PLACE



PROPOSED 1 MTR FENCE MADE
WITH CONCRETE POSTS
AND GRAVEL BOARDS WITH
A 600 MM FENCE PANEL

PROPOSE SIDE ELEVATION

Contact Officer:	David O'Connor
Telephone No:	(01543) 464 515

Planning Control Committee 3 May 2023
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Application No:	CH/23/0091
Received:	01 March 2023
Location:	17 Southbourne Place, Cannock, Staffordshire WS11 4SA
Parish:	N/A
Ward:	Cannock West
Description:	Change of use of land to incorporate into private garden and to construct 1m high fencing along boundary
Application Type:	Full Planning Application

Recommendation:

Approve subject to conditions.

Reasons for Recommendation:

- 1 The application seeks planning permission for the change of use of a small triangular portion of land to be used as additional residential garden to No. 17. The land is not subject to being designated open space within the adopted Local Plan Policies Map and no other policy designations or constraints of any significance apply to the land. The use as garden is consistent with the use adjacent and would have minimal effect on the character of the area or amenity of nearby residents. As such the application is considered acceptable in planning terms, complying with Local Plan Policy CP3 (design).
- 2 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.

Conditions:

1. 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.

Reason

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

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

Submitted Location Plan and indicative site imagery provided.

Reason:

In the interests of proper planning

Consultations and Publicity

Internal Consultations

Property Services – No comments received.

External Consultations

None

Response to Publicity

The application has been advertised by neighbour letter. No letters of representation have been received.

This application was subject to Call In by Councillor Pearson in order for the Planning Committee to assess the loss of green space owned by the Council.

Relevant Planning History

No relevant site history

1. Site and Surroundings

- 1.1 The application site is a small triangular parcel of land adjacent to a semi-detached bungalow, located within the urban area of Cannock.
- 1.2 The land concerned is not subject to any formal policy or open space designation within the adopted Local Plan.

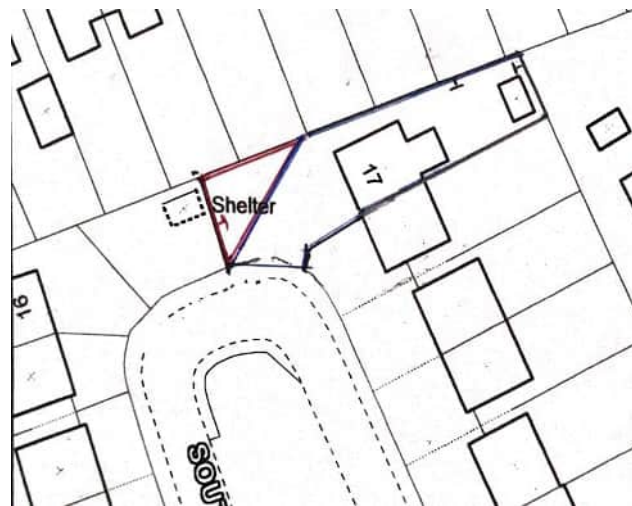


Figure 1: Extent of application site shown red as small triangle to left of image, 1m fence to be erected to left hand boundary

- 1.3 The dwelling adjacent to the site that would adjoin the land is of a brick construction with No. 17 being off white rendered and the adjacent property being brick. The dwelling is of hipped roof construction and includes a parking area for 2-3 vehicles in block paving.
- 1.4 The immediate streetscene is residential and is comprised of a mix of semi-detached bungalows. The properties within the street present some uniformity in design, some with projecting gables, and others such as No. 17, without.
- 1.5 The site is unallocated within the Local Plan. The site is within a Mineral Consultation Area (Coal Fireclay) and a Coal Authority Low Risk Area.

2. Proposal

- 2.1 The application seeks planning permission for the change of use of the triangular portion of land in Fig 1. to be used as additional residential garden to No. 17. The proposals seek to incorporate approximately claim roughly 40sq m of land into the adjacent domestic garden and erect a new 1m high boundary fence adjacent to the shelter as shown in Fig 1.
- 2.2 It is noteworthy the erection of the 1m fence in itself would not require planning permission falling within development that would automatically benefit from being deemed consent under Part 2 Class of the GPDO 2015 (as amended).

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

CP14 – Cannock Chase AONB

Relevant Policies within the Minerals Plan include:

3.2 Safeguarding Minerals

National Planning Policy Framework

- 3.3 The NPPF (2021) 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.

3.4 The NPPF (2021) 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.

3.5 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

111: Highway Safety and Capacity

126, 130, 132, 134: Achieving Well-Designed Places

218, 219 Implementation

3.6 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) Manual for Streets.

4. Determining Issues

4.1 The determining issues for the proposed development include: -

- (i) Principle of development
- (ii) Character and Appearance
- (iii) Impact on residential amenity.
- (iv) Impact on highway safety.

5. Principle of the Development

5.1 The proposal is for the change of use of land to private garden area. Whilst the erection of a 1m fence is also shown, this part of the proposals could be enacted without express permission under Part 2 Class of the GPDO 2015 (as amended).

5.2 As the site concerned is not subject to formal designation as open space or any other formal policy designations, there is no presumption against the change of use land of this type. In wider planning terms, within an urban area proposal of this type are acceptable in principle subject to other relevant policy and planning considerations. The next sections of this report will consider the proposal in light of those considerations.

6. Character and Appearance

- 6.1 The application site lies at the end of a residential cul-de-sac. A small shelter building exists in the context of the site and green area in the centre of the cul-de-sac. These are not impacted by the proposals.
- 6.2 The application proposes to extend the garden of the adjacent property to include the land concerned. No significant works, tree removals or similar are proposed as part of this process. A small amount of low fencing (1m high) to denote the boundary is proposed. Officers consider the change of use of the land would have minimal impact on the character of the street or wider quality of the area.
- 6.3 Given the above, it is therefore considered that the proposals would not cause any significant harm to the character of the location and would be in accordance with Policy CP3 of the Local Plan and the relevant paragraphs of the NPPF.

7. Impact on Residential Amenity

- 7.1 The site area is located to the front of properties on Southborne Place and to the rear of properties on Westborne Ave. No substantive changes to the land are proposed that would reasonably affect other properties and simply, the existing garden use, would be expanded into the land concerned.
- 7.2 It is therefore considered that the proposals do not cause any significant harm to the level of amenity and privacy enjoyed by existing neighbours in accordance with Policy CP3 and the Local Plan and the relevant paragraphs of the NPPF.

8. Impact on Highway Safety

- 8.1 Paragraph 111 of 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.
- 8.2 There are considered to be no highway implications as a consequence of the proposals.

9. Mineral Safeguarding

- 9.1 Part of the site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, 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.
- 9.2 Policy 3.2 of the Minerals Local Plan states that:

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- 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.

9.3 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.

10. Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

10.1 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.

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10.2 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.

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

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- (ii) *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.*
- (iii) *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

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

10.5 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 Equality Act.

11. Conclusion

11.1 The application seeks planning permission for the change of use of the triangular portion of land in Fig 1. to be used as additional residential garden to No. 17. The land is not subject to being designated open space within the adopted Local Plan Policies Map and no other policy designations or constraints of any significance apply to the land. The use as garden is consistent with the use adjacent and would have minimal effect on the character of the area or amenity of nearby residents. As such the application is considered acceptable in planning terms, complying with Local Plan Policy CP3 (design).