

Planning Committee

8 May 2018

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

Report of the Director of Place and Community

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 (2015), saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and an adopted Neighbourhood Plan for the relevant area.
- 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** (Gold Sheets)

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

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). (Gold Sheets)

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

8 May 2018

CONTENTS

Case No.	Site Address	Parish/Town Council
18/00167/FUL	46 Norton Lane, Burntwood	Burntwood
18/00214/FUL	Wisteria House, Park Road, Alrewas	Alrewas

ITEM B

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

CONTENTS

18/00359/FUL	29 Yew Tree Avenue, Lichfield	Lichfield
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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

18/00167/FUL
46 Norton Lane
Burntwood
Staffordshire

Scale: 1:500

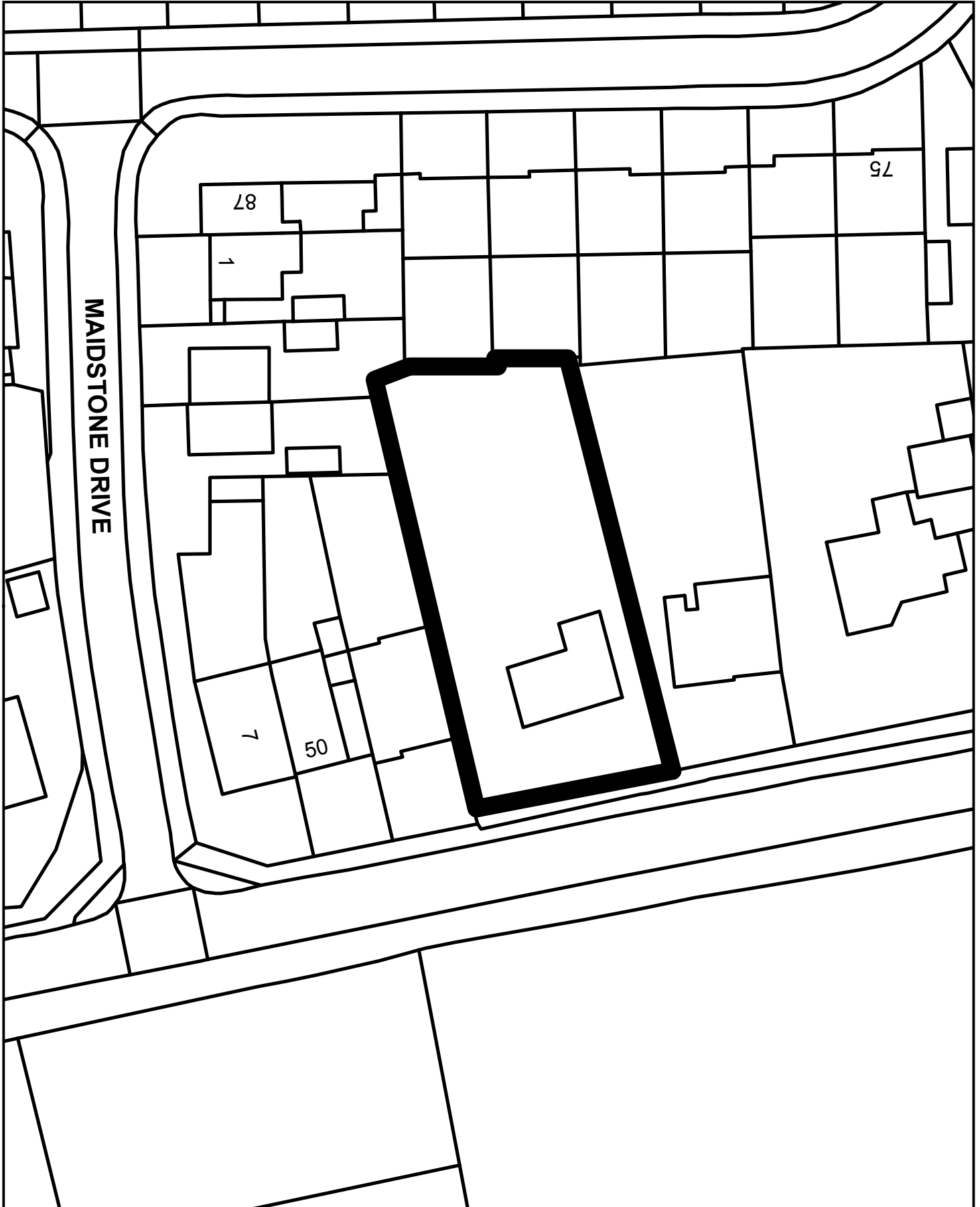
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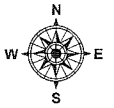
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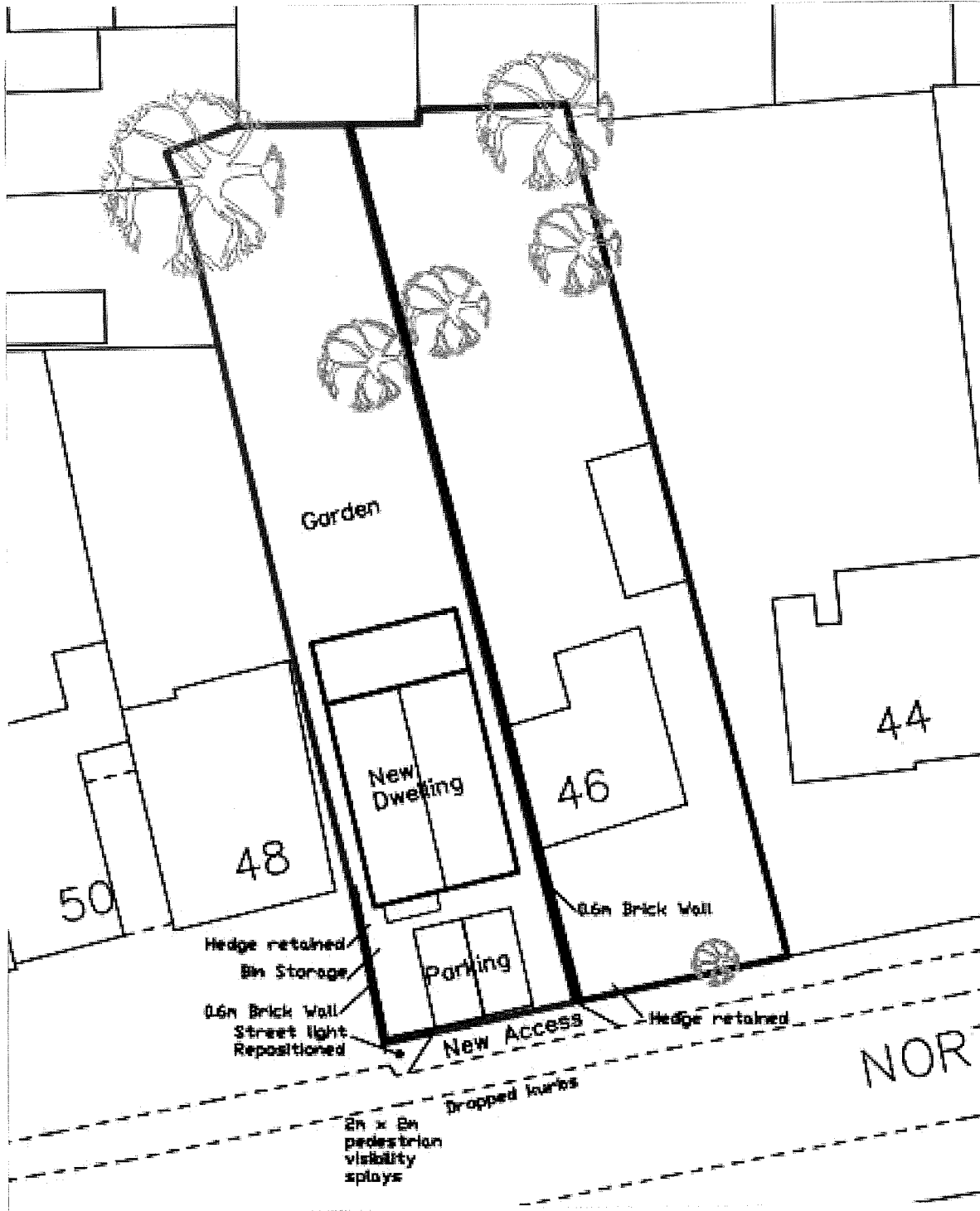
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18/00167/FUL

ERECTION OF 4NO BEDROOM DETACHED DWELLING AND ASSOCIATED WORKS (AMENDMENT TO APPLICATION 16/00901/FUL)

FOR: MR ADRIAN STEELE

Registered on 7/2/18

Parish: Burntwood

Note: This application is being reported to the Planning Committee due to significant planning objections raised by Burntwood Town Council on the following grounds:

- Space around dwellings;
- Loss of amenity and loss of light to neighbouring property; and
- Out keeping in the street scene.

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.

CONDITIONS to be complied with prior to commencement of development hereby approved:

3. Before the development hereby approved is commenced, the existing street lamp post shall be replaced and repositioned away from the approved access.

All other CONDITIONS to be complied with:

4. Before the external surfaces of the development hereby approved are constructed, full details of all external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, and retained as such for the life of the development.
5. Before the development hereby approved is first occupied, the access, as shown on drawing 1337 NL 001 Rev G, shall be completed within the limits of the public highway and thereafter retained as such for the life of the development.
6. Before the development hereby approved is first occupied, the pedestrian visibility splays, as shown on drawing 1337 NL 001 Rev G, shall be provided with nothing placed or retained forward of these splays exceeding 0.6m in height above the adjacent carriageway level, and thereafter retained free of any such obstruction for the life of the development.
7. Before the development hereby approved is first occupied, the parking areas, as shown on drawing 1337 NL 001 Rev G, shall be completed and surfaced in a porous bound material and thereafter retained as such for the life of the development.

8. Before the development hereby approved is first occupied, the first floor side windows shall be fitted with obscure glazing (to a minimum level 3) and top hung. The windows shall thereafter be retained as such for the life of the development.
9. Within one month of completion of the development hereby approved, 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.

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 Policy BE1 of the Local Plan Strategy and the guidance contained within the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the surrounding area, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. In the interests of Highway safety in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
5. In the interests of Highway safety in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
6. In the interests of Highway safety in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
7. In the interests of Highway safety in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
8. To protect neighbour amenity and to limit potential overlooking, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Sustainable Design Supplementary Planning Document and National Planning Policy Framework.
9. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).
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. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess
4. All works shall be completed outside of the bird nesting season (March to September).
5. A developer should be aware that even if the approved development's impact upon protected species was not raised as an issue by the Lichfield District Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or the Lichfield District Council Ecology Team) as to how to proceed.
6. Please note that prior to the access being constructed, a Section 184 Notice of Approval from Staffordshire County Council is required. The link below provides a further link to Vehicle access crossings' which includes a Vehicle access crossing information pack 1 and an application form for a dropped kerb. Please complete and send to the address indicated on the application form which is Network Control Hub, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH or email to nmu@staffordshire.gov.uk.
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
7. In order to comply with Condition2, the applicant / developer shall approach Staffordshire County Council's PFI road lighting contractor E.ON for a quotation to undertake the repositioning and replacement of the existing lamp post column at highways@staffordshire.gov.uk. The whole cost shall be borne by the applicant/ developer.
8. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development, which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery
Core Policy 13 – Our Natural Resource
Policy ST1 – Sustainable Travel

Policy ST2 – Parking Provision
Policy H1 – A Balanced Housing Market
Policy NR3 – Biodiversity
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR7 - Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Burntwood – Burntwood Housing

Supplementary Planning Document

Sustainable Development
Trees, Landscape and Development
Biodiversity and Development
Developer Contributions

RELEVANT PLANNING HISTORY

16/00901/FUL - Erection of 4no bedroom detached house – Approved 16.11.16

05/00426/FUL – Proposed four bedroom detached dwelling - Refused 14.06.16

CONSULTATIONS

Burntwood Town Council – Objection on the following grounds: space around dwellings; loss of amenity and loss of light to neighbouring property; out of keeping in the street scene (due to the introduction of a second floor). (11.04.18)

Objection on the following grounds: space around dwellings; loss of amenity and loss of light to neighbouring property; out keeping in the street scene (due to the introduction of a second floor). (06.04.18)

Objection on the following grounds: space around dwellings; loss of amenity and loss of light to neighbouring property; out keeping in the street scene (due to the introduction of a second floor and increase in ridge height of 1.1m). (09.03.18)

Hammerwich Parish Council – The proposal is not in keeping with the character of the area and streetscene, and is inappropriate due to its size. (03.04.18)

Arboricultural Officer – No objection. (22.02.18)

Ecology Manager – The proposed works are unlikely to negatively impact upon protected or priority species or habitats. The site currently contains numerous medium which could be utilized by birds for nesting. Nesting birds are afforded protection, as such any and all demolition and site clearance works should occur outside of bird nesting season (March-September inclusive). If site clearance outside bird nesting season cannot be achieved then the site must be checked to be free of nesting birds, by a suitably experienced ecologist, immediately prior to commencement of any site clearance works. Under Policy NR3 a net gain to biodiversity should be delivered through all developments. Due to the nature and location of the development it is recommended that this could be delivered via the incorporation of a bat/bird box within the site, alternatively through onsite habitat improvement works or the creation of new habitats. Once incorporated into the scheme, such net gain should be afforded appropriate weighting. (01.03.18)

Environmental Health – No objection. (13.03.18)

Staffordshire County Council (Highways) – No objection, subject to conditions relating to securing a construction management plan prior to commencement and ensuring the delivery of the access, parking areas and visibility splays prior to occupation. (06.04.18)

Severn Trent Water – No objection. The proposal has a minimal impact on the public sewerage system, a drainage condition is not required. (16.02.18)

LETTERS OF REPRESENTATION

Four letters of representation received from neighbouring properties; comments summarised as follows;

- As the proposed dwelling is in close proximity to number 48 Norton Lane it will cause damage to the existing foundations.
- The proposal dwelling will restrict the light to the rear conservatory of number 48 Norton Lane.
- The construction will cause noise and disturbance.
- The proposal is not in keeping with other properties in Norton Lane.
- The proposal will affect existing property values.
- The development is on Green Belt land and has been previously refused.
- The proposal will result in increased traffic.
- The proposal will result in vehicles parking outside properties, spoiling the view and leaving mess.
- The increased gap between 48 Norton Lane and the proposal is welcomes.
- Expressed concern regarding loss of privacy if a dwelling is proposed on the land to the rear.

OBSERVATIONS

Site and Location

This application relates to land adjacent to 46 Norton Lane, in Burntwood. The site is currently the residential side garden of number 46 Norton Lane and contains a single storey extension. Number 46 is a detached dwelling sited within a large garden. The site is flat with mature trees to the rear. The site is located within the settlement boundary of Burntwood and is surrounded by residential properties to north, east and west, with open fields to the south which are designated Green Belt.

Background

Planning permission was granted in November 2016 for the erection of a 4no bedroom (16/00901/FUL). The approved dwelling was a two storey detached dwelling with a ground floor footprint measuring 7.1m in width and 13.0m in depth, with a first floor measuring 7.1m in width and 10.0m in depth. The dwelling has a dual pitched roof with eaves height of 5.3m and a max height of 7.8m.

Proposals

The proposals subject of this application seek to revise the permitted scheme, by increasing the height of the building by 1.0m and moving the dwelling 1.0m to the east. Therefore this revised application is for the removal of the single storey side extension to number 46 Norton Lane and the erection of a 4no bedroom dwelling in the resultant gap between numbers 46 and 48. The proposed dwelling will be three storeys, measuring at ground floor 7.1m in width by 13.0m in depth, whilst the first and

second floors will measure 7.1m in width and 10.0m in depth. The dwelling will have a dual pitched roof with eaves height of 5.3m and a ridge height of 8.3m. The rear projection will have a mono-pitched roof with eaves height of 2.5m and a max height of 3.7m. The dwelling will have a drive to the front to serve 2no vehicles, the creation of the drive would involve the removal of a section of hedgerow on the front elevation. The exact external materials are to be agreed, however the application states that it would be brick, tile, UPVC windows and doors.

This application seeks to install an additional floor to that previously approved and increase the max height by 1.0m. The dwelling has also be shifted 1.0m to the east.

Determining Issues

1. Policy and Principle of Development
2. Design and Appearance
3. Residential Amenity
4. Access and Highway Safety
5. Biodiversity and Landscaping
6. Community Infrastructure Levy / Economic Benefits
7. Human Rights

1. Policy and Principle of Development

- 1.1. The site lies within the sustainable settlement of Burntwood. Policy Burntwood 4 of the Local Plan Strategy notes that much of the new housing required in Burntwood is to be located within the existing urban area. The principle of development within existing settlements is supported by the NPPF and by Core Policy 2 of the Local Plan Strategy. Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views. Given the above, it is considered that the principle of residential development in this location is acceptable.
- 1.2. Whilst Policy H1 of the Local Plan Strategy seeks to promote the delivery of smaller properties including two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities, paragraph 50 of the NPPF sets out that Local Planning Authorities should deliver a wide choice of quality homes and create sustainable, inclusive and mixed communities. The policy does not set out a threshold for the housing mix requirement. Given the guidance contained within the NPPF and the fact that only one dwelling is proposed it is considered that the proposed house type would be acceptable and would add to the mix of dwellings within the area.
- 1.3. Given the above and that the site currently has permission to erect a dwelling, which this application seeks to revise, it is considered that the development, would comply with the requirements of the development plan in terms of the principle of development. Matters related to the general development management criteria are discussed below.

2. Design and Appearance

- 2.1. Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views.

- 2.2. The NPPF (Section 7) advises that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. The document continues to state that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 2.3. The proposal will be sited within the side garden of number 46 and it is considered that the density of development and resultant plot sizes will reflect that of the surrounding area. Whilst it is noted that the proposed dwelling will sit 1.0m forward of the neighbouring properties, it is considered that the positioning largely respects the existing building line on Norton Lane. Amendments were sought and received to reduce the height of the dwelling so that it is similar to the neighbouring properties. As such, it is now considered that the dwelling would not appear overly dominant in the street scene. In terms of design the proposal reflects the design of number 48 with regard to height and roof design, with some extra detail on the front elevation. The applicant has provided indicative details of materials to reflect the surrounding dwellings, as such a condition is recommended to secure full details of suitable materials.
- 2.4. It should be noted that the proposed dwelling is of a similar design to that previously approved, with the only change being the introduction of a second floor which increases the ridge height by 1m and introduces single windows front and rear elevations. The Town Council’s and neighbours’ comments regarding the proposal being out of keeping with the streetscene and concerns regarding the space around the dwelling are noted however these are addressed above.
- 2.5. Overall, it is considered that the design and appearance will be acceptable and will not detract from the character and appearance of the surrounding area. Therefore, it is considered that the proposal accords with the policies in the development plan and NPPF in this regard.

3 Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity, and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. This Policy is supplemented by the Council’s Adopted Supplementary Planning Document: Sustainable Design which sets out the Council’s guidelines for ‘Space about Dwellings’.
- 3.2 The document advises that there should be a minimum of 10m distance between principle habitable room windows at first floor and the private amenity space of neighbouring residential property. The SPD states that there should be a minimum of 21m where principle habitable room windows directly face each other. The SPD also states that four bedroom dwellings are required to provide a minimum 65m² of private amenity space.
- 3.3 The proposed dwellings principal rear windows will be approximately 25m from the rear boundary which abuts neighbouring gardens. Furthermore, the proposed dwelling and number 46 will have gardens in excess of 65m². It is noted that 1no first floor window is proposed to each side elevation however these will serve the staircases, which are not habitable rooms. Notwithstanding this, to ensure that there is no potential overlooking of neighbouring properties a condition is recommended to ensure that these windows are obscure glazed (to a minimum level 3) and top hung. Consequently, it is considered that the proposed dwelling would not result in overlooking of neighbouring properties and as such would comply with the guidelines set out in the SPD

- 3.4 As set out in the Sustainable Design SPD, BRE Right to Light standards are used to assess the potential impact of overshadowing and loss of light a development will have on neighbouring properties. The Town Council's and neighbours' comments are noted. The proposal is considered to comply with the aforementioned light standards (45 and 25 degree standards), and would not cause loss of light to the rear conservatory of number 48. Therefore it is considered that the development will not cause substantial loss of light to the surrounding neighbouring properties.
- 3.5 The comments of the Town Council and neighbours' relating to matters such as property value and the practicalities of the construction of the development are noted, however these are not considered to be material planning considerations during the determination of this application. The developer will of course need to follow due process in liaising with any adjoining neighbours when building in proximity to the boundary but that is for separate control and legislation.
- 3.6 Consequently, it is considered that the proposal will sit well within the plot without detriment to the neighbouring properties, and will provide acceptable standards of living for future and existing residents of the locality. As such the development would accord with the development plan and the NPPF in this regard.

4 Access and Highway Safety

- 4.1 The comments of the neighbour regarding parking are noted. The Council's off street car parking standards are defined within Appendix C of the Sustainable Design SPD. Four bedroom dwellings are required to provide 2no off-street vehicle parking space. The submitted information demonstrates that the proposal can deliver sufficient off road parking provision within the confines of the site for two vehicles and does not alter the existing parking arrangements for number 46. As such the proposal meets the parking requirements of the Local Authority as set out in the Sustainable Design SPD.
- 4.2 The County Council Highways have requested that a construction management plan be provided prior to commencement of the dwelling and secured via condition. A construction management plan was not required for the previous planning permission, as such given that this development is for one dwelling on a site which has existing planning permission for a dwelling it is not considered reasonable or proportionate to require the submission of a construction management plan for this amended proposal.
- 4.3 The proposed access to the south of the site is considered acceptable by Staffordshire County Council Highways, subject to conditions. The Highways department have requested that a condition be provided to ensure that the minimum drive length is 5m, the proposed block plan shows that the drive would meet this requirement, as such it is not considered necessary to recommend this condition. They have also requested that conditions be provided to ensure that the parking area is surfaced in a porous bound material and that the visibility splays for the access are provided and retained for the life of the development, suitably worded conditions to this affect have been recommended.
- 4.4 Therefore, it is considered with regard to access/egress and parking provision that, subject to conditions, the proposal accords with the development plan and the NPPF.

5 Biodiversity and Landscaping

- 5.1 It is considered that the proposal to be unlikely to have a negative impact upon the protected species or their habitats. The Ecology Manager has identified that the site currently contains numerous medium which could be utilized by birds for nesting. Therefore a note to applicant is recommended to ensure that no works are carried out during bird nesting season.
- 5.2 Policy NR3 of the Local Plan Strategy states that a net gain to biodiversity should be delivered through all developments. It is therefore recommended that a bat/bird box could be incorporated within the development, this will be secured via condition. As such the development would accord with the development plan and the NPPF in this regard.

6 Cannock Chase Special Area of Conservation

- 6.1 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. As the proposal lies within the 8km buffer of the Cannock Chase SAC, a financial contribution is payable which if approved will be secured by CIL.

7 Community Infrastructure Levy

- 7.1 The Council's Supplementary Planning Document Developer Contributions details the Council's CIL requirements for development. The document identifies that this site is located within the higher levy charging area for residential development and as such will have a fee calculated at £55 per square metre. The applicant has not submitted a completed CIL form with the application. An informative noting the need to resolve CIL payment for this development will be attached to the decision.

8 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 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. With reference to this scheme, economically the development will provide a small scale development project.

Socially, the development would create an additional dwelling within a sustainable location which would not have detrimental impact upon the residential amenity of neighbouring properties. Environmentally, the development due to its scale, design, siting and materials will sit well within the plot and the surrounding street, and will also deliver a net gain to biodiversity within the site.

Therefore, it is considered that the proposal accords with the development plan and NPPF and as such, it is recommended that this application be approved, subject to conditions.

Lichfield
district council

www.lichfielddc.gov.uk

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Frog Lane
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Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

18/00214/FUL
Wisteria House
Park Road
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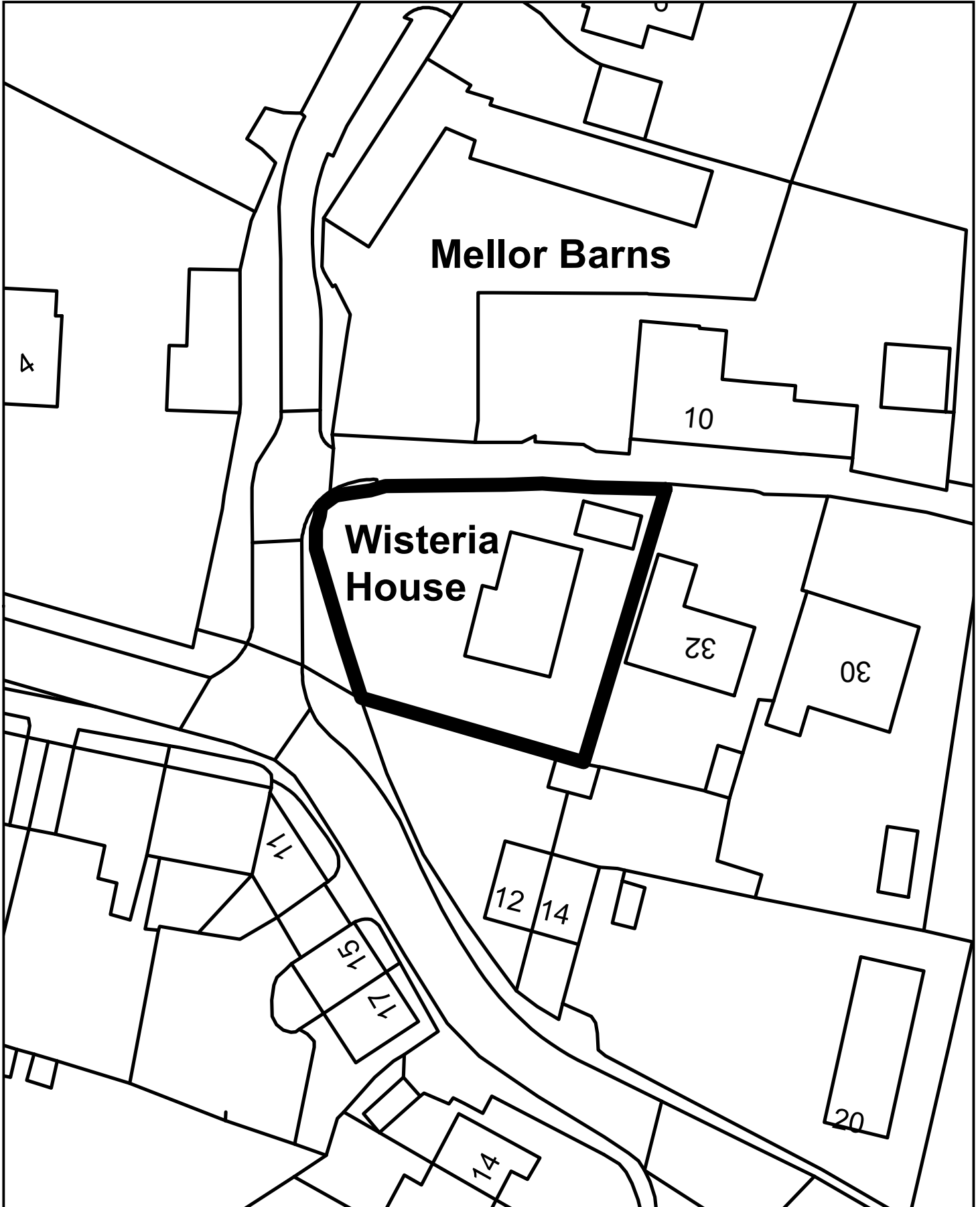
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BLOCK PLAN

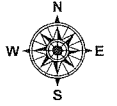
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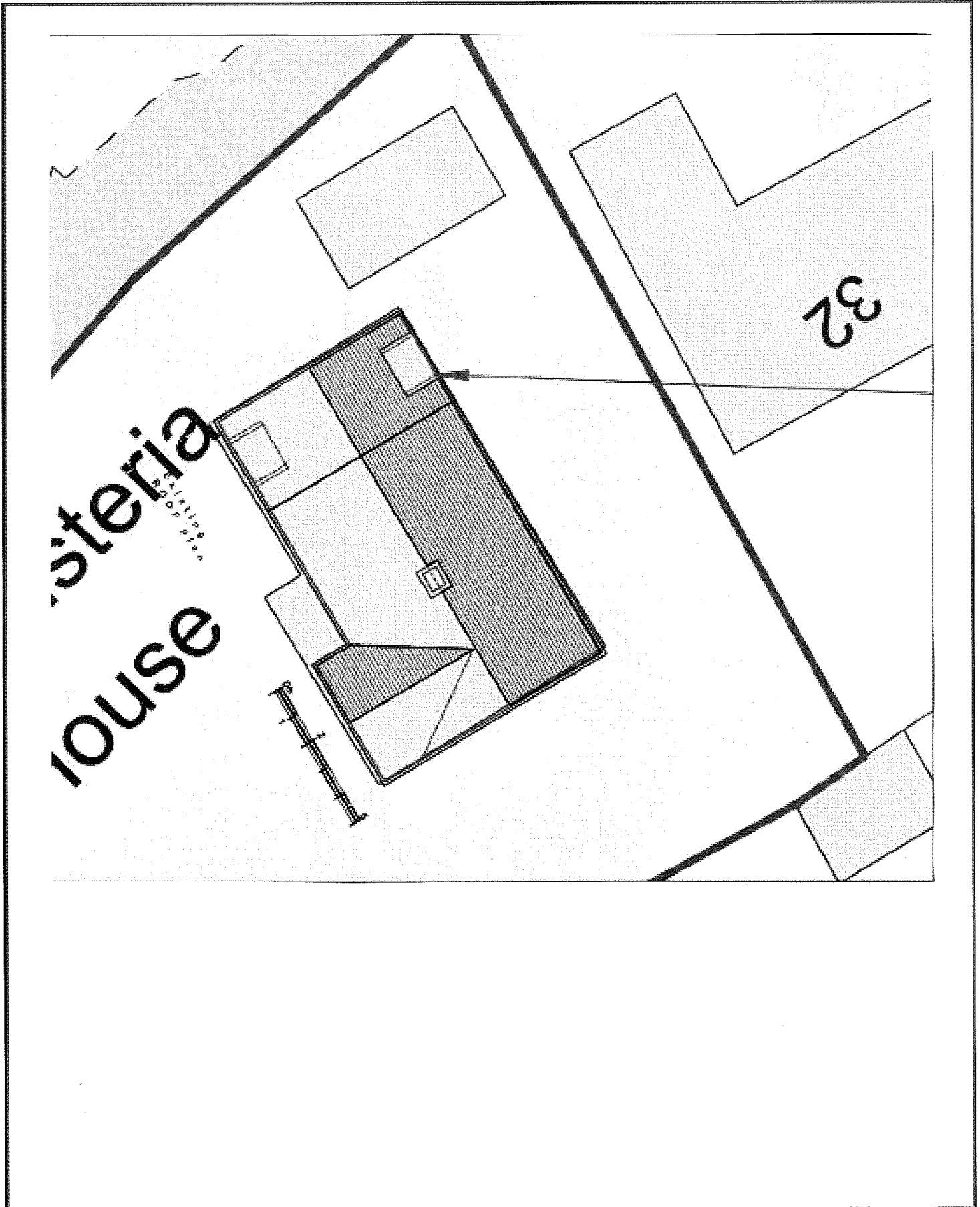
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18/00214/FUL

INSTALLATION OF DORMER WINDOW TO REAR ELEVATION WISTERIA HOUSE, PARK ROAD, ALREWAS

FOR MRS J QUICK

Registered 07/02/18

Parish: Alrewas

Note: This application is being reported to the Planning Committee due to a significant planning objection from Alrewas Parish Council, on the grounds of the principle of development and overlooking of the neighbouring property.

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 external materials shall match in colour, size, shape texture and appearance to those of the existing dwelling.
4. The dormer window hereby approved shall be fitted with obscure glazing (to a minimum level 4) and fixed shut. The dormer window shall thereafter be retained as such in perpetuity.

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 Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
3. To ensure the satisfactory appearance of the development and safeguard the character of the Alrewas Conservation Area, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, Local Plan Saved Policy C2, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
4. To protect neighbour amenity and to limit potential overlooking, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Sustainable Design Supplementary Planning Document and National Planning Policy Framework.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).

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. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.
4. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development, which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National Planning Policy Guidance

Local Plan Strategy

Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development
Core Policy 14: Our Built & Historic Environment
Policy BE1: High Quality Development
Policy NR3: Biodiversity, Protected Species & their Habitats
Policy BE1: High Quality Development
Policy Alr1: Alrewas Environment

Supplementary Planning Documents

Sustainable Design
Historic Environment
Biodiversity and Development

RELEVANT PLANNING HISTORY

11/00793/FUL - Conversion/rebuilding of existing barns to form 3 no. dwellings; erection of 2 no parking barns; demolition of existing sheds; extension and alterations to Essington House Farmhouse and 6 Park Road; erection of 1 no. 4 bed dwelling adjacent to 32 Dark Lane – Approved 10.01.12

CONSULTATIONS

Alrewas Parish Council - Object. Installing a window with obscure glass opens up the opportunity for the glass to be changed at a later date. The dwelling was granted permission on the basis that the rear elevation would not have windows facing the existing house following objections made by neighbours.

It is considered that this condition should remain in place to safeguard the amenity and privacy of the neighbouring occupiers. (17.04.18)

Previous comments: Object. The dwelling was granted permission on the basis that the rear elevation would not have windows facing the existing house following objections made by neighbours. It is considered that this condition should remain in place to safeguard the amenity and privacy of the neighbouring occupiers. (14.03.18)

Conservation Officer – No objection. The dwelling is a modern building constructed within the Alrewas Conservation Area. The property is not within the setting of any nationally designated listed buildings. The proposal would not be visible from the streetscene. There would be no detrimental impact upon the character of the Conservation Area. (05.03.18)

Arboricultural Officer – No objection. (02.03.18)

LETTERS OF REPRESENTATION

Five representations have been received from neighbouring properties, and their comments can be summarised as follows;

- The dwelling was originally granted permission with a condition stating that there would be no windows to the rear elevation.
- The dormer window will look directly into a principle window (lounge) on the side elevation of number 32 Dark Lane.
- The obscure glaze could be removed at a later date.
- There are inconsistencies on the plan which states the window will be top hung but the drawing shows a side hung window.

OBSERVATIONS

Site and Location

This application relates to a detached dwelling located north east of Park Road in Alrewas. The dwelling occupies a corner plot with Dark Lane to the north. The dwelling is surrounded by residential properties and sited within the Alrewas Conservation Area. The dwelling is orientated with the front elevation to the west, the rear elevation faces the side elevation of 32 Dark Lane which is a bungalow. The surrounding properties are varied in age and design.

Background

Planning permission was granted for the erection of the dwelling subject of this application as part of a large residential development in January 2012 (11/00793/FUL). A condition was attached (no 16) which removed all permitted development rights for this dwelling.

Proposal

This application seeks to install a dormer window to the rear east elevation. The dormer will measure 2.7m in width and will project 1.3m from the roof slope. The dormer will have a flat roof with a max height of 5.2m. The dormer window will be obscure glazed and is proposed to provide additional headroom to the existing bedroom. It will also provide additional light to a bedroom, which has an existing window in the north elevation. The window will be obscure glazed. The dormer window will be constructed in materials to match the existing dwelling.

Determining issues

1. Principle of Development
2. Design and Appearance
3. Residential Amenity
4. Other Matters
5. Human Rights

1. Principle of Development

- 1.1 At the heart of the NPPF is the presumption in favour of sustainable development. For decision-taking, this means that proposals that accord with the development plan should be approved without delay. Also, the NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires that extensions and alterations to existing buildings carefully respect the character of the surrounding area and development in terms of, layout, design and amenity. These matters are discussed below.
- 1.2 The proposal is for a small first floor rear dormer window extension to an existing residential property within the residential area of Alrewas. Therefore the principle of such development is acceptable in this sustainable area.
- 1.3 The comment of Alrewas Parish Council is noted, however the removal of permitted development rights to a property, does not prevent further domestic development at a property in perpetuity. The removal of such rights allows future works to be controlled, via a planning application, so that they can assimilate affectively and appropriately into the local environment.

2. Design and Conservation Area

- 2.1 Core Policy 14 of the Local Plan Strategy seeks to conserve and enhance the significance of conservation areas. Saved Policy C2 of the Local Plan (1998) seeks to preserve or enhance the special character and appearance of Conservation Areas and states that development will not be permitted where the detailed design of a building does not respect the character of an area.
- 2.2 The proposal will not be visible from within the wider streetscene, whilst reflecting the design of the existing dormer window to the front elevation. The dormer window will be constructed with materials to match the existing dwelling. The Conservation Officer considers that the design of the proposal will not have a detrimental impact upon the character of the Alrewas Conservation Area.
- 2.3 Therefore it is considered the proposals will accord with the policies in the development plan and the NPPF with regard to its design and appearance.

3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity, and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. This Policy is supplemented by the Council's Adopted Supplementary Planning Document: Sustainable Design which sets out the Council's guidelines for space about dwellings.

- 3.2 The document advises that that there should be a minimum separation distance of 21m where principle habitable room windows directly face each other. The SPD states there should be a minimum of 10m distance between principle habitable room windows at first floor and the private amenity space of neighbouring residential property. It should be noted that the SPD is silent in relation to potential mitigation to prevent any overlooking of neighbours (e.g. obscure glazing).
- 3.3 The comments of the Parish Council and neighbouring residents regarding overlooking are noted. The proposed dormer window is 7m from the lounge side window of 32 Dark Lane, and as such would not comply with the guidance as set out in the SPD outlined above. However, the applicant has proposed for the window to be obscure glazed to mitigate any overlooking and loss of privacy to the neighbour. The National Planning Practice Guidance (NPPG) advises that “when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development”.
- 3.4 As such it is considered reasonable to recommend a suitably worded condition to ensure that this window is obscure glazed to a minimum level 4 and fixed shut in perpetuity. It is felt necessary for the condition to specify that the level of glazing is a minimum of level 4 as this would ensure that an appropriate level of obscuration is provided. Through this form of mitigation, which would be retained in perpetuity, it is considered that there would be no detrimental loss of privacy caused by overlooking or other forms of disturbance to no 32.
- 3.5 Furthermore there would be no loss of amenity to the residents of Wisteria House, as there is an existing principle window which serves this bedroom and is also a means of escape, as such it is considered that this condition is reasonable.
- 3.6 Therefore although the proposal does not comply with the SPD, in terms of providing suitable mitigation, it is considered the proposal will not result in any detrimental impact on the amenity of the neighbouring property. As such the proposal complies with policy BE1 of the Local Plan Strategy in this regard.

4 Other Matters

- 4.1 Policy NR3 of the Local Plan Strategy states that all developments must deliver a net gain to biodiversity. Given the scale of the development it is not considered reasonable or proportionate to require a net gain to biodiversity in this regard.

5 Human Rights

- 5.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbour’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 and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan and National Policy in the NPPF.

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. With reference to this scheme, economically the development will provide a small scale development project. Socially, although contrary to the SPD guidelines, through the obscuring of the window to no less than level 4, and it being fixed shut by the use of an appropriately worded reasonable condition, it is considered that on balance, the proposal will not result in overlooking or a detrimental loss of privacy to neighbouring dwellings. Environmentally, it is considered that the design of the proposed dormer window would be in keeping with the existing dwelling, and would not have a detrimental impact upon the Conservation Area. As such, the development would accord with the requirements of the Local Plan Strategy and the NPPF.

Accordingly, the application is recommended for approval, subject to conditions.

Lichfield
district council

www.lichfielddc.gov.uk

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LOCATION PLAN

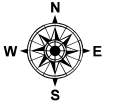
18/00359/FUL
29 Yew Tree Avenue
Lichfield

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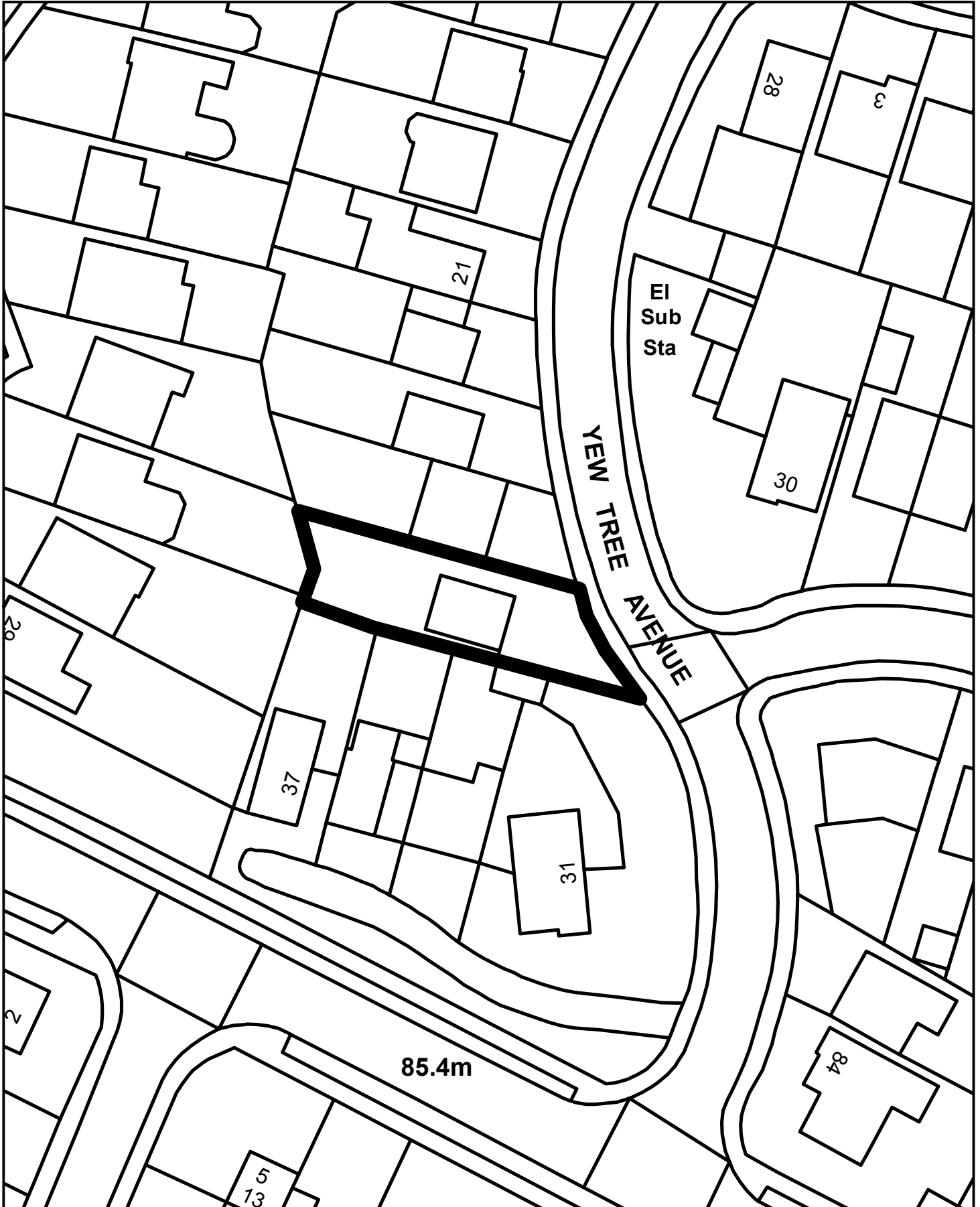
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BLOCK PLAN

18/00359/FUL
29 Yew Tree Avenue
Lichfield

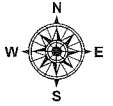
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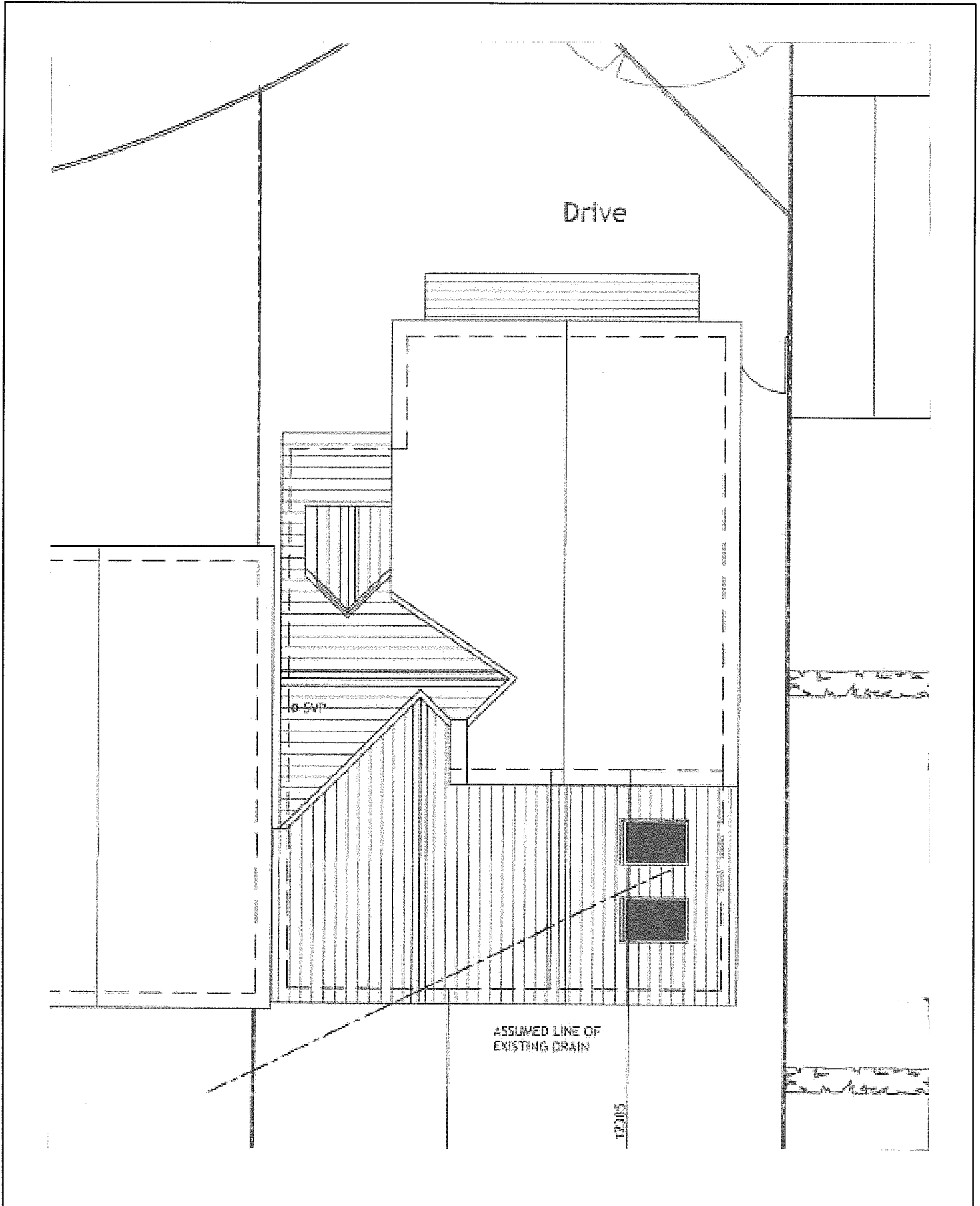
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18/00359/FUL

TWO STOREY SIDE AND REAR EXTENSIONS, SINGLE STOREY FRONT AND REAR EXTENSIONS AND INTERNAL ALTERATIONS

29 YEW TREE AVENUE, LICHFIELD

FOR MRS H BIELBY

Registered 09/03/18

Parish: Lichfield

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

Also, significant planning objections have been raised by Lichfield City Council, as they consider that the proximity of the extension prevents adjacent property from carrying out maintenance on guttering, and overflow pipe abuts adjoining property. Also, Lichfield City Council consider it is over-development of the site and incongruous in the street scene.

RECOMMENDATION: Approve, subject to the following conditions,

CONDITIONS:

1. The development authorised by this permission shall be retained 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 CONDITIONS:

1. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and Lichfield City Neighbourhood Plan (2018).
2. This development is considered to be a sustainable form of development and it is considered that the Council has acted in accordance with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework

National Planning Policy Guidance

Local Plan Strategy

Core Policy 3 – Delivering Sustainable Development

Policy BE1 – High Quality Development

Supplementary Planning Documents & Other

Sustainable Design SPD

Lichfield City Neighbourhood Plan – Made 17/4/18

RELEVANT PLANNING HISTORY

17/00121/FUL - Two storey side and rear extensions, single storey front extension and internal alterations. Approved 11.04.2017

CONSULTATIONS

Lichfield City Council - Recommend Refusal; proximity prevents adjacent property from carrying out maintenance on guttering, and overflow pipe abuts adjoining property. Over-development of the site, and incongruous in the street scene. (06.04.18)

LETTERS OF REPRESENTATION

Eight local residents have raised objections to the application. Their comments are summarised as follows:

- Out of scale and character with the existing dwelling and wider street scene.
- Out of keeping with the building line of existing dwellings.
- Lack of notification of works on site by the applicant.
- Impact on Human Rights Article 8 and 1 due to infringement of access to do repairs to no. 27 and impact on no. 27. Consider Lichfield District Council would be in breach of Human Rights Act.
- Application infringes Building Regulations.
- Impact on maintenance of neighbours guttering.
- Newly erected gutter encroaches on existing guttering at no. 27.
- Pipes, ventilation and boiler system installed will have a detrimental impact upon neighbours.
- Loss of light and privacy affecting the amenity of neighbours.
- Overlooking issues.
- Application breaks covenants and deeds on properties with regard to unfettered access for repair of neighbour eaves and guttering. Owner/applicant did not notify affected neighbours with regard to breach of covenant.
- Feel previous planning application should not be considered in the determination of this application.
- No certificate of ownership served on the neighbour at no.27.
- The contractors worked to alternative plans yet the council did not provide copies of these following requests for them.
- Would set an unfortunate precedent if approved.
- The porch will affect light to the front window of no. 27.
- Development is overbearing.
- Porch would breach the existing building line and therefore should be rejected.
- Question the accuracy of the plans.
- The works undertaken are unauthorised as they have been undertaken without planning permission and the Council did not take any enforcement action, which neighbours feel the Council could have.
- Concerned how the Council has handled the application.
- Feels anonymous representations should not be taken into account.
- Concerns regarding the Council's Code of Conduct in dealing with the application.

Four letters of support have been received. The comments are summarised as follows:

- Extensions will look great and will enhance the road once complete
- The design matches similar styles found within new development
- Note no objections were raised to the previous application
- Consider the issues raised by complainants are not planning matters.

One comment has also been received from a local resident regarding clarification over the need for retrospective permission. The officer responded to this query and no further correspondence has been received.

BACKGROUND DOCUMENTS

Correspondence from Agent explaining proposals and responding to letters of objection.

OBSERVATIONS

Site and Location

This application relates to a detached two storey dwelling located on the east side of Yew Tree Avenue in Boley Park, Lichfield. The dwelling has a drive way to the front and a rear garden. The neighbouring dwellings are of similar design, some of which have been extended. The dwellings are staggered with number 29 sitting forward of number 27.

Background

Works have taken place on site to implement a two storey side and rear extension and single storey front and rear extension to the property, which were partly approved under reference 17/00121/FUL. This application seeks to regularise the works on site, as the development has not been implemented fully in accordance with the previously approved plans, most notably an additional single storey element has been added to the rear and changes to the window detail within the rear elevation of the two storey rear extension.

Proposal

The application seeks to retain a two storey side and rear extension, along with a single storey front and rear extension to create a porch to extend the lounge at the front and dining area at the rear. The extensions will be of a rendered finish upon completion.

The side/rear extension projects from the north side elevation and wraps around the dwelling. The side extension measures 2.1m in width at the front and 5.4m in depth. The two storey rear extension measures 4.5m in width and 3.9m in depth. The extension is set 2.2m back from the original front elevation of the dwelling. The two storey extension has a pitched roof, which to the front is of a cat-slide roof design with dormer window and to the rear a new gable has been erected; as approved on the previous consent (17/00121/FUL). At the rear a 1.85m wide window has been installed instead of the Juliette balcony, as approved. The eaves height at the front of the property is approx. 3.15m, and 4.9m to the rear. The max roof height is 6.35m, the extension ridge is set approximately 0.6m below the host dwelling. The dormer to the front has an eaves height of approx. 5.1m and a max height of 5.4m. The ground floor rear extension measures 3.9m in depth with a monopitch roof design with an eaves height of 1.8m and a ridge height of 3.5m.

The single storey front extension measures 4.25m in width and 0.9m in depth. It has a pitched roof with eaves height of 2.7m and a max height of 3.2m. Works have not commenced on this element of the scheme, which formed part of the original approval. The application also includes internal alterations, and the installation of bifold doors at the rear.

Determining Issues

1. Policy / Principle of Development
2. Design and Appearance
3. Residential Amenity
4. Parking
5. Other Issues
6. Human Rights

1. Policy / Principle of Development

- 1.1 At the heart of the NPPF is the presumption in favour of sustainable development. For decision-taking, this means that proposals that accord with the development plan should be approved without delay.
- 1.2 Also, the NPPF attaches great importance to design of the build environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires that extensions and alterations to existing buildings carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views. These matters are discussed below.

2. Design and Appearance

- 2.1 Whilst the proposed development is a visible addition to the streetscene, it is not considered to be an incongruous addition that will detract from the character and appearance of the streetscene. Yew Tree Avenue is characterised by detached and semi-detached properties that for the most part appear similar in style and design, with the exception of porches, canopies, garages and rear extensions, which have been added over time.
- 2.2 To minimise the development on the streetscene, the side extension has been designed with a reduced ridge height and a 2.2m set back from the front elevation. This makes it subservient to the host dwelling and as such would not detrimentally impact on the design and character of the property nor the streetscene.
- 2.3 The works that have been implemented on site do deviate from the plans previously approved under application ref. 17/00121/FUL, which includes principally the erection of a single storey rear extension and the installation of a 1.8m wide window within the two storey rear elevation instead of a Juliette balcony. The development is not complete as it is yet to be rendered, however the plans state that a smooth render of a cream finish is to be applied. It was apparent following a site inspection that it is feasible for all elevations of the extensions to be finished in this manner. It is considered that this element of the work would not result in an over dominant, incongruous form of development that would detract from the character and appearance of the streetscene.

- 2.4 Comments have been raised regarding the accuracy of plans in comparison to the development as built on site. However, it is considered that the proposed plans are an accurate representation of the works built on site and demonstrate the current scale and form of development as built.
- 2.5 In terms of a 'building line' as referred to in the representation, the fact that a proposal does not follow the existing built line of development within Yew Tree Avenue does not justify a reason to withhold planning permission. It is considered the extensions sit well within the streetscene and do not have a significant impact thereto to justify refusal.
- 2.6 Consequently, it is considered the proposals accord with the Development Plan in regard to design, appearance and impact on the streetscene.

3. Residential Amenity

- 3.1 When assessing the potential for loss of light to neighbouring properties, BRE 209 25 and 45 degree standards are used, as set out in the Sustainable Design SPD. The extensions as built and proposed would comply with these standards and specification in relation to the front and rear of the neighbouring dwellings. Therefore there is no unacceptable loss of light caused to neighbours.
- 3.2 Furthermore, given the irregular layout of dwellings in the locality the proposal would not cause any direct overlooking to neighbours or nearby dwellings, as such meeting the minimum distance guidelines (21m) for principle windows which face each other, as set out in the Sustainable Design SPD. To avoid overbearing impact, the SPD requires facing windows to be 13m distant from the side of a facing neighbour, yet there are no side windows in the nearest neighbour (no.27) and so no such impact would result. It is therefore considered the proposal will not result in a significant detrimental impact on the amenity of the neighbours by virtue of overlooking or overbearing impact.
- 3.3 Whilst it is noted that the proposal will result in the loss of rear garden space, the resultant garden space (120 sqm) will still comply with the minimum garden area, as set out in the Sustainable Design SPD (65sqm), therefore it is not considered that the extensions would result in overdevelopment of the site.
- 3.4 Overall, it is considered the proposals accord with the Development Plan and guidance contained in the Sustainable Design SPD in this regard.

4.0 Parking

- 4.1 The Sustainable Design SPD requires four bedroom dwellings to provide two off-street parking spaces. It is considered that the drive to the front of the property has adequate space for this provision. Consequently, it is considered that the proposals accord with the Development Plan in this regard.

5.0 Other Issues

- 5.1 Whilst comments regarding guttering encroachment, pipes and ventilation system are acknowledged, these are not considered to be material planning considerations that can justify a reason to withhold planning permission. The case officer has liaised with the Building

Regulations team who have confirmed that the works which have taken place on site so far do not contravene such regulations.

- 5.2 Matters regarding the grant of easement and covenants are private interests and therefore do not form a material planning consideration. A breach of the covenant by any other householder is a civil legal matter between such parties and not a matter for the Council. In much the same way, anyone can seek and obtain planning permission for a development on land even if they do not own all or part of the land, however they cannot implement the development without consent of the owner and should separately satisfy matters related to restrictive covenants. It is not the local planning authority's remit to consider whether the applicant is able to overcome the various practical constraints which may restrict their ability to complete the development. This is also the case with regards to notification of the works commencing on site, which are a civil issue and not a requirement of planning legislation.
- 5.3 Comments regarding the lack of declaration of certificate of ownership regarding the overhanging eaves of no. 27 are not applicable, as the applicant is the owner of the land for which the eaves of the neighbouring dwelling (no.27) overhang, there is no requirement for certificate B to be completed. Therefore, it is considered the appropriate certificate of ownership has been completed in this instance.
- 5.4 Concerns regarding the consideration of the previous planning application are acknowledged however, what has been previously given consent on the site is a material planning consideration. Irrespective of the outcome of this current application, the applicant has the 'fall back' position to implement the extensions which have previously been approved. Therefore, it is to be considered whether the current proposals; including the additional elements and changes proposed cause additional significant harm to neighbouring amenity or contravene planning policy. It is considered that the additional elements of work implemented would not have a detrimental impact upon the amenity or outlook of neighbouring occupiers and would comply with the relevant planning and design policies and guidance in place and accordingly, is considered to be acceptable in planning terms.
- 5.5 Whilst it is acknowledged that the works on site are not in accordance with the previously approved plans, this alone however, does not make the proposal unacceptable; there remains a need for the Council to consider whether there are any planning grounds to withhold planning permission, including whether the proposed development conforms with adopted planning policy. It is considered that the proposals do comply with national and local policy and no undue harm in planning terms would be caused to the amenity of local/neighbouring occupiers.
- 5.6 It is considered that the application would not set an undue precedent, as each application is to be assessed and considered having regard to its individual merits in relation to relevant planning policy, which in this case would be the NPPF at a national level and policies within the Lichfield Local Plan Strategy (including policy BE1), the Sustainable Design SPD and Lichfield City Neighbourhood Plan, at the local level.
- 5.7 With regards to the comments made in relation to anonymous representations, such representations are not taken into consideration and only representations which include a name have been taken into consideration in this instance.
- 5.8 Council officers have followed guidance contained with the Councils adopted Enforcement Plan in dealing with this matter, which has included requesting the submission of this planning application.

5.9 Matters related to how the Council has dealt with the various issues raised by local residents, does not have bearing on the merits of the development proposed nor the determination of the planning application. Such concerns may be dealt with as part of the separate Corporate complaints process and therefore do not have bearing on the planning decision process. The applicant is an employee of Lichfield District Council and this is why the application is to be determined by the Planning Committee, in the interests of openness and transparency and in accordance with the Councils' Constitution.

6.0 Human Rights

6.1 The UK planning system has within it all the requisite means by which any rights in question pursuant to Article 8 of the Convention could be appropriately considered and balanced for the purposes of anyone with the requisite human rights which was said to be engaged or violated. Both objectors/neighbours and land owners/developers rights have to be considered under the Human Rights. The proposals set out in the report are considered to be compatible with the Human Rights Act 1998.

6.2 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. Article 1 of the first Protocol refers to entitlement to the peaceful enjoyment of possessions and therefore a prospective landowner/developer is equally entitled to the enjoyment of their possessions. Not every adverse effect on residential amenity will amount to an infringement of the right to respect for a persons' home under Article 8 (1) or the peaceful enjoyment of possessions under Article 1. A balancing exercise of the kind taken by a decision-maker in determining a planning application is (normally) sufficient to meet any requirement of proportionality. The potential interference here has been fully considered within the report and, on balance, is justified and proportionate in relation to the provisions of the policies of the Development Plan and National Policy in the NPPF.

Conclusion

Overall, it is considered that the proposed extensions will assimilate successfully with the host dwelling whilst not detracting from the surrounding streetscene. Also, the proposal will not have an undue detrimental impact on neighbouring amenity. The concerns of local residents are duly noted, however such issues are not considered to be material planning considerations that would justify reasons to refuse permission in this instance.

Therefore, it is considered that the development accords with the requirements of the Development Plan and the NPPF and is recommended approval, subject to condition.