

SUPPLEMENTARY REPORT

PLANNING COMMITTEE (9 January 2023)

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

**Page 7**      **22/00476/COU: Change of use from agricultural building to dwellinghouse (Use Class C3), demolition of existing northern lean-to and associated works  
Priory Farm, Uttoxeter Road, Blithbury, Rugeley**

Amendment to Report

In the 'Policy and Principle of Development' section of the report (paragraphs 1.3, 1.4 and 1.9) and the conclusions, reference is made to the site being within the West Midlands Green Belt. Local Plan Green Belt Policy NR2 is also referred to in the Policy Section and reasoning for conditions 2 and 15. Officers can confirm that the site is not within the West Midlands Green Belt. Paragraphs 1.3 and 1.4 are therefore deleted, along with any further references to the Green Belt in the assessment.

Amended Observations

Whilst the original report sets out that the scheme is in compliance with Green Belt policies, this is not relevant as the site is not located within the West Midlands Green Belt. Notwithstanding this, the remaining assessment remains relevant and subject to the above, the Officer recommendation remains as set out in the report.

**Page 23**      **22/01423/FUH: Partial demolition and erection of two storey front side and rear extensions and new roof  
96 Gaia Lane, Lichfield, Staffordshire**

Additional Representations

Since the publication of the planning agenda, a further representation has been received from a neighbour, raising objection on two separate grounds:

1. Asserted that the proposed extension would 'contravene the 45 and 25-degree rule in terms of right to light' to the neighbouring property no.94. No.94 benefits from a ground floor side extension which features a bedroom and en-suite served by Velux windows.

A drawing displaying 45 and 25 degree lines drawn from the velux windows and intersecting the proposed extension of the neighbouring property and photographs of the windows was included in the representation.

Officers advise that the Sustainable Design SPD sets out that the 45-degree guidelines should be utilised for front and rear extensions to a dwelling or for new built development to assess the impact on the dwelling next door. It states that they 'shall only apply where the nearest side of the extension or building is perpendicular to the window.

These guidelines are not intended to be applied to the scenario in the current application, which involves impacts on Velux style windows on a roof slope. It should be noted that the proposed development lies to the north-east of No.94 and with an element of separation between the properties retained such that it is considered that any loss of light would be marginal. The SPD also states that 'no overshadowing will be caused' by extensions/new buildings which lie to the north of a neighbouring window. It is noted

that due to orientation and juxtaposition, shade is cast by the objector's own dwelling onto the Velux, whereas the application property casts shade towards Gaiastowe.

It is therefore considered that any loss of light at no.94 would be marginal and insufficient to warrant refusal.

2. Second objection raised relates to buildability & health and safety. The primary responsibility for the safe development and secure occupancy of a development rests with the developer. Any planning permission given would not overrule the developer's responsibility to adhere to all health and safety legislation. To provide a context, Officers would point out that the proposal is classed as a householder extension. Householder extensions are often completed under permitted development rights under which there is no requirement, under the planning system, for developers to undertake a health and safety risk assessment. Furthermore, it is not established practice for developers for householder style development, which require planning permission to submit a health and safety risk assessment prior to approval or by condition.

### Conclusion

Whilst the contents of the additional representation are noted, this does not alter the Officer recommendation that the application should be approved, subject to the conditions outlined in the original officer report.

**Page 34**     **22/01533/FUH: Erection of detached double garage (part retrospective)  
9 Foden Close, Shenstone, Lichfield, Staffordshire**

### Additional Representation & Submissions

A further neighbour representation has been received objecting to the proposal and further information has been submitted by the applicant in the form of photographs showing the application site as it was before works commenced on site (These photographs are included in the officer presentation).

The neighbour objection includes various photographs purporting to show the garage as the objector envisages it would appear and extend beyond the plane of the front elevation of the existing garage at no. 11. This representation includes further objections based on the content of the officer report and is detailed below:

- It is asserted that paragraph 2.3 of the officer report is 'inaccurate and misleading' as it describes the proposed garage as sitting alongside the existing garage at no.11 when it would actually sit 'significantly in front' of the existing garage.
- The brickwork that has already been built sits further forward than that which is laid out in submitted plans.
- The resultant loss of outlook on open land to the west would be significant.
- The proposed garage would impact on view and light from no.11
- The proposed garage does constitute backland development as it would be constructed on land that was previously used as a back garden enclosed by a brick wall. It would therefore engage policy H2 of the Shenstone Neighbourhood Plan.

### Officer Observations

Officers reiterate that the proposed garage would be sited to the side of the existing garage and could be reasonably described as sitting alongside it. However, Officers agree that the proposed garage would project forward of the plane of the front elevation of the existing garage at No.11, as shown on the submitted plans. The garage would project 3m beyond the plane of the front elevation of the garage at No.11 Foden Close.

The application must be determined based on the plans as submitted. A condition that the development shall be carried out 'in complete accordance with approved plans' is included in the recommended conditions and Officers would point out that failure to build out in accordance with the approved plans could result in enforcement action being taken.

Officers would caution against reliance on the submitted visual representations, as their accuracy cannot be verified.

Officers maintain that any loss of outlook over open land as a result of the development is considered marginal and insufficient to warrant refusal. However, Officers advise that this a matter of planning judgement for the Planning Committee to consider.

As detailed in the main planning report, the Sustainable Design SPD sets out that a 25-degree guideline will be utilised to assess the impact of a new building opposite an affected window. The proposed garage would not intercept a perpendicular line drawn with a 25-degree vertical angle from the centre of the nearest neighbouring window and therefore, it is concluded that the proposed extension would not result in a significant loss of light to No.11 Foden Close.

Officers disagree that they have ignored the comments of objectors. The comments of the objectors have been summarised in the main report and on the basis of the facts of the case, officers have come to a different conclusion which they are entitled to do.

The Shenstone Neighbourhood Plan defines backland development as follows – '*Backland development is defined as development on land behind the rear building line of existing housing or other development, and is usually land that has previously been used as gardens, or is partially enclosed by gardens*'.

The proposed garage would sit forward of the plane of the existing front elevation of the host property and would not be behind the plane of the rear building line. The officers main report stated that Policy H2 would not be engaged and this is reiterated and officers maintain their position as stated in the main officer report. Officers would point out that Policy H2 'Residential Infill and Backland Development' of the Neighbourhood Plan relates to the provision of residential development and does not apply to curtilage buildings, many of which in rear gardens are carried out under permitted development rights.

### Conclusion

The representation received does not alter the Officer recommendation that the application should be approved subject to the conditions outlined in the main officer report.

**Page 42      22/01560/FUL: Demolition of existing dormer bungalow and erection of replacement dwelling and associated works  
Little Meadows St Chads Road, Lichfield, Staffordshire**

### Additional Observations

5. Impact on Trees- This section confirms there are no trees within the site. It should be highlighted that there is in fact a multi stemmed tree located on the Southern boundary of the site with Golden Meadows. This tree is effectively protected by virtue of being located within the Conservation Area. Notwithstanding this, the tree would not be worthy of a Tree Preservation Order given its appearance, size and its longevity is compromised by its location and proximity to built form. The submitted Bat and Bird Survey which included an assessment of activity across the site has confirmed that the tree is not being used for nesting, roosting or sheltering by protected species.

### Additional Condition

Given that the development is likely to impact on the tree, an additional landscaping condition is recommended as detail below. The condition will ensure that the existing tree is replaced by a tree of a size and species more appropriate to its location.

Before the development hereby approved is commenced above damp proof course, a scheme of landscaping, to include the provision of a fastigiated tree within the garden of the new dwelling hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing shown on the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with Policies CP3, CP14, NR4 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

### Conclusion.

Subject to the above additional condition, the Officer recommendation remains as set out in the main report.

LIST OF SPEAKERS

**PLANNING COMMITTEE MEETING**

9 January 2023

**22/00476/COU**

Charlotte El Hakiem (CT Planning)

Applicant's Agent

**22/01423/FUH**

Councillor Joanne Grange

Non Committee Ward Member

Richard Bollands MCIAT (Chartered Architectural Technologist)

Applicant's Agent

**22/01533/FUH**

Parish Councillor David Thompson

Objector

Tom Smith

Applicant

**22/01560/FUL**

Councillor Colin Ball

Non Committee Ward Member