

Planning Committee

7 March 2022

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

Report of Chief Executive

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

All documents and correspondence referred to within the report as History, Consultations and Letters of Representation, those items listed as 'OTHER BACKGROUND DOCUMENTS' together with the application itself comprise background papers for the purposes of the Local Government (Access to Information) Act, 1985.

Other consultations and representations related to items on the Agenda which are received after its compilation (and received up to 5 p.m. on the Friday preceding the meeting) will be included in a Supplementary Report to be available at the Committee meeting. Any items received on the day of the meeting will be brought to the Committee's attention. These will also be background papers for the purposes of the Act.

FORMAT OF REPORT

Please note that in the reports which follow

- 1 'Planning Policy' referred to are the most directly relevant Development Plan Policies in each case. The Development Plan comprises the Lichfield District Local Plan Strategy 2008-2029 (2015), Lichfield District Local Plan Allocations 2008-2029 (2019), any adopted Neighbourhood Plan for the relevant area, the Minerals Local Plan for Staffordshire 2015-2030 (2017) and the Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026 (2013).
- 2 The responses of Parish/Town/City Councils consultees, neighbours etc. are summarised to highlight the key issues raised. Full responses are available on the relevant file and can be inspected on request.
- 3 Planning histories of the sites in question quote only items of relevance to the application in hand.

ITEM 'A' Applications for determination by Committee - **FULL REPORT**

ITEM 'B' Lichfield District Council applications, applications on Council owned land (if any) and any items submitted by Members or Officers of the Council.

ITEM 'C' Applications for determination by the County Council on which observations are required (if any); consultations received from neighbouring Local Authorities on which observations are required (if any); and/or consultations submitted in relation to Crown applications in accordance with the Planning Practice Guidance on which observations are required (if any).

AGENDA ITEM NO. 4

ITEM B

LICHFIELD DISTRICT COUNCIL APPLICATIONS, APPLICATIONS ON COUNCIL OWNED LAND AND ANY ITEMS SUBMITTED BY MEMBERS OR OFFICERS OF THE COUNCIL

CONTENTS

Case No.	Site Address	Parish/Town Council
21/01396/FUH	16 Spring Lane Whittington	Whittington And Fisherwick

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

21/01396/FUH
16 Spring Lane
Whittington
Lichfield

Scale: 1:1,000

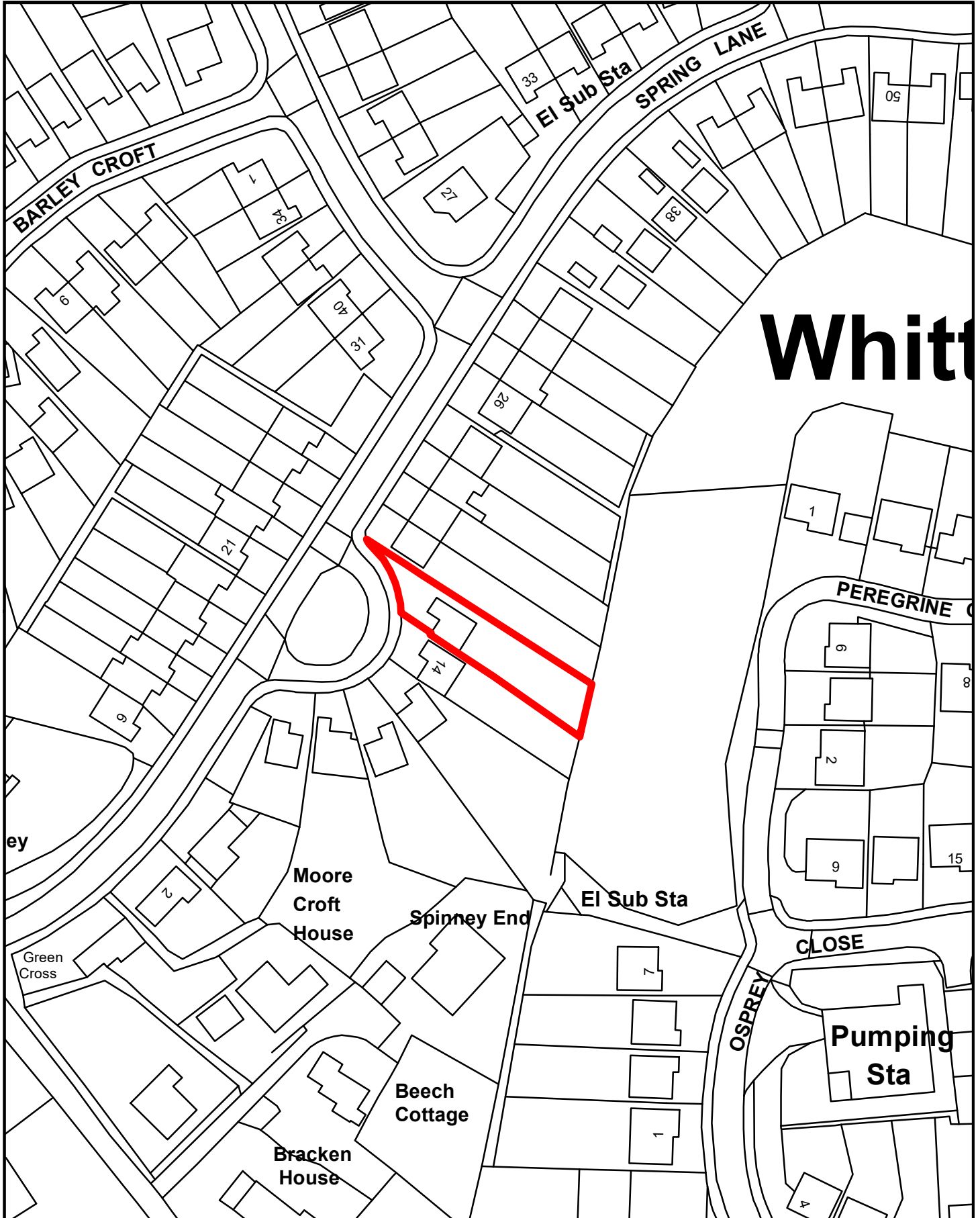
Dated: February 2022

Drawn By:

Drawing No:



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21/01396/FUH

**ERECTION OF A FIRST FLOOR EXTENSION OVER EXISTING KITCHEN TO REAR AND GARAGE TO FRONT TO FORM LARGER BEDROOMS PLUS GENERAL FAÇADE CHANGES
16 SPRING LANE, WHITTINGTON, LICHFIELD, WS14 9LX**

FOR MR AND MRS S WHITE

Registered **30/07/2021**

Parish: Whittington and Fisherwick

Note: This application is being reported to the Planning Committee due to the applicant being the spouse of an employee of Lichfield District Council.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The development hereby permitted shall be constructed in accordance with the materials which are indicated on the approved plans and Section 5 of the application form submitted on the 30/07/2021. The approved materials shall be retained as such thereafter.
4. Within one month of completion, 1 No. Bat and 1 No. Bird box shall be installed within the site. The bat/ bird boxes shall thereafter be retained as such for the life of the development.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, NR3 and BE1 of the Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Whittington and Fisherwick Neighbourhood Plan and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.
4. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Whittington and Fisherwick Neighbourhood Plan (2018).
 2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
 3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
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PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Policy BE1 - High Quality Development
Policy CP2 - Presumption in Favour of Sustainable
Policy CP3 - Delivering Sustainable Development
Policy NR2 - Development in the Green Belt
Policy NR3 - Biodiversity, Protected Species & their habitats
Policy NR7 - Cannock Chase SAC
Policy ST2 - Parking Provision

Supplementary Planning Document

Sustainable Design SPD
Biodiversity and Development SPD

Whittington & Fisherwick Neighbourhood Plan

D1- Design of New Development
D2- Reflecting Local Character and Design in new Development
Policy NE&L 2: Biodiversity and Habitats

Emerging Lichfield District Local Plan 2040

The emerging Lichfield District Local Plan 2040 has recently completed its Regulation 19 public consultation stage (August 2021) and is awaiting final updating and submission to the Secretary of State for the Department for Communities and Local Government for appointment of an independent Planning Inspector to undertake a public examination of the draft Local Plan. At this stage limited weight is given to the draft Emerging Local Plan Policies.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

CONSULTATIONS

Whittington and Fisherwick Parish Council - Updated Comments- No Objections were raised. The modifications proposed are to be welcomed and hopefully may go some way to mitigating some of the concerns raised by neighbouring occupiers. A daylight assessment may help to alleviate concerns of the neighbouring occupiers. (30 January 2022)

Initial- As the proposals follow well established precedents (a significant number of broadly similar built examples already exist in the area) they can be regarded as uncontroversial and hence suitable for acceptance. The modifications proposed are to be welcomed and hopefully may go some way to mitigating some of the concerns outlined above. We would however suggest that it may be advantageous at this point to ask the applicants and their professional advisers to submit detailed sun path diagrams to accurately model the nature and extent of overshadowing. (20 August 2021)

LETTERS OF REPRESENTATION

Two letters of objection have been received from neighbouring occupiers relating to the original scheme. These objections are available to view on the Council website. They are summarised below –

- Reduced levels of light into the property due to layout of existing dwellings
- Loss of light into kitchen, living room and spare bedroom
- Light levels in gardens will be affected
- The scale of the proposals would be unacceptable in relation to surrounding dwelling houses
- Development not in keeping with other properties in the area

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Location Plan, 401-90 dated as received 30th July 2021

Block Plan, 401-91 dated as received 30th July 2021

Proposed Elevations and Plans 401-200 B dated as received 24th January 2022

OBSERVATIONS

Site and Location

This application relates to a detached dwelling, located in a residential area. The property has brick elevations with a gable roof over. Surrounding properties are of a similar scale and design and are finished in a variety of materials. There are various examples of extensions visible to neighbouring dwellings. The properties in the immediate area are set in a crescent shape around a grassed area to the west meaning that the properties do not have a strong defined building line to the front or rear. The application property benefits from a large driveway to the frontage.

The application site is located within the settlement boundary of Whittington as set out in the Local Plan.

Proposals

This application seeks permission for the erection of a first floor extension to the front above the existing flat roof garage and a first floor extension to the rear on top of an existing flat roof extension.

The proposed front extension would have a pitched gable roof, and would be finished in brick, tiles and render. It would have a pitched roof that would be significantly lower than the height of the host dwelling. A window would be placed in the front elevation. Internally, a larger 3rd bedroom would be provided.

The proposed first floor rear extension would be located above an existing flat roof extension. It would be finished in brick, tiles, and render. Windows would be placed in the rear elevation with Juliet style balconies. The design of the roof over the extension has been revised during the course of the application and would be hipped and set at a lower than the height of the host dwelling. Internally, an additional bedroom and larger master bedroom would be provided.

Determining Issues

1. Policy & Principle of Development
2. Design and Layout
3. Residential Amenity
4. Impact on Ecology
5. Access and Highway Safety
6. Human Rights

1. Policy & Principle of Development

- 1.1. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Whittington and Fisherwick Neighbourhood Plan was also made in April 2018 and as such, also carries full material weight.
- 1.2. The NPPF sets out a presumption in favour of sustainable development that is supported in Core Policy 2 of the Local Plan Strategy. Paragraph 11 of the NPPF states that "*Plans and decisions should apply a presumption in favour of sustainable development*" and that, for decision making, this means "*approving development proposals that accord with an up-to-date development plan without delay*".
- 1.3. The site is within the defined settlement boundary for the village of Whittington and the proposals would relate to residential development to an existing dwelling house. In principle, the proposal is considered to be acceptable in terms of the policies set out in the Local and Neighbourhood Plan.

2. Design and Impact upon the Character and Appearance of the Surrounding Area

- 2.1. Core Policy 3 states that development should: "*protect and enhance the character and distinctiveness of Lichfield District*"; "*be of a scale and nature appropriate to its locality*" and "*encourage the re-use of previously developed land*". Policy BE1 of The Lichfield Local Plan Strategy requires that all development including residential extensions carefully respects the existing built vernacular with regard to scale, layout and architectural design.
- 2.2. Policy D1 of the Whittington and Fisherwick Neighbourhood Plan sets out design criteria for new development, including taking into consideration existing development patterns and taking advantage of the local topography, landscape and water features, trees and plants, wildlife habitats, existing buildings, site orientation and microclimate. This policy also requires the use materials appropriate to the development's context.
- 2.3. Policy D2 states that the design, layout and density of new development should reflect the rural nature of Whittington and Fisherwick through an environmentally sustainable and sympathetic approach which reflects the historic character of the village. The design approach should seek to improve the local environment by actively promoting high quality design of

buildings, use of high quality materials, hard and soft landscaping and associated communal spaces.

- 2.4. The proposed development seeks to modernise an existing residential dwelling and will include design features of the existing dwelling alongside additional modern elements. The proposed development amends the existing flat roof projections to the front and rear of the dwelling. Both extensions would be of an acceptable level of design and would not create incongruous features in the immediate and wider area. The property is set back from the road, and the development would not have an adverse impact on the character of the streetscene. Other properties in the area have added small gable features to the front of the dwellings and are of a similar design to what is proposed at the application site.
- 2.5. The proposed roof of the two storey extension to the front adopts the same gable design as the roof of the main house, with a lower ridge height. The proposed roof to the rear extension has been amended to reduce the bulk and scale, again with a lower ridge height, thus ensuring the newly proposed extensions are both subservient to and in keeping with the character and appearance of the original dwelling. The use of render would ensure that the applicant does not have any difficulty finding a brick that would match, ensuring that the scheme does not have an adverse impact on the character of the property or the wider area. As stated above, the area is characterised by dwellings with differing material types including render. The proposals have a good quality visual presentation that is considered to meet the design requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy and Policies D1 and D2 of the Whittington and Fisherwick Neighbourhood Plan.

3. Residential Amenity

- 3.1. Core Policy 3 of the Lichfield Local Plan Strategy states that development should “*protect the amenity of our residents*”.
- 3.2. The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. This includes the recommended distance between windows serving principal habitable rooms and recommended distance between existing and proposed development. The SPD further recommends minimum standards for amenity space based upon the number of bedrooms in a dwelling.
- 3.3. The proposed development does not conflict with guidance relating to principal windows within the SPD as all new principal windows would replicate the view from the host dwelling and would not bring the windows significantly closer to the windows of the neighbouring properties. The windows in the front elevation would look out onto the public realm and the windows in the rear elevation would look out towards a wooded area. The proposed Juliet balconies to the rear elevation would not have any external standing room.
- 3.4. Objections have been raised from neighbouring properties with regards to loss of light, and also the creation of an overbearing impact. The application property is already set significantly back from the adjacent property No.18 Spring Lane. The 45 Degree Guideline to No.18 is significantly breached by the application property. Taking into consideration the relationship between the application property and No.18, it is not considered that the proposal would result in any unacceptable loss of light or overbearing impact. No.14 Spring Lane is set back from the application property and as such the impacts on light and outlook would be acceptable. It is noted that the 45 Degree Guideline would be met with respect to No.14 Spring Lane.
- 3.5. The proposed extension would be built approximately 10 metres from the rear elevation of the neighbouring property to the north and the proposed extension would have a limited projection, only building above the existing footprint of the building. As stated above, it is accepted that the host property already experiences loss of light from the host dwelling, but this scheme needs to be assessed on any additional impact it would create.

- 3.6. In order to limit the impact of the proposed rear extension on the neighbouring properties, the applicant has amended the scheme to hip the roof and to lower the ridge line to reduce the bulk and massing of the extension. These amendments combined with the distance to the rear elevation of the property to the north would ensure that the development would not significantly worsen the existing situation to a degree where the development is worthy of refusal. As stated above, the host dwelling already leads to a loss of light and overshadowing on the rear elevation and rear garden of No.18 Spring Lane, but it is considered that due to the above, the scheme would not exacerbate the existing situation. The Parish Council have suggested that a daylight assessment may help to alleviate concerns of the neighbouring properties, but given the layout of the site, the separation distances involved, and the scale of the development, this is not considered to be necessary.
- 3.7. The amount of amenity space will not be altered as the works will be built upon the existing footprint of the dwelling. As such the proposed development is considered to retain sufficient amenity space to meet the needs of occupiers.
- 3.8. The proposals are considered acceptable within regard to residential amenity and accord with the aforementioned policies.
4. Impact on Ecology
 - 4.1. Policy NR3 of the Local Plan Strategy states that development will only be permitted where it *“Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings”*. It further requires that all development deliver a net gain for biodiversity.
 - 4.2. In with Policy NR2 of the adopted Local Plan, a condition will be placed on any permission to ensure that a bat/bird box is installed on site to secure biodiversity net gains for both bats and birds have been included in this recommendation.
5. Access and Highway Safety
 - 5.1. No alterations are proposed to the existing vehicular access. The guidance within Policy ST2 and the Sustainable Design SPD focus upon parking provision in relation to the number of bedrooms at a dwelling. This application results in a net increase in one bedrooms. A substandard garage will also be shortened internally. The site is considered to retain sufficient space for the private parking of 2no vehicles which is in accordance with the maximum requirements of the SPD for 4no bedroom dwellings. The development is therefore considered to have sufficient private parking provision.
6. Human Rights
 - 6.1. The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual’s rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.

The proposed development has been amended during the course of the application and as a result complies with the objectives of adopted planning policies which seek to protect the character of the surrounding locality and ensures that the existing residential amenities of the neighbouring occupiers are not compromised.

Consequently, it is recommended that this application be approved, subject to conditions, as set out above.