

**20/00967/FUL  
NON MAJOR**

**Mr And Mrs Hardiman**

**ACTON TRUSSELL, BEDNALL  
& TEDDESLEY HAY**

**Cllr Len Bates  
Cllr Isabel Ford**

**Tanglewood 2 Kenderdine Close Bednall STAFFORD ST17 0YS**

**Alterations and extensions to a two storey dwelling**

**1. SITE DESCRIPTION AND PLANNING HISTORY**

**1.1 Site description**

1.1.1 This application relates to a large traditional two storey detached property of brick construction, situated on Kenderdine Close, a cul-de-sac within the village of Bednall. The property benefits from off-road parking to the front for 2+ cars with further parking for an additional 2 vehicles in the detached double garage, along with a private rear garden. The dwelling is situated within a residential area with other similar large detached dwellings built as part of the same estate, varying slightly in size and style. Immediately to the east of the application site are a pair of substantial, traditional, asymmetrical semi-detached houses, which face into Common Lane. One of the semi-detached houses, Bednall Hall, is adjacent to the application site and has a number of windows in the side elevation, including two at ground floor, which are the only windows serving the dining room.

**1.2 Relevant planning history**

1986 Residential development of 12 dwellings plus conversion of hall and outbuildings to form four further dwellings, approved (86/00099/OUT)

1987 Detached House and Garage, approved (87/00602)

**2. APPLICATION DETAILS**

**2.1 The Proposal**

2.1.1 This application proposes a two-storey side extension to the western side elevation to provide a bedroom and dressing area at first floor and a large family kitchen at ground floor.

2.1.2 The applicant also proposes the reconfiguration of existing internal space to combine existing beds 1 and 2 to create a larger bedroom and the removal of the current external side wall to open up the existing kitchen into the extension to create one large space. The extension will measure 3.9 metres in width and will extend 7.15 metres in depth, set back from the principal elevation of the main dwelling by 0.5 metres. The extension will have a maximum ridge height of 7.45 metres, set down circa 0.6 metres from the main ridge line and an eaves height of 4.85 metres

2.1.3 Original plans submitted proposed an extension with a projecting front gable to the principal elevation to match that of the main projection and a width of 4.6 metres. The plans were subsequently amended on a number of occasions as a result of negotiations with the LPA after the planning officer expressed concerns regarding design and that the

extension was not subservient to the host dwelling along with concerns that the extension would have a detrimental impact on the neighbouring dwelling.

## **2.2 Applicants statement**

2.2.1 The applicant has submitted an independent right to light report commissioned on both the original plans and the first set of amended plans to help evidence that an extension in this location will not result in material loss of light to the two windows serving the neighbouring dwelling.

2.2.2 The applicant has made further comments on the Sunlight and Daylight report he commissioned, which was based on the original submission of a larger extension. By reducing the size of the extension by 600mm, he comments, it makes the report's findings more of a reason to grant planning permission as the neighbouring property will gain more light. The report does not say that the dummy window in the dining room is a real window, it just merely points out the amount of light entering those windows before and after the extension is built and how the extension has no affect to the light.

## **3. POLICY CONTEXT**

3.1 Within the Development Boundary

3.2 Core Strategy

Core Policy 3: Sustainable Development and Climate Change

Core Policy 4 Promoting High Quality Design

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings

Adopted local guidance

South Staffordshire Design Guide [2018]

Sustainable Development SPD [2018]

3.3 National Planning Policy Framework

Chapter 12: Achieving well-designed spaces

## **4. CONSULTATION RESPONSES**

**Councillor comments:** one comment received from Councillor Bates on 15.02.2021:

*I understand that further amended plans have been submitted in recent days. It would appear that some minor alterations to the south elevations have been made with the removal of the apex roof. This is of no significance as there is still a 2 storey development with no change to the east elevation, which still encroach on Bednall Hall's 2 principal windows away from the existing Hall dining room. Surely a 2 storey development windows is contrary to planning policy as they are so near to the neighbouring property. The original building, number 2 Kenderdine Close, was built 9 metres from the windows at the Hall, which is less than the recognised 13m distance. The current development will reduce the distance to less than 6 metres and will block out light and be oppressive for the residents at the Hall.*

*It would seem that each amendment simply tinkers with the design but does not address the neighbour's objections.*

*Based on my comments above I do not believe that the proposed development should be approved. If necessary, I shall call the application in to be determined by the Planning Committee.*

No **Parish Council** comments (expired 23.02.2021)

**Arboricultural Officer** comments received 25.11.2021: *no objections*

**Neighbour** comments

Five comments received from Knights Plc on behalf of the occupiers of Bednall Hall on 20.11.2020, 11.01.2021, 08.02.2021, 15.02.2021 and 26.02.2021. Summary of comments:

- The dining room at Bednall Hall is served by 2no. windows both on the western side elevation opposite the development. The proposals would have a detrimental impact by way of outlook, overbearing and loss of light to the habitable windows.
  - The remaining windows on this elevation serve non-habitable rooms.
  - Comments set out both national and local relevant policies and outline the potential impact on the neighbouring dwelling with particular reference to the standard set out in the space about dwellings standards (appendix 6 of the Council's adopted core strategy) which states that a distance of 13 metres should be achieved between front or rear windows to habitable rooms to flank side wall over private space. Whilst this is a side facing wall given the layout of the property and that these are the only windows serving this room this standard should be applied.
  - The gap between the windows and the dwelling is currently 9.5 metres this will be reduced further to 5 metres which on site it appears to be closer to 4 metres (potentially reducing this distance even further).
  - Increase overbearing impact already existing from the host dwelling as proposals would extend almost up to the boundary
  - Light into the dining room is already somewhat compromised by the existence of a tree in the south west corner of their property, which is subject to a Tree Preservation Order and this would be further exacerbated.
  - The permission for the original estate was carefully considered/designed to protect the amenity of nearby occupiers, purposefully leaving a separation gap.
  - Design is not subservient; property appears bloated and overdeveloped and design fails to respect the gap.
  - Extensions should be single storey in this location, there is opportunity for two storey extensions elsewhere, possibly to the rear that would be less impactful.
- Subsequent comments received from Knight plc in respect of amended plans:
- First set of amendments to a hipped roof - proposals will still result in a significant overbearing impact whether the gable end is lost or not. Proposals are still in breach of 13 metre minimal distance to a flank wall resulting in an unacceptable loss of light and outlook. Design is unbalanced and still not subservient to the dwelling.
  - Second set of amendments - amended plans seek to address the design elements of our objections through the removal of the gable end and the provision of a set back from the front elevation and drop in ridgeline but proposals still breach the 13 metre standard and result in overbearing and loss of light which is exacerbated in the amended plans on account of the provision of the gable end which now provides brick work across three storey (when including the space beneath the roof) which would have a significant

adverse impact upon their outlook and loss of light into their principal habitable room. The removal of the front gable feature and the slight set back does little to overcome this impact. It is our view that the amendments would have an even greater adverse impact upon our clients' amenity.

- Third set of amendments - I note that the extension has been set in slightly further back from the front and rear elevations. However, these amendments do very little to overcome our objections in respect of outlook and amenity to our client. On this basis, we maintain our objections in respect of impact on amenity along the lines set out in our email dated 3 February.
- Further comments (summary)- the Daylight and Sunlight report refers to a Window no.5 on the south elevation of the building. This is a dummy window and therefore does not provide any light into the dining room (as set out on page 4 of our original letter of objection and subsequently in photographs provided by my client). This window would have been blocked up at some point between 1696 and 1851 when the window tax was in force. The layout of the dining room has therefore relied solely upon the existing side facing windows to provide light into this property (and the room is arranged internally accordingly). This dummy window is now an integral part of the design and character of this building and it is therefore highly unlikely that this window would be reinstated in the future. The report suggest that this window would provide substantial light into this room, and this is clearly not the case. We therefore consider that this report is seriously flawed.
- whilst the Daylight and Sunlight Report can be treated as a material consideration, it does not replace the policies contained within Core Strategy Policy EQ9 which states that *"all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight"*.

Appendix 6 of the Core Strategy which sets out the Space About Dwellings Standards which require the following:

*"The provision of adequate space about dwellings standards is an important element in achieving a high standard of design and layout by providing:*

- a) adequate daylight and sunlight to rooms and rear gardens;*
- b) reasonable privacy for dwellings within the layout and protection of the privacy of existing dwellings;*
- c) a satisfactory outlook, both within the new development and in relation to the existing development."*

- Appendix 6 also required a distance of 13 metres between windows serving a habitable room and a blank two storey elevation. The proposed development comes nowhere near meeting these standards.
- This policy is not in place just to protect against the amenity of loss of daylight/sunlight but also (as set out in Appendix 6 above) to provide acceptable amenity in respect of providing satisfactory outlook. It is evident therefore that the provision of a two storey extension (plus gable end above) would seriously affect the amenity of our client by way of their outlook by way of overbearing and would result in a very imposing feature when our clients are in their dining room.

- Whilst we are not convinced by the recommendations of the Daylight and Sunlight Report (for the reasons previously stated), even if it were amended to reflect the accurate position, this would not overcome the overbearing impact that it would have on our client's amenity and therefore very limited weight should be given to the report in the determination of this planning application.

In light of the above, the proposal is clearly contrary to Policy EQ9 and the Space Around Dwellings Standards contained in Appendix 6 of the Core Strategy. It is therefore evident that a strong case exists to refuse planning permission. This room serves as one of the main rooms that our client's family spends much of their time and therefore the impact of the proposed extension on their amenity would be significant.

## **5. APPRAISAL**

5.1 The application has been called to the planning committee by Councillor Bates who has concerns about the proposals and a detrimental impact on the amenity of the neighbouring dwelling, Bednall Hall.

### **5.2 Key Issues**

- Principle of development
- Impact on neighbouring properties
- Impact on the character of the area
- Space about dwelling standards
- Impact on the trees
- Highways/Parking

### **5.3 Principle of development**

5.3.1 The property is within the development boundary where proposals such as this can be considered to be an acceptable form of development, providing there is no adverse impact on neighbouring properties or the amenity of the area.

### **5.4 Impact on neighbouring properties**

5.4.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. Appendix 6 sets out minimum separation distances between facing habitable room windows and towards flank walls.

5.4.2 Objections have been received from the immediate neighbouring dwelling to the east, Bednall Hall on the grounds of design including impact on the character of the area and subservience to the host dwelling (which will be discussed later on in the report) and impact on amenity. These later concerns comment on loss of light to the 2.no dining room windows on western elevation of the dwelling facing the development (which are the only two windows serving this habitable room), overbearing impact and a breach of the standard that requires a minimum distance of 13 metres between principal habitable windows and a flank wall.

5.4.3 To help address the concerns of the neighbouring property the LPA has negotiated amendments to the design to help minimise any potential impact on the neighbouring dwelling, including a 25% reduction in the width of the extension to maintain a larger

separation distance between the neighbouring dwelling and the proposed extension. Following initial concerns from the LPA that the original design (which allowed for the greater width of the extension in addition to the projecting front gable and continuation of the main ridge line) would have an overbearing impact on this property and would result in loss of light to the 2no. windows serving the dining room, the applicants commissioned a light survey to evidence that the proposals would not result in any material loss of light to these windows. The neighbouring dwelling already experiences a loss of light to the western side of the property resulting from overshadowing caused by a protected tree in the south western corner of their site. Given the reduction in the proposals to help mitigate any impact and the evidence submitted in the light report to show that the original proposals (which would have caused a greater impact on the neighbouring dwelling) would result in no material loss of light to the habitable room windows, there are no undue concerns regarding loss of light.

5.4.4 I note the reference to the 13-metre separation distance required between windows to habitable rooms and flank side walls as set out in the Council's adopted Core Strategy. However, this standard refers to front or rear windows to habitable rooms, not those on a side elevation. Furthermore, these standards are set to ensure that dwellings maintain adequate outlook, privacy and to prevent loss of light. The distance between the side wall of the proposed extension and the side wall of Bednall Hall is approximately 7.5m. There are no side windows proposed in the extension and the upper floor rear window proposed will not provide for any further overlooking than the rear windows in the existing dwelling currently provide, so there will be no impact on privacy and loss of light as has already been discussed above (and the remaining windows on the western elevation of Bednall Hall serve non-habitable rooms).

5.4.5 The habitable windows at this dwelling already look out onto both the separating garden wall and the side elevation of no.2 currently. Whilst the proposal would bring the side wall 3.9 metres closer to the neighbouring dwelling, the applicant has reduced the width of the proposals to maximise the gap and reduce impact on the neighbouring dwelling. There is also an existing single storey addition in this location which currently affects outlook and potentially (subject to meeting the criteria set under the legislation) the applicant could extend the dwelling (single storey) up to the side boundary under permitted development with a 3 metre high flat roofed extension. This would also affect the outlook of these ground floor windows, potentially creating a greater impact, as this would bring the wall of an extension right up to the boundary. On balance and considering the material considerations explored above, the proposals will not result in so significant an impact on the amenity of the neighbouring dwelling as to warrant refusal of the application.

5.4.6 By reasons of its scale and siting I do not consider that the proposal will cause any undue impact on the amenity of any other neighbouring property through overlooking, loss of light, overbearing or loss of privacy. In view of the above and as no further neighbouring objections have been received, I consider that the proposals would comply with Policy EQ9 of the Core Strategy.

## **5.5 Impact on the character of the area**

5.5.1 Policy EQ11 'Wider Design Considerations' of the South Staffordshire Local Plan states 'in terms of volume, scale, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area'. The Council's adopted Design Guide elaborates on these principles and with regard to householder extensions it states generally; 'extensions should

be subservient to the main building. The extension should respect the scale and form of the main building and its relationship to adjacent buildings, including the gaps in between them. Developers should consider the overall effect of the extension on the appearance of the building as a whole, and extensions should not detract from the original building or nearby buildings by overshadowing. Extensions to principal elevations are not usually considered acceptable.

5.5.2 The property is located within a small estate of other similar large detached dwellings with dual aspect frontages. Following initial concerns expressed by the planning officer that the proposals would be overly dominant in the street scene and not subservient to the host dwelling, the extension has been both reduced in scale, set down from the main ridge line and set back from the principal elevation to ensure subservience to the host dwelling. The revised proposals are now in keeping with and subservient to the host dwelling and would be viewed in the context of the main dwelling behind the large detached garage outbuilding that would be located in front of the proposed extensions. The proposals would not therefore adversely affect the character and appearance of the area and are considered to be appropriate in scale, mass, design, layout, siting and materials and would therefore comply with Policy EQ11 of the Core Strategy.

## **5.6 Space about Dwellings**

5.6.1 The Council's Space about Dwellings (SAD) Standards recommend that dwellings with 4 or more bedrooms have a minimum garden length of 10.5m and a garden area of 100 sqm. The proposals would maintain the existing rear garden length of around 16.5 metres and an area in excess of 250 square metres easily meeting the minimum requirements. No other technical infringements of Space about Dwellings result from the proposal.

## **5.7 Impact on the trees**

5.7.1 Policy EQ4 states that the rural character and local distinctiveness of the landscape should be maintained and where possible enhanced. This includes the protection of trees and hedgerows unless it can be demonstrated that removal is necessary. Policy EQ12 emphasises that the landscaping of new developments should be an integral part of the overall design.

5.7.2 Both the site and the surrounding area feature a large number of established trees, some of which are protected by tree preservation orders, which contribute positively to the character and appearance of the area. The application states that no works are proposed or required to the trees (including removal) as part of the proposals and there have been no objections raised or concerns expressed by the Arboricultural officer in respect of the proposed extension works. The proposals therefore comply with policy EQ4 of the Core Strategy.

## **5.8 Highways/parking**

5.8.1 Policy EV12 and Appendix 5 of the Core Strategy require that highway safety and parking provision are considered as part of development proposals. For dwellings with 4 or more bedrooms there is a need to provide 3 car parking spaces on site. The site currently has off street parking for a minimum of 4 vehicles (on the driveway and double garage) which will remain unchanged by the proposals thereby meeting the parking standards as outlined in the Core Strategy.

## 6. CONCLUSIONS

6.1 The application is considered acceptable as it will not cause any undue harm to the amenity of neighbouring residential properties and will be sympathetic to the character of the surrounding area. Therefore, the proposal is in accordance with Local Plan Policies EQ9 and EQ11 and I recommend the application for approval.

## 7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: 20L29p01 Rev D Proposed plans received on 09.02.2021.
3. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

### Reasons

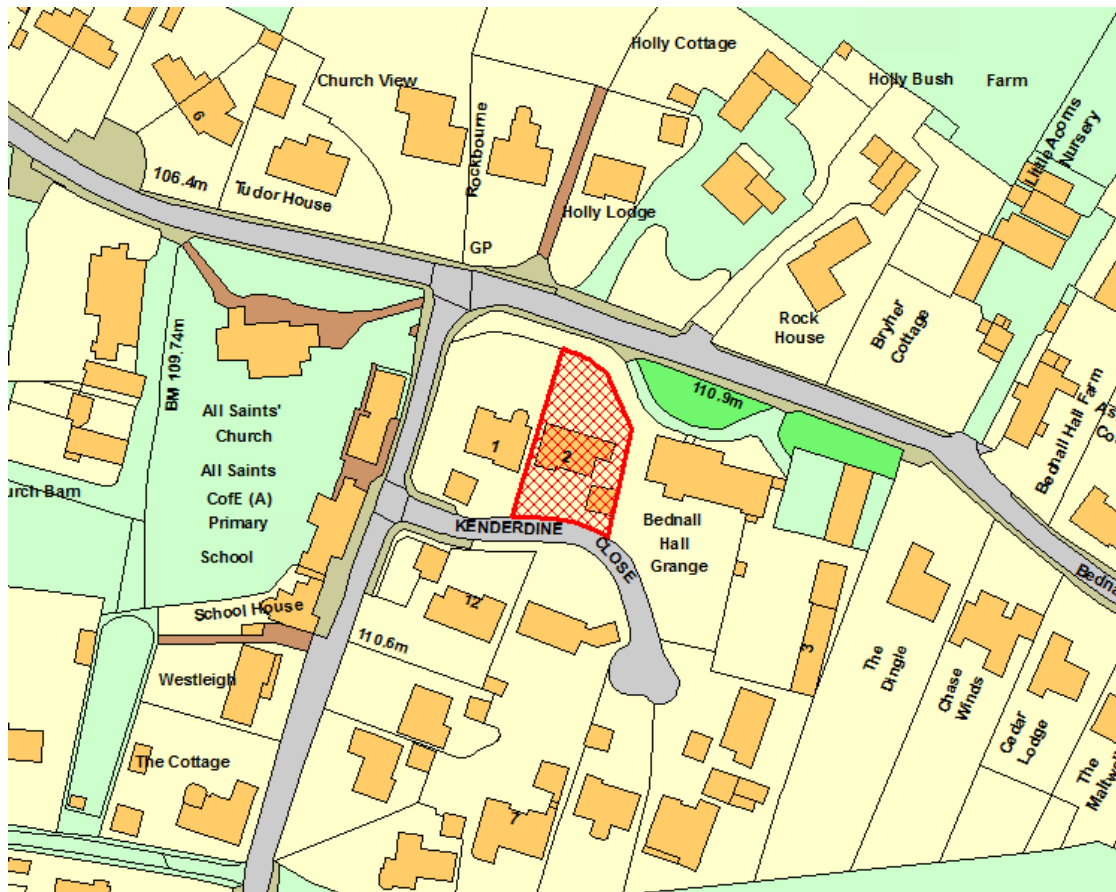
1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2019.

Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)





Tanglewood, 2 Kenderdine Close, Bednall, STAFFORD ST17 0YS