

16/12/2003

Item 2.2

Reg. No. 9 2003 1250 F

Applicant:

Mr Mrs Woodward
2, Linton Road
Castle Gresley
Swadlincote
Derbyshire
DE119HU

Agent:

D. Rutter
Architectural/Graphic Services
36 Main Street
Linton
Swadlincote
Derbyshire
DE12 6PZ

Proposal: **The erection of a detached house and garage Land At The Rear Of 2 Linton Road Castle Gresley Swadlincote**

Ward: **Linton**

Valid Date: **13/10/2003**

Councillor Southern has requested that this application is reported to Committee.

Site Description

The application site is the large rear garden area of a detached dwelling which fronts onto Linton Road. All the other dwellings fronting both Burton Road and Linton Road have gardens of an equal length but No 2 has a garden which is approximately 40 metres longer and extends in a triangular shape adjacent to the rear gardens of dwellings fronting Burton Road and two fields. There is an existing access track to the site from Burton Road and there are some small outbuildings on the site. The site is elevated approximately 4 to 5 metres above the level of either Burton Road or Linton Road.

Proposal

The proposal is to construct a four bedroom dwelling and detached double garage. The house would be accessed via an existing access from Burton Road and the scheme outlines a large curtilage/ garden to the north of the property measuring over 45 metres in length and split into areas marked as garden, orchard, tree planting and vegetable garden.

Applicants' supporting information

Although an arbitrary line has been drawn across the site in the local plan denoting the edge of the built up area, all of the site has the benefit of being within the curtilage of number 2 Linton Road and all that this entails.

The site contains domestic outbuildings, a joiner's workshop (at present unoccupied) and associated parking and turning area all outside the built-up area line.

Vehicle access to the site, at present, is via Linton Road and also Burton Road. The Burton Road access also serves the joiners workshop. It is proposed to access the current dwelling, number 2 Linton Road only from Linton Road and to access the new dwelling from Burton Road. Access to the joiners workshop from Burton Road as well as the use of the workshop would cease. Ample provision has been made for on site parking and turning, including Service and Emergency vehicles. Surface treatment of the access drive can be conditioned should this application be successful.

The proposed siting of the dwelling, is such that, part of it will be within the built up area boundary line and the remainder will be on the brownfield parking and turning area associated with the joiners workshop. All of the proposed garage will be well within the built up area boundary line. The area of the joiners workshop parking not required, will have the stone removed and it will revert back to garden use to the benefit of the horse chestnut tree.

Whilst it is acknowledged that the Council would not, normally, want to set a precedent for development beyond the built up area boundary, this site is unique in that, apart from the possibility of it being described as partly brownfield, it is in a corner on the fringe of the built up area and as such is bounded on two sides by land which is within the boundary. It is already put to the same use as the adjoining properties and has all the permitted development rights enjoyed by land in residential use.

Should this application be successful the development will not project out on a limb as might be the case with other potential sites in the area and as such would not set a precedent.

The design of the proposed dwelling is such that the two sides facing away from the site will be mostly sloping roof in order to reduce the impact. Hip end sizes have been kept to a minimum and the overall area of the four bedroom house is modest. Facing materials and details traditional to the area will be used. The proposed ground floor level and vertical dimensions will be kept to a minimum.

The proposal will require the removal of one non native sycamore tree and one fruit tree. Partly in compensation for this but mostly because of the site's close proximity to the new National Forest, it is proposed to provide extensive native tree planting and an orchard containing some fruit varieties local to the area, all shown on the proposed plan.

The new dwelling will be a minimum of 8 metres from the existing mature Horse Chestnut tree. This is close enough for the tree to provide a measure of screening to the house without the house having any detrimental affect on the tree. The tree and its root system will be fully protected during the construction of the proposed dwelling.

It is not expected that the proposals will generate any more noise than that generated by the existing use of the site. Giving up the potential use of the joiner's workshop could result in a lower traffic and machine use noise level.

Because of its existing use as well as the design and siting of the proposed dwelling, it is expected that there will be no loss of privacy or outlook and no overshadowing of existing dwellings or gardens other than that allowed by the Authorities own standards.

Planning History

In 1988 planning permission was refused for a bungalow on the site on the grounds that the development would be outside the built up area of Castle Gresley on a site which has amenity value, that the proposal would result in an increase in parking on the main road contrary to the best interests of the free and safe flow of traffic and the fact that the development would set a precedent for similar backland development to the rear of neighbouring properties. The Joiner's workshop located on the land was approved in 1969 and was stated to be vacant at the time of the 1988 application.

Responses to Consultations

Severn Trent Water has no objection to the proposal

The County Highway Authority has no objection to the application although they do raise concern over the excessive man carry distance from the road.

Responses to Publicity

One letter has been received from the occupiers of the neighbouring dwelling raising concerns over the size and height of the proposed house, the proposal blocking the skyline when viewed from the windows of a neighbouring dwelling, the loss of the sycamore tree and overlooking between the windows on the proposed house and neighbouring gardens.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policies 4 and 8, Environment Policy 1

Draft Local Plan: Policy H1 and Policies ENV 7 and ENV 21.

Planning Considerations

The main issues central to the determination of this application are: the fact that a large proportion of the site is located outside the Swadlincote urban area and is therefore within the open countryside and the prominence and visual impact of the proposed development within the streetscene and wider area.

Planning Assessment

The development boundary around the Swadlincote urban area, in both the adopted and draft Local Plans, is clearly drawn along the line of the end of the rear gardens of dwellings which front Linton Road and Burton Road. The garden of No 2 Linton Road extends back more than any other garden on this stretch of road and extends over 40 metres into the open countryside. The proposed double garage and approximately a third of the dwelling itself would be located within the development boundary and approximately two thirds of the dwelling and the rear garden would be within the open countryside. Although the site is brownfield, the majority of the land is clearly outside the built-up urban area as outlined in the adopted and draft Local Plans, and is not substantially surrounded by development (a requirement of the policy in the adopted plan). Development of the site would therefore be contrary to Local Plan policies.

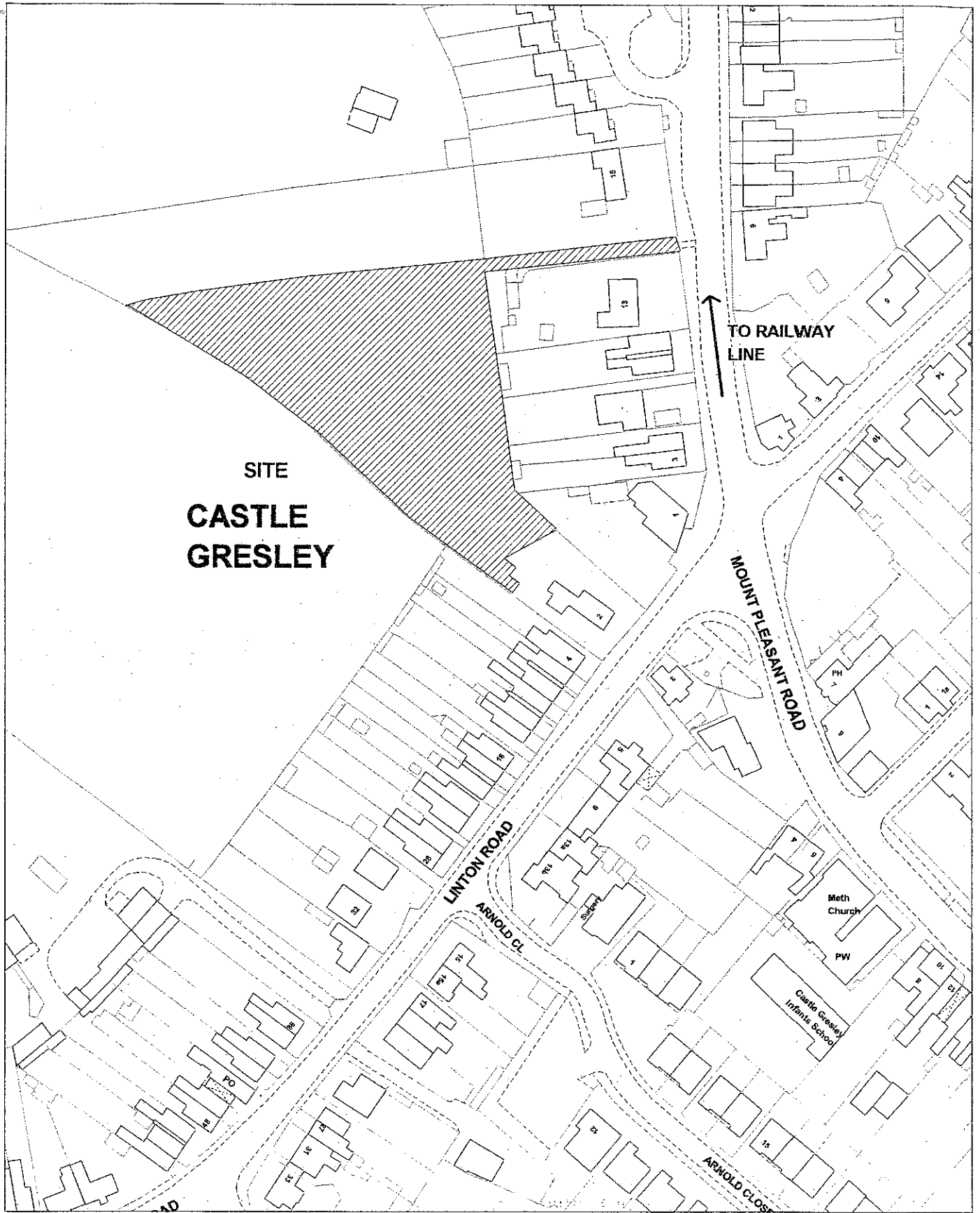
Although it could be argued that the site is in a sustainable location, on the edge of the urban area, the site is largely located within the open countryside and therefore the visual impact of the proposed dwelling on the openness and character of countryside must be considered. The site is very elevated particularly compared with the existing dwellings fronting Burton Road, the floor level of the proposed dwelling will be up to 5 metres higher than the floor level of these dwellings. The proposed dwelling itself measures 7.4 metres to the ridge, therefore the house would be clearly visible above the existing houses when viewed from Burton Road. The existing houses fronting Linton Road are elevated from the road and therefore the visual impact will not be so significant from this direction. The proposed dwelling will also be prominent and visible from locations further from the site, from Hillside Road on the approach to Castle Gresley from Linton and from the A444. The development boundary to the settlement has clearly been drawn along the line of the rear gardens of existing dwellings and the proposed scheme will represent a significant and prominent intrusion into the countryside.


The development would therefore also fail in this regard when the criteria set out in the adopted Local Plan Housing Policy 4 is applied.

Recommendation

REFUSE for the following reason:

1. The proposed dwelling would be located largely outside the urban area as defined in the adopted and draft South Derbyshire Local Plans and within the open countryside. The proposal would therefore appear as a prominent intrusion into the countryside in a location where new residential development is unacceptable and contrary to the provisions of Housing Policies 4, 5 and 8 and Environment Policy 1 of the adopted South Derbyshire Local Plan and Policies ENV 7 and H 1 of the Revised Deposit Draft South Derbyshire Local Plan.



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|--|---|--------------------------------|---|
|  South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AL | Land to rear of 2 Linton Road Castle Gresley 9/2003/1250 | Date Plotted 29/12/2003 | NORTH ↑ |
| | Plot centred at 428536 325343 | Scale 1:1250 | Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office. (c) Crown Copyright. Unauthorised reproduction |

16/12/2003

Item 1.6

Reg. No. 9 2003 1211 F

Applicant:

Mrs Amanda Earp
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Swadlincote
Derbyshire
DE110HT

Agent:

P. Diffey
Peter Diffey & Associates
Cotesbach Villa
54 Woods Lane
Stapenhill
Burton On Trent
DE15 9DB

Proposal: The erection of a dwelling on Land to the rear of 216 218 High Street Newhall Swadlincote

Ward: Midway

Valid Date: 09/10/2003

Site Description

This site, forming the rear garden to 218 High Street, is on the east side of Beards Road some 17m from its junction with High street. It is some 11m wide by 15m deep.

Proposal

It is proposed to erect a three bedroom, two storey dwelling on the site. Access would be from Beards Road and there would be two off-street parking spaces.

Applicants' supporting information

The salient points of the applicants supporting statement are as follows:

The previous application was in outline and was for the erection of 2 semi-detached dwellings on the site. It was refused on grounds of over-development. The present application attempts to overcome this reason for refusal following a reassessment of the site area and capacity of the site taking into account national and local planning policy and guidance.

The proposed dwelling will be located 1m from the north-eastern boundary. A blank wall will face the adjacent semi-detached dwelling's gable wall. Because of the distance from that dwelling, and because the neighbouring house's first floor window overlooks the rear corner of the proposed gable, there should be no loss of light to that window (which does not light a habitable room). The position of the proposed house and lack of windows to habitable rooms in the gable means there should be no overlooking or loss of privacy or amenity suffered by the neighbour.

The proposed dwelling will be located an average of 3.5m from the south-west boundary. The dwelling, at its closest, will be 11.2m from windows at 216 High Street. The dwelling will be partially screened from views from the ground floor of both dwellings because of the existing out buildings and views from the first floor bedrooms will be across the proposed rear garden. Because of the distance and because the proposed dwelling is partially offset from the two High Street dwellings, there should be no loss of amenities to the dwellings.

The proposed dwelling looks towards a rear wall and gable. The gable is 6.2m from the kitchen. The living room has open views over the rear brick wall. Because the rear elevation of the proposed dwelling looks south-eastwards these boundary features should result in no loss of light to the property. Whilst the garden depth is not great, it is significantly larger than the gardens to the adjacent modern semi-detached dwelling and has a width and area, which more than fulfils normal amenity requirements relating to a dwelling of the size proposed (adequate room is available for gardening, play, hanging clothes, the erection of a storage shed etc).

Site History

An outline application for two dwellings on the site was refused in June 2003.

Responses to Consultations

The Highway Authority raises no objections subject to access amendment to improve driver/pedestrian intervisibility and the parking area to remain in perpetuity and be finished in a solid bound material.

Responses to Publicity

Objections from a neighbouring resident are summarised as follows;

- The back garden would be no more than 6m long.
- Inadequate sized gardens would remain for 216 and 218 High Street.
- The surrounding area is a reasonably spaced residential environment and the development would alter this characteristic.
- A new access would be close to the end of Beards Road where visibility is already poor.
- 216 and 218 High Street will have no parking except in Beards Road, close to an already awkward junction with a busy road.
- Because of the small size of the plot, any new building on it is likely to overshadow, overlook and create loss of privacy to neighbouring buildings and gardens. This will be a particular problem from the upstairs rear bedroom windows.
- A bungalow would be better.

Structure/Local Plan Policies

The relevant policies are:

Adopted Local Plan: Housing Policy 4 and 11
Draft Local Plan: Policy H1 and ENV21

Planning Considerations

The main issue central to the determination of this application is the adequacy of the site area to safeguard the amenities of neighbouring residents.

Planning Assessment

Although the proposed garden length of some 6m would fall short of the recommended 10.5m it would be in excess of the minimum garden area of 70 square metres. The rear elevation of the dwelling would not face neighbouring windows and therefore privacy would not be affected. The rear elevation would look toward the front garden of the neighbouring dwelling, which is not unusual in a residential area and therefore there would be no material harm caused to privacy in this regard.

The remaining private amenity space to 218 High Street would be much reduced to the rear yard area of 17 square metres. Whilst this is well below the recommended area of 50 square metres, this yard area is not untypical for a small 19th century dwelling and would suit someone not desiring a larger garden.

In all other respects regarding distances between dwellings, an adequate level of amenity would be safeguarded for existing residents and no material harm would be caused to their interests.

None of the other matters raised through the publicity and consultation process amount to materials considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. Development shall not commence on site in connection with this approval until samples of materials to be used on the external elevations of the dwelling have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.
2. Reason: To ensure the materials are appropriate to safeguard the amenities of the area.
3. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. Brick eaves and verges shall be used with no no fascia boards unless otherwise agreed in writing by the Local planning Authority.
3. Reason: In the interests of the appearance of the building, and the character of the area.
4. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

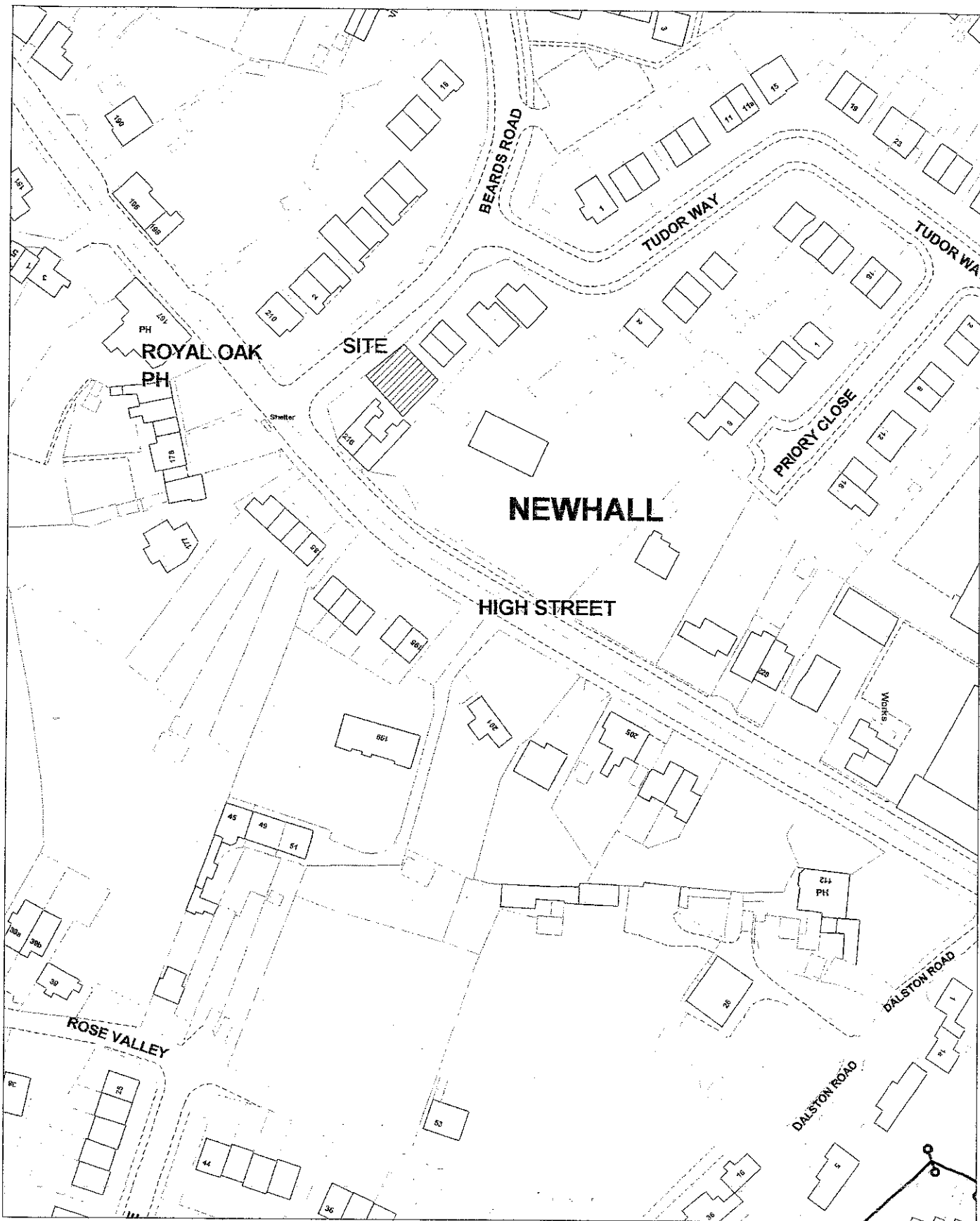
4. Reason: In the interests of the appearance of the area.
5. The dwelling shall not be occupied until the access has been arranged as indicated on the attached plan. The area shown hatched red shall be retained permanently free of all obstructions exceeding 600mm in height relative to road level.
5. Reason: To maximise driver/pedestrian intervisibility in the interests of highway safety.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no development within the curtilage of the dwelling house under Schedule 2 Part 1 Class A and E of the Order shall be carried out without the prior planning permission in writing of the Local Planning Authority.
6. Reason: To safeguard the amenities of neighbouring residents.

Informatives:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.



South Derbyshire
District Council
Civic Offices
Civic Way
Swadlincote
DE11 0AL

Land to rear of 216 High Street
Newhall 9/2003/1211

Date Plotted 29/12/2003

NORTH ↑

Plot centred at 428536 325343

Scale 1:1250

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16/12/2003

Item 1.9**Reg. No.** 9 2003 1281 F**Applicant:**

Mrs C Isham
15 Rouen Way
Ashby De La Zouch

Agent:

P. Diffey
Peter Diffey & Associates
Cotesbach Villa
54 Woods Lane
Stapenhill
Burton On Trent
DE15 9DB

Proposal: The erection of a dwelling 3 Hill Street Newhall Swadlincote**Ward:** Newhall**Valid Date:** 20/10/2003**Site Description**

This grassed plot between existing dwellings is 12m wide by 13.5m deep and is on the north side of Hill Street, opposite the footpath which connects to High Street next to the Post Office.

It is a flat site bound to the east by the access driveway serving 22 Hill Street, to the north by brick outbuildings within the garden to 22 Hill Street, to the west by the gable to 26 Hill Street, and to the south by Hill Street itself.

Proposal

It is proposed to erect a two storey, two bedroom dwelling set against the rear boundary of the site with the garden area at the front and off street parking for one vehicle.

Applicant's Supporting Information

The applicant's design aims are as follows:

1. To provide a house design which relates well to adjacent dwellings at 22 and 26 Hill Street.
2. A layout allowing adequate natural lighting without any loss of privacy to 22 Hill Street
3. A layout providing the main natural light source from the south with no windows to the north and only secondary windows on all other elevations
4. A location ensuring the 45-degree splay from 22 Hill Street's ground and first floor windows is not compromised
5. A layout providing a reasonable double bedroom and a usable guest bedroom, and a bathroom.
6. A layout providing a living room, distinct kitchen area, some storage and complying with building regulation requirements relating to a ground floor w.c.

7. A single car parking space in compliance with PPG3
8. A private amenity area adequate for sitting in and drying of clothes
9. A set back to the private amenity area to provide a front garden to protect the character of the street and to provide adequate sight lines/turning facilities for the owner to enter and leave the site.

Responses to Consultations

Severn Trent Water has no objections.

The County Highway Authority considers that although the use of Hill Street for additional traffic is not ideal in view of the restricted frontage and narrow carriageway, it is doubtful that, bearing in mind a recent appeal decision allowing development on a nearby site on Hill Street and the general presumption in favour of development, that there are insufficient grounds to sustain a reason for refusal at a further appeal.

Responses to Publicity

Letters of objection have been submitted from both immediate neighbours on the following grounds:

- Affect outlook and overbearance and loss of privacy to rear garden
- The siting of the dwelling would prevent maintenance of the boundary wall and side of neighbour's house
- It will increase traffic to the detriment of highway safety
- There is no spare parking on Hill Street and depending on how the future occupiers park on the drive to the house, could affect the use of the neighbour's drive.

Structure/Local Plan Policies

Adopted Local Plan: Housing Policy 4, Housing Policy 11
Revised Deposit Draft Local Plan (2003): Policy H1, ENV 21.

Planning Considerations

- Impact on amenity of neighbouring residents
- Adequate parking
- Adequate private garden space.

Planning Assessment

This is an infill brown field site within the defined Swadlincote boundary and therefore residential development is acceptable in principle.

The siting of the dwelling accords with the Councils SPG for housing layouts and therefore the neighbour's amenity with respect to overbearance and privacy would be safeguarded.

One off-street parking space would be provided which accords with Appendix A: Parking Standards of the emerging Local Plan.

The private garden area would be below that recommended in the Council's SPG. The area however would be adequate for a dwelling of this very modest size and provide the necessary amenity for occupiers.

The proximity of the dwelling to neighbours walls is not a planning matter and would be governed by the Party Walls Etc. Act.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

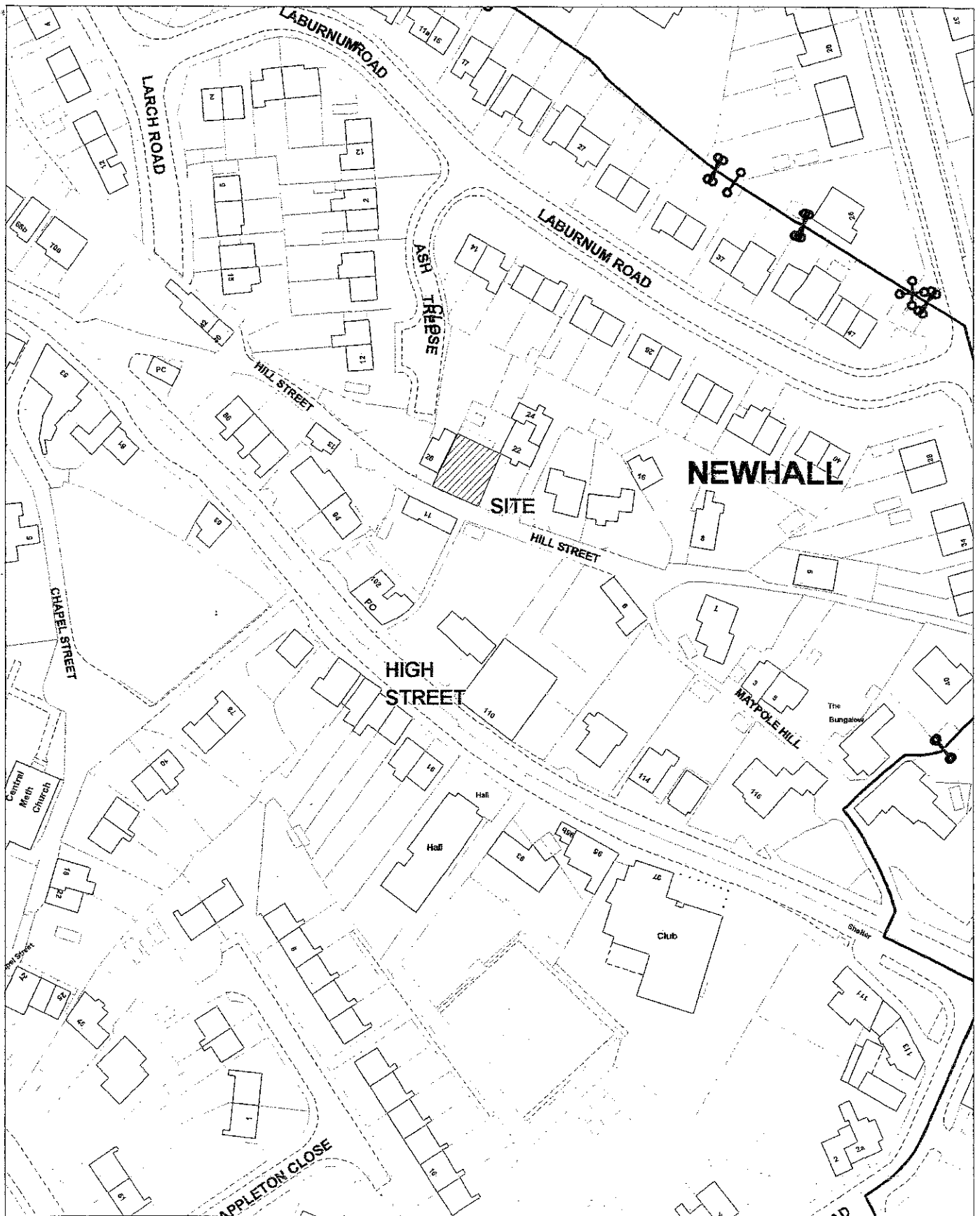
1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No development shall commence on site in connection with this approval until samples of materials of the external elevations of the building have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.
2. Reason: To ensure the materials are acceptable to safeguard the character and appearance of the area.
3. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
3. Reason: In the interests of the appearance of the area.
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping.
4. Reason: In the interests of the appearance of the area.
5. Further to condition 4 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.
5. Reason: In the interests of the appearance of the area.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Reason: In the interests of the appearance of the area.

7. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
7. Reason: To protect the amenities of adjoining properties and the locality generally.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no external alterations, including the insertion of new windows, to the buildings other than as approved under this permission.
8. Reason: In the interests of preserving the setting of the building and the character of the area.
9. The parking area shall be retained in perpetuity for the purpose of off-street car parking and the site frontage shall be maintained permanently free of all obstructions exceeding 1m in height relative to carriageway level for a distance of 2m from the carriageway edge.
9. Reason: In the interests of highway safety.

Informatives:

The application is considered to be in accord with the following policies of the Development Plan: Adopted Local Plan: Housing Policy 4, Housing Policy 11, Revised Deposit Draft Local Plan (2003) :H1, Env 2.

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works within highway limits.




South Derbyshire
District Council
Civic Offices
Civic Way
Swadlincote
DE11 0AH

Land between 22 & 26 Hill Street
Newhall 9/2003/1281

Date Plotted 29/12/2003
 Plot centred at 428536 325343

NORTH ↑
Scale 1:1250

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16/12/2003

Item 1.14**Reg. No.** 9 2003 1319 O**Applicant:**

Mr Mrs Norman
 2, Yew Tree Road
 Hatton
 Derby
 DE655EX

Agent:

John Ireland
 Hanbury Developments
 9 Oakfields
 Hanbury
 Burton On Trent
 Staffs
 DE138TP

Proposal: Outline application (all matters to be reserved) for the erection of a three bedroomed bungalow at 2 Yew Tree Road Hatton Derby

Ward: Hatton

Valid Date: 29/10/2003

This application has been brought to Committee at the request of Councillor Whyman.

Site Description

The site occupies the corner of the junction of Yew Tree Road and Station Road Hatton. The site is open on three sides and has a close-boarded fence on its northern boundary to the adjacent dwelling.

Proposal

The proposal is in outline only with all matters reserved but the submitted plan indicates a potential location for the dwelling and the access. The access would be some 9.5 metres from the Station Road junction, have a width of 3.5 metres and lead to a parking area. The dwelling is shown for illustrative purposes adjacent to the north boundary fence beyond the parking area at about 1.2 metres from the back edge of the footway at its closest point. If permitted a close-boarded fence 1.8 metre high to give privacy to the rear of the house would enclose the rear garden. A 1.0 metre high fence would enclose the remainder of the site.

Applicants' supporting information

A feasibility sketch accompanies the application to show that a dwelling could be accommodated within the site without compromising the neighbouring dwelling or interfere with the highway junction splay criteria.

Planning History

A previous application for a dwelling on the site was refused because there was insufficient land available to accommodate a dwelling and access.

Responses to Consultations

The response of Hatton Parish Council will be reported at the meeting if available.

The County Highways Authority has no objection subject to the access being at least 20 metres from the carriageway edge of Station Road, be provided with pedestrian intervisibility splays and minimum parking space.

Severn Trent Water has no objection.

Responses to Publicity

Three letters of objection have been received objecting for the following reasons: -

- a) The building as shown is only 0.8 metres from the boundary of the adjacent dwelling and it intrudes on the amenities of the neighbour.
- b) The drawing does not accurately reflect the position of 125 Station Road, it actually lines in with the lamppost on the submitted drawing, there is a greater likelihood of the proposed parking area affecting the occupiers of that dwelling.
- c) No 125 Station Road has windows overlooking the site with no alternative locations available. The lights of cars entering the site will cause a nuisance, as would the noise of the vehicles because of the proximity of the parking area to that side of the dwelling.
- d) There is a window in the proposed dwelling would overlook the adjacent dwelling and there would be overlooking from the garden and the surrounding land. This is unacceptable.
- e) The proposal would be out of keeping with the amenities of the area and protrude into the street scene in terms of appearance and design.
- f) The access is far too close to the junction of Yew Tree Road with Station Road and this would be hazardous as was feared when the dwelling opposite was granted permission.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

Emerging Local Plan: Policies H1 & ENV21

Planning Considerations

The main issues central to the determination of this application are:

- The Development Plan
- The impact on the character of the area
- The impact on neighbours.
- Access

Planning Assessment

The site lies within the framework of a serviced village and as such the principle of residential development is acceptable subject to the assessment of material considerations

The entrance from Station Road onto Yew Tree Road used to be wide-open but was altered by the decision to grant permission on the opposite side of Yew Tree Road. A previous application on the current application site was refused, as the site was not considered large enough to accommodate a dwelling. However, the applicants have commissioned a survey and provided illustrative drawing as to how a small bungalow could be accommodated. The survey drawing has been checked and found accurate. The dwelling on the illustrative drawing could be accommodated.

The illustrative scheme has a window in the wall facing 125 Station Road. This is shown as a bathroom window that would be obscure glazed and for the purposes of Supplementary Planning Guidance would be treated as a blank wall. An existing fence at ground floor level would screen the views between the possible windows and those in the ground floor of 125 Station Road. The window at first floor level in the adjacent dwelling would lie outside the angle of overlooking from the new dwelling and is thus potentially unaffected by the proposal. These aspects would be controlled when the reserved matters application was submitted. A bungalow would not overbear on any adjacent dwelling.

The County Highways Authority requires a minimum distance of 20 metres from the junction of Station Road and Yew Tree Road. This is achievable but the illustrative layout shows very slightly less than this distance. However, the requirement can be achieved through a condition.

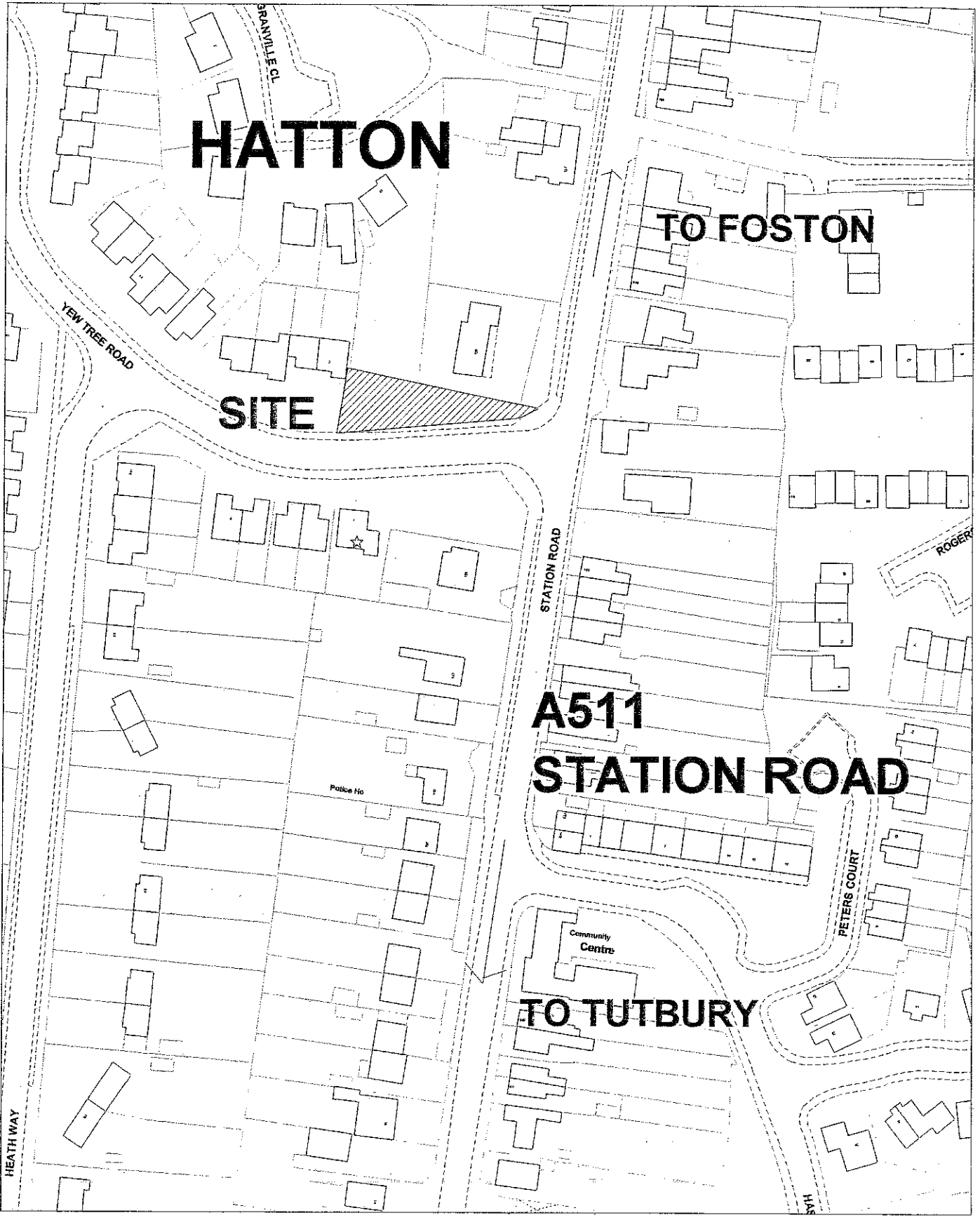
None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.


Recommendation

GRANT permission subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
1. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. Approval of the details of the siting, design and external appearance of the building(s) the means of access thereto and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
3. Reason: To protect the amenities of adjoining properties and the locality generally.
4. The access to the site shall be located a minimum of 20 metres from the Yew Tree Road/Station Road junction.
4. Reason: In the interests of highway safety.
5. The access shall be provided with 2m x 2m x 45 degrees pedestrian intervisibility splay; the area forward of the splay shall be maintained free of any obstruction exceeding 1.0 metre in height relative to road level.
5. Reason: In the interests of highway safety.
6. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.
6. Reason: To ensure that adequate parking/garaging provision is available.



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|--|---|--------------------------------|----------------------|
|  South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AA | 2 Yew Tree Road Hatton | Date Plotted 29/12/2003 | NORTH ↑ |
| | 9/2003/1319 | Plot centred at 428536 325343 | Scale 1:1250 |
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