

Planning Committee

5 December 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).

ITEM B

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

5 December 2022

CONTENTS

Case No.	Site Address	Parish/Town Council
22/01440/FUH	18 Woodfields Drive Lichfield	Lichfield

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

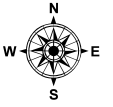
22/01440/FUH
18 Woodfields Drive
Lichfield
WS14 9HH

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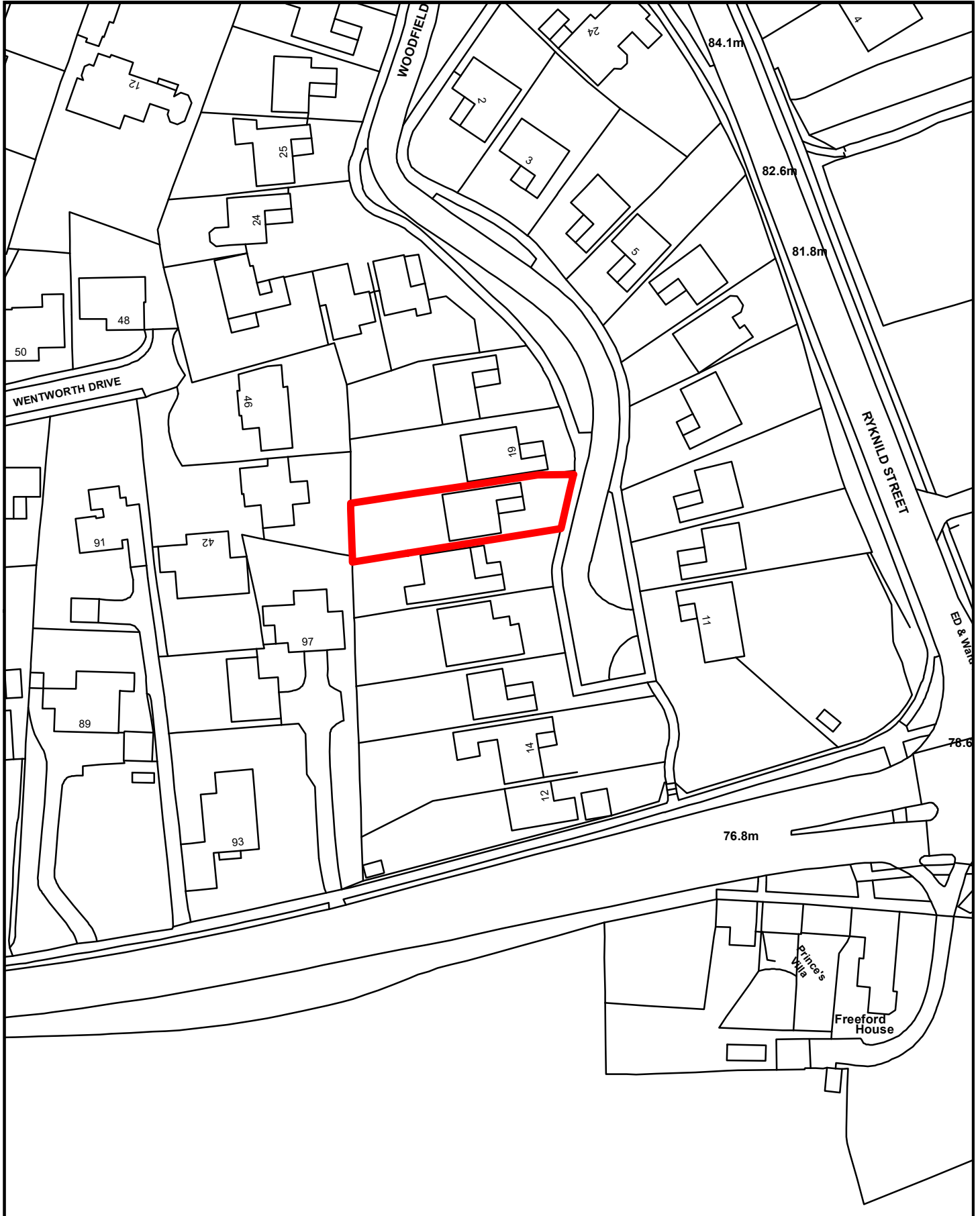
Dated: November 2022

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22/01440/FUH

**Erection of first floor rear extension and replacement pitched roof to existing rear extension
18 Woodfields Drive Lichfield Staffordshire WS14 9HH
For Mr Tony Clayton**

Registered **30/07/2021**

Parish: Lichfield City

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

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.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

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.

Reasons: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, NR3, NR4 and BE1 of the Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, and the National Planning Policy Framework.

3. Notwithstanding any description/details of external materials in the application documents, the external brickwork and roof tiles shall match in colour and texture those of the existing dwelling.

Reason: 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, and the National Planning Policy Framework.

4. Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.

Reason: 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 Lichfield City 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.
4. Severn Trent Water standard advise is that there may be a public sewer located within the application site. Even where statutory sewer records do not show any public sewers within the application area, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of their assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

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 Development
Policy CP3 - Delivering Sustainable Development
Policy NR3 - Biodiversity, Protected Species & their habitats
Policy NR4 - Trees, Woodland and Hedgerow
Policy NR7 - Cannock Chase SAC
Policy ST2 - Parking Provision

Supplementary Planning Document

Sustainable Design SPD
Trees, Landscaping & Development SPD

Other

Lichfield City Neighbourhood Plan (2018)

Emerging Lichfield District Local Plan 2040

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy SP1: The Spatial Strategy
Strategic Policy SP10: Sustainable Development

Local Policy SD1: Sustainable Design and Master Planning
Policy LT1: Parking Provision
Local Policy NR2: Habitats and Biodiversity
Local Policy NR3: Trees, Woodland, and Hedgerows

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

RELEVANT PLANNING HISTORY

L6983: Lounge and Dining Room extension Approve 06/06/1980

CONSULTATIONS

Lichfield City Council - No objections raised (13/10/2022)

LDC Tree Officer – No objections raised (21/10/2022)

LDC Tree Officer – The Tree Officer was consulted a second time after comments were raised by a neighbour relating to TPO trees in the rear garden and particularly in relation for the canopy of the closest tree to the rear of the property potentially constraining development work. The Tree Officer confirmed that there remained no objections. (08/11/2022)

LETTERS OF REPRESENTATION

A single letter of objection has been received from the occupier of neighbouring property. This objection is available to view on the Council website and is summarised below: –

- Reduced levels of light into the property due to combination of proposed development and the existing arrangement of several TPO trees in rear garden.
- Believe the work will be required to be undertaken to the TPO trees to facilitate the development.
- Light levels will be significantly affected, reducing quality of life.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

3070-01 EXISTING PLANS, dated as received 5th October 2022
3070-02 EXISTING ELEVATIONS, dated as received 4th October 2022
3070-03 PROPOSED PLANS, dated as received 5th October 2022
3070-04 PROPOSED ELEVATIONS, dated as received 4th October 2022
3070-05 LOCATION PLAN and Block Plan, dated as received 4th October 2022

OBSERVATIONS

Site and Location

This application relates to a detached dwelling, located in a residential area in Lichfield. The property has brick elevations with horizontal boarding featuring on half of the front elevation under a pitched roof and a single storey flat roofed, attached, garage to front. It has a dual pitched roof. The application property benefits from a large driveway to the front with parking for at least two cars.

To the rear of the application property and the adjoining neighbours there are a number of mature trees protected under a tree preservation order. Indeed, to the rear of the application property the garden rises from a patio upwards towards the rear boundary in the form of a terrace. On the higher

terrace there is a mature beech tree which casts shade towards the application property and the neighbouring property. The distance from the rear elevation at ground floor to the rear boundary is approximately 18m.

Surrounding properties are of a similar scale and design but are staggered such that No.19 is set forward of the application site and No.17 is set back from the plane of the front elevation of the application property (and vice versa to the rear).

There are various examples of extensions to rear for several of the properties in the immediate vicinity of the application site.

Proposals

This application seeks permission for the erection of a first floor extension above part of the existing flat roof ground floor extension which would increase the number of bedrooms from 3 to 4 (with an additional first floor room marked as a study).

The extension would feature a gable roof set down slightly from the existing ridgeline. The existing single storey rear extension is 9.3m in width. The proposed first floor extension would encompass most of its width and be 7.3m wide with a depth of 3.26m. The final 2m on the northern side of the rear extension, adjacent to No.19 would remain single storey with a pitched roof replacing the existing flat roof.

The external materials would match the existing property with brown facing brickwork, dark grey concrete roof tiles and horizontal boarding to the gable proposed.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Impact on Trees
5. Impact on Biodiversity
6. Cannock Chase SAC
7. Access and Highway Safety
8. Human Rights
9. Conclusion

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, the Local Plan Allocations Document (2008-2029), adopted in July 2019 and the Lichfield City Neighbourhood Plan (2018). The Local Plan Policies Maps form part of the Local Plan Allocations Document.

1.2 The NPPF sets out a presumption in favour of sustainable development and this is echoed in the Lichfield District Local Plan Strategy Core Policy 2.

1.3 The application relates to extensions to an existing residential property located within a predominantly residential area. The application site is sustainably located within the settlement boundaries for Lichfield as identified in the Local Plan and as such, the principle of the proposal is considered to be acceptable. However, proposals that are acceptable in principle are subject to all other policy tests which will now be discussed in turn.

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. The proposed development amends the existing flat roof extension to the rear of the dwelling. The extension would reflect the fenestration details, roof design and materials of the host dwelling and therefore would be in keeping with the design of the host property. The extension would only be visible from the rear where for most of the year views of it from the west would be substantially screened by the trees along the rear boundary. In addition, even in the limited views available, mainly from the rear gardens of nearby neighbours, it would be seen within the context of the two storey dual gabled extension at No19 and the other extensions to rear of the properties along the western side of Woodfields Drive.
- 2.3. It is therefore concluded that the proposals have a good quality visual presentation and would meet the design requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the design policies of the NPPF.

3. Residential Amenity

- 3.1. Core Policy 3 of the Lichfield Local Plan Strategy states that development should 'protect the amenity of our residents'. In addition paragraph 130(f) of the NPPF states that 'Planning policies and decisions should ensure that development create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.
- 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. The 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 which in any case are 28m distant to the rear which is well in excess of the minimum distance of 21m.
- 3.4. Objections have been raised from the occupiers of a neighbouring property with regards to a potential loss of light at No.19. Much of the objection relates to the already limited light that is available at No.19 due to the presence of the TPO trees. It is noted that the extension has been designed so that the part of it nearest No.19 is single storey in order to ensure that the 45 Degree Guideline would not be breached with respect to the windows in No.19. It is therefore concluded that the proposed extension would not result in a significant loss of light to No.19 such that the amenities of the occupiers would be preserved.
- 3.5. In respect to impact on the amenity of the existing and future occupiers of the application property it is noted that the amount of amenity space would not be altered as the extension would be built upon the existing footprint of the dwelling. As such the proposed development would retain a rear private amenity area of 198m² which exceeds the 65m² set out in the Design SPD. As such the proposal would provide sufficient amenity space to meet the needs of occupiers.

3.6. The proposals are considered to achieve a high standard of residential amenity in accordance with Policies CP3 and BE1 of the Local Plan Strategy and paragraph 130(f) of the NPPF.

4. Impact on Trees

4.1. Policy NR4 of the Local Plan Strategy states that the District's trees, woodland and hedgerows are important visual and ecological assets, adding 'trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved'.

4.2. Objections have been raised on the grounds that the proposal could have an impact on the protected tree within the rear garden of the application site. In response the Tree Officer has been consulted on the representations made and has responded that he has no objections, and that the development proposals are considered to be acceptable on arboricultural grounds.

4.3. As such it is considered that the proposal would not be contrary to Policy NR4 of the Local Plan Strategy.

5. Impact on Biodiversity

5.1. 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.

5.2. In this respect it is note that the site is not known to support any protected species or habitat or any species of conservation concern. As such the proposal would not result in direct harm to any biodiversity on the site. Furthermore, in accordance with Policy NR3 of the adopted Local Plan, it is recommended that a condition be placed on any permission granted 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.

6.0 Cannock Chase SAC

6.1 Policy NR7 of The Lichfield Local Plan Strategy states that before development is permitted it must be demonstrated that either alone or in combination with other developments the proposal will not be likely to lead directly or indirectly to an adverse effect on the integrity of the Special Area of Conservation (SAC).

6.2 The provisions of the Conservation of Habitats and Species Regulations 2017, require that the Local Planning Authority, as the competent authority, must have further consideration, beyond planning policy matters, to the impacts of the development on the Cannock Chase SAC.

6.3 A Habitat Regulation Assessment has been completed which has screened out the requirement for an Appropriate Assessment as the development will not increase the number of dwellings within the defined zone of influence for the Cannock Chase SAC. Where the number of dwellings does not increase through the development proposals there is no requirement for mitigation through a financial contribution. It is therefore considered that the proposals will not have an adverse impact on the Cannock Chase SAC.

7.0 Access and Highway Safety

7.1 Paragraph 111 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. In addition to this Policy ST2 of

the Local Plan Strategy and the Sustainable Design SPD focus upon parking provision in relation to the number of bedrooms at a dwelling.

- 7.2 No alterations are proposed to the existing vehicular access. However, this application would result in a net increase in one bedroom to a 4 bed house. The site is considered to retain sufficient space for the private parking of at least 2 vehicles with the addition of a single garage. This is in accordance with the maximum requirements of the SPD for 4 bedroom dwellings which is the provision of 2 spaces. The development is therefore considered to have sufficient private parking provision and would not have an unacceptable impact on highway safety.

8.0 Human Rights

- 8.1 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.

9.0 Conclusion

- 9.1 Having had regard to all relevant local and national policies and guidance it is concluded that the proposed development is acceptable in principle at this location. Furthermore, it is considered that the development would not cause harm to the character and appearance of the area, the amenity of neighbouring properties, biodiversity and highway safety and therefore would be in accordance with Policies BE1, CP2, CP3, NR3, NR4, NR7 and ST2 of the Local Plan Strategy and the NPPF.
- 9.2 Consequently, it is recommended that this application be approved, subject to conditions included in this report.