

# Delegated Report for P/2022/00221

<b>Application Number</b>	P/2022/00221	
<b>Planning Officer</b>	James Mattley	
<b>Application Type</b>	Householder	
<b>Site Address</b>	23 Wentworth Place Rocester Staffordshire ST14 5ND	
<b>Proposal</b>	Erection of a detached garden room, a cantilevered balcony and decked area to garden (REVISED SCHEME)	
<b>Expiry Dates</b>	<b>Weekly List</b>	28/03/2022
	<b>Neighbours</b>	27/03/2022
	<b>Consultations</b>	27/03/2022
	<b>Site Notice</b>	29/03/2022
	<b>Newspaper Advert</b>	01/04/2022
<b>Application not Determined within Statutory Time Period - Reason</b>	N/A	
<b>Environmental Assessment</b>	<b>Screening opinion undertaken</b>	N/A
	<b>Schedule 1 or 2</b>	No
	<b>EIA Required</b>	No
<b>Relevant Planning Policies/Guidance</b>	<b>Government Documents</b>	The National Planning Policy Framework The National Planning Practice Guidance
	<b>Local Plan Policies</b>	Adopted East Staffordshire Local Plan Policies SP1, SP8, SP24, SP25, SP27, SP29, SP35, DP1, DP3 and DP5
	<b>Supplementary Planning Documents</b>	Paragraphs 1.3.76 to 1.3.81 of the East Staffordshire Design Guide. Separation Distances and Amenity Supplementary Planning Document Highway Authority Standing Advice
	<b>Other Policies/Guidance</b>	Neighbourhood Plan
<b>Relevant History</b>	<p><b>P/2013/00429</b> – Outline application for up to 18 dwellings – Granted 13/10/2016</p> <p><b>P/2016/01513</b> – Reserved Matters for 16 dwellings (including details of access, landscaping, scale and layout – Granted 07/04/2017 (NB. Cond 17 removed permitted development rights for outbuilding and Cond 21 removed permitted development rights for gates, walls, fences or other means of enclosure)</p> <p><b>P/2018/01166</b> - Substitution of house type on Plot 13 (PD Rights for gates walls and fences or other means of enclosure again removed) – Granted 18/12/2018</p> <p><b>P/2019/01154</b> – Discharge of Cond 12 of P/2018/01166 relating to substitution of housetype on Plot 13 (No. 23 Wentworth Place)</p> <p><b>P/2021/00429</b> - Erection of a detached garden room, a cantilevered balcony and decked area to garden - Granted 19/10/2021.</p>	
<b>Consultation Responses</b>	<p>East Staffs BC Conservation Officer – No comments received.</p> <p>Staffs CC Archaeology – No objection.</p>	

	<p>Staffs CC Ecology Officer – No objection.</p> <p>Environment Agency – No comments received.</p>
<b>Parish Council</b>	<b><u>Parish Council</u></b> – no representations received within statutory consultation period
<b>Neighbour Responses</b>	<b><u>Neighbours</u></b> – no representations received within statutory consultation period
<b>Human Rights Act Considerations</b>	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 issues have been taken into account in the determination of this application.
<b>Crime and Disorder Implications</b>	It is considered that the proposal does not raise any crime and disorder implications.
<b>Equalities Act 2010</b>	Due regard, where relevant, has been given to the East Staffordshire Borough Council’s equality duty as contained within the Equalities Act 2010.
<b>Planning Officer’s Assessment</b>	<p><b>Site Description</b></p> <p>The application property is located at the end of a short cul de sac of houses off Dove Lane in the town of Rocester. The property itself is a larger detached house with gardens to both the south and east. Immediately to the east is a leat (small river channel) which forms part of the wider River Dove, which runs through the village. This land forms part of the flood plain (Flood Zone 3) but is at a lower level than the application property, which lies in Flood Zone 1</p> <p>The character of the area comprises a modern two-storey housing development on the edge of the settlement of Rocester, and backing onto the River Dove. The application property lies outside of the Rocester Conservation Area, which abuts the southern boundary to the site. A number of Listed Buildings lie further to the south.</p> <p>The rear garden cannot be viewed from any public areas close by. However there is a Public Right of Way running along the east Bank of the River Dove, which allows distant views of the proposed site. Informal access to land within the Rover Dove flood plain is available, which is claoser to the site</p> <p>The boundary treatment comprises a railing fence, with a natural planted bank (containing native marginal plants) falling away and dropping by around 2.0m, compared to the height of the application property.</p> <p>The site lies outside settlement boundaries as defined in the adopted Local Plan</p> <p><b>Proposals</b></p> <p>This is a householder application which seeks to amend a recently approved scheme as follows:</p> <p><u>Approved Scheme - P/2021/00429</u></p> <p>The construction of a cantilevered deck projecting some 1.8 metres over the bank of the leat in the River Dove flood plain. It runs the whole length of the eastern boundary of the application property. The deck will be supported on steels laid below the existing garden and anchored to concrete pads, with 1.1m high timber balustrade erected along outer line of the deck to match that of the existing boundary fence which is to be removed. An additional wooden deck will be placed over part of existing lawn next to the projecting deck.</p> <p>The construction of a wooden outbuilding in the southern part of the garden. This has</p>

been re-positioned at the request of East Staff BC's Conservation Officer, so that it no longer is placed on the projecting deck. The proposed outbuilding will have a floor area measuring 4m x 3m and a maximum height of 2.2m. It has been designed in a contemporary style with a flat roof (with a slight fall for rainwater run-off), which then projects a further 1.0m to create a canopy. It will be constructed in vertical timber boarding with grey powder coated glazed doors and a grey powder coated metal roof.

#### Amended Scheme – Current Proposal.

- The canopy on the proposed garden room is extended to the side of the building facing the river and a new glazed double door is inserted in this elevation.
- LED lighting is proposed to be fitted to the balcony and the outbuilding – 15 LED outdoor deck lights inserted in the floor of the balcony closest to the river/14 LED wall lights on the inner edge of the balcony and 2 PIR motion sensor security lights fitted to the elevation of the outbuilding facing northwards towards the house.

#### **ASSESSMENT**

The main considerations in the determination of this householder application are:

- principle of development
- the impacts on visual and residential amenities,
- flood risk implications
- impacts on heritage assets
- ecological implications.

Having regard to these considerations the following local and national policies are relevant:-

East Staffordshire Local Plan Policy SP1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity or causing highway safety issues. Another principle is that proposals are designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping.

Policy SP24 of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identify through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development. Policy DP3 requires householder extensions to have no materially adverse effects on neighbouring properties through issues including overlooking, loss of light to principal windows or private amenity space or create an overbearing impact. The Local Plan policies are supplemented by the East Staffordshire Design Guide and the NPPF (in paragraph 130) indicated that developments should have due regard to the future amenities of residents.

Policies SP1 and SP35 of the East Staffordshire Local Plan relate to accessibility and sustainable transport, this is supplemented by the Parking Standards Supplementary Planning Document. Policy SP27 deals with the issue of flood risk

#### **PRINCIPLE OF DEVELOPMENT**

As a domestic extension proposal it is considered that in principle the scheme comprises 'other acceptable development' outside settlement limits as defined by Policy SP8 of the Local Plan (subject to meeting the other criteria of that policy and Policy DP3).

The proposal involves development within the cartilage of an existing residential property. As such householder development proposals are considered to be acceptable in such a location.

#### **IMPACTS ON VISUAL & RESIDENTIAL AMENITIES**

The proposal will not adversely affect the character and appearance of this locality or residential amenities for the following reasons:

- its scale, design and materials are sympathetic to the existing building and its surroundings;
- it is well-screened from public vantage points;
- it is sufficient distance away from neighbouring properties so as not to have a significant adverse impact on their occupiers by way of loss of privacy, or by being overbearing or overshadowing;
- there will be no overlooking of the neighbouring property.

### **IMPACT ON HERITAGE ASSETS**

Section 16 of the National Planning Policy Framework states that proposals should not pose significant harm to any heritage asset and should aim to preserve or enhance the asset by way of sensitive and appropriate design. Policy DP5 of the Local Plan states that development which protects the character and setting of listed buildings and conservation areas will be permitted. Strategic Policy 25 of the Local Plan indicates amongst other things that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated and designated assets including conservation areas, listed buildings, scheduled monuments, archaeological sites, registered parks and gardens and historic landscapes which contribute to the Borough's historic environment and local distinctiveness.

The proposal forms part of a larger housing development (Wentworth Place) which partly lies within the Rocester Conservation Area.

The previous application was recommended for approval when amended plans were submitted moving the outbuilding off the balcony to reduce its prominence when viewed from locations outside of the site in order to address the concerns of the ESBC Conservation Officer. The alterations proposed as part of the current scheme are not considered to change the previous conclusions reached by the ESBC Conservation Officer.

Staffordshire CC Historic Environment Team (Archaeology) commented on the previous application (P/2021/00429) as follows:

*I have reviewed the proposals against the information held by the Staffordshire Historic Environment Record (HER), including the Rocester Extensive Urban Survey (HUCA 6: Tutbury Mill and West View), and whilst there is some clear archaeological interest and potential in the area (the application site is located within the boundaries of Rocester Roman fort and vicus, albeit not in the scheduled part of this) given the developmental history of the proposals site, which later was located within the mill pond associated with Tutbury Mill, Richard Arkwright's cotton mill further to the south, the groundworks carried out in preparing this part of Eyes Farm for development, which was archaeologically evaluated at the time, I do not wish to raise any archaeological issues with the proposals.*

Therefore there are no objections on heritage grounds to this proposal.

### **ECOLOGY**

Staffordshire CC Ecology commented on the previous application (P/2021/00429) as follows:

*The application is for a cantilevered balcony to extend a garden space over the bank of a leat connected to the River Dove. The leat is likely to be used by otter, birds and bats as a commuting or feeding area and as such must be left undisturbed by lighting and gardening activity (area shown edged green below). Aerial photographs show natural vegetation to the edges of the leat, which must be retained.*

	<p>Conditions were recommended to prevent the existing vegetation in The Leat from being cut down (apart from small areas where the steel supports are dug into the bank), lighting of the structure unless agreed in writing, and to prevent any works during the bird nesting season (March to end Aug).</p> <p>The current proposal involves the provision of 29 floor mounted uplights being installed in the balcony and 2 security motion sensor wall lights to the elevation of the outbuilding facing towards the house. These are as per the details agreed under a previous discharge of condition application and the County Ecologist has confirmed that the details are acceptable.</p> <p><b>FLOOD RISK</b></p> <p>The proposed deck will be at the same level as the existing garden, which is just outside of Flood Zone 3. The proposed deck will project over land within Flood Zone 3 but as it will be supported on relatively thin steel supports, and as such flood water running along The Leat, will not be affected.</p>
<b>Planning Officer's response to Parish Council</b>	N/A
<b>Conclusion (including Signature &amp; date)</b>	<p><b>Conclusion</b></p> <p>The amended proposal is for some minor changes to a previously approved scheme (P/2021/00429), which are considered to be acceptable.</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, SP8, SP24, SP25, SP29 DP1, DP3 and DP5, the Separation Distances and Amenity SPD, the East Staffordshire Design Guide, and the National Planning Policy Framework.</p> <p><i>James Mattley</i></p> <p>13 April 2022</p>
<b>Engagement</b>	<p><b>003a: Engagement</b></p> <p>The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which 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 secured 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>
<b>Section 106 required?</b>	No
<b>Recommended condition(s)</b>	<p><b>Condition 1: Time Limit - 3Yr Standard</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <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.</p> <p><b>Condition 2: Approved Plans</b></p> <p>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:</p> <p>- Dwg No. 2016-2182-136 – Garden Room Plans and Elevations - Received 22/02/2022</p>

- Dwg No. 2016-2182-137 – Site Plans and Sections - Received 22/02/2022
- Dwg No. 2016-2182-138 – Location and Block Plan - Received 22/02/2022
- Dwg No. 2016-2192-139 – Existing Site Plan - Received 22/02/2022
- Heritage Impact Assessment Received 22/02/2022
- Auraglow Deep Recessed IP67 Round Outdoor Deck Light - Received 22/02/2022
- Auraglow PIR Motion Sensor Up and Down Outdoor Security Light – Warminster Stainless Steel - Received 22/02/2022

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality/heritage assets, 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, SP8, SP24, SP25, SP27, SP29, SP35 and DP1, DP3 and DP5, Separation Distances and Amenity Supplementary Planning Document, the East Staffordshire Design Guide and the National Planning Policy Framework.

**Special Ecological Conditions**

**Condition 3 – Lighting.**

The lighting hereby approved shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interest of the ecology of the bank and adjoining Leat and in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**Condition 4**

The natural vegetation on the bank leading down to the Leat below the proposed balcony and garden room, shall not be cut back, maintained or an additional planting take place on this bank. An annual strim or scythe cut may be permitted in the autumn and any cuttings should be raked off and removed.

Reason: In the interest of the ecology of the bank and adjoining Leat and in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**Condition 5**

All installation works shall be undertaken outside of bird nesting season (1<sup>st</sup> March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.

Reason: In the interest of the ecology of the bank and adjoining Leat, and to prevent damage to any bird's nests that may be present, which are protected by the Wildlife and Countryside Act and in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**Recommended informative(s)**

**Engagement**

The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which 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 secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph

	<p>38 of the National Planning Policy Framework.</p> <p><b>Ecological Responsibilities</b>  The applicants are advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.</p>	
<p><b>Draft Decision Notice checked by Planning Officer or Team Leader</b></p>	<p><i>Alan Harvey</i></p> <p>13.4.2022.</p>	
<p><b>Team Leader Comments</b></p>		