

REPORT OF THE HEAD OF PLANNING SERVICES

SECTION 1: Planning Applications

SECTION 2: Appeals

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

1. PLANNING APPLICATIONS

This section includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 1995 (as amended) and responses to County Matters.

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9/2007/1463	1.1	Hilton	Hilton	1
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When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Head of Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Head of Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

Item 1.1

Reg. No. 9/2007/1463/FX

Applicant:

Mr Jay McDonagh
Aardvark Property Developments Ltd
Vernon House
Vernon Street
Derby
DE1 1FR

Agent:

Miss Alexandra Woodley
Peter Eaton & Associates
32 Royal Scot Road
Pride Park
Derby
DE24 8AJ

Proposal: The demolition of the existing house and the erection of 7 terrace houses with garages at 11A Dale End Road Hilton Derby

Ward: Hilton

Valid Date: 03/01/2008

Reason for committee determination

Councillor Plenderleith has requested that the application be brought before Committee as local concern has been expressed about a particular issue.

The report has been updated in italics to incorporate additional consultation responses reported verbally at the last committee and other matters.

Site Description

The site comprises the house and its garden. The site is level but slightly higher than the level of Dale End Road. There is a private drive at the north end of the site that provides access to two dwellings at the rear of 11A; these have habitable room windows looking towards the site. Beyond the access is a detached dwelling set well back from Dale End Road. Immediately to the south of the site is a row of 2½ storey dwellings that occupy land formerly part of Hilton Garage. The beer garden and car park to a public house lie to the east of the site along with a row of detached dwellings that lies on the opposite side of Dale End Road. A line of poplar trees occupies the south boundary of the site.

Proposal

The application to demolish the existing house and erect 7 terraced houses with garages has been amended since submission to move the dwellings towards the carriageway edge on Dale End Road, as will be shown on the illustrations at Committee. The dwellings would be serviced from the rear and the area above the parking bay for each dwelling would have a raised patio. The main living rooms in each dwelling are at first floor level with two bedrooms in the roof and a kitchen and utility

provided at ground floor level. Some of the poplar trees on the south boundary would be felled to allow the development were planning permission granted.

Applicants' supporting information

The applicants state that the existing house is in need of major works on its fabric and retaining it within a development site would be difficult and so a redevelopment of the site is proposed. The site is located within a well-established neighbourhood with a broad range of facilities within a 10-minute walk of the site. Public transport is available along Main Street only 100 metres from the site.

Seven x 2½-storey dwellings are proposed that would provide similar living accommodation to other properties in the vicinity; they would be constructed in red brick under a grey tile roof. The layout of the site reflects the arrangements of the dwellings immediately to the south; the site would have a vehicle access at its north end, where the access to the dwellings on Dale Orchard is located. A first floor outdoor living area is proposed and planting is proposed on the west end of this area to screen the living area from/to the adjacent dwellings.

Planning History

There is no recent planning history for this site, the last major application in the grounds of Dale House was for the erection of 1 & 2 Dale Orchard in the early 1980's.

Responses to Consultations

Hilton Parish Council has no objection to the development but has concerns about the parking aspects of the development and the development should be provided with sufficient parking space to ensure that parking does not occur on Dale End Road. The Parish Council has also requested contributions towards rectifying the traffic calming (see comments below) and towards improved recreation provision as well as additional recycling provision in the village. *In response to the amended plan the Parish Council reiterates its concerns about parking but also strongly objects to the first floor patios on the grounds that the surrounding properties will be overshadowed and suffer loss of privacy and that the appearance and size of the new buildings will not be in keeping with the surrounding area.*

The County Highway Authority has no objection to the amended scheme subject to the imposition of conditions. *A further condition relating to the position of the boundary fence has been requested and is included in the recommendation as condition 20.*


The Environmental Protection Manager requires contaminated land investigations prior to the development of the land. Conditions are recommended. It is also recommended that conditions be imposed to control the hours of building operations to protect the amenities of neighbours during the periods when building operations are not permitted.

Responses to Publicity

A total of 5 items of correspondence from three households have been received in response to the originally submitted scheme: -

- a) Extra traffic will be generated as a result of the development.



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	<p>9/2007/1463</p>	<p>Plot centred at 424263 330701</p>	<p>Scale 1:1250</p>
	<p>THIS MAP IS FOR SITE IDENTIFICATION PURPOSES ONLY</p>		

- b) Access to the dwellings on Dale Orchard would be reduced with cars parking on Dale End Road
- c) The loss of the original dwelling would detract from the character of the area.
- d) The development would adversely affect the private amenity of the adjacent occupiers of dwellings with some 14 windows looking towards these houses.
- e) There would be a loss of outlook from the existing dwellings and lights and structures would detract from residential amenity of existing occupiers.
- f) Three new ones would replace the trees that would be lost and this combined with the new buildings would block out a lot of light.

Three responses were received in regard to the amended plan reiterating many of the points above and adding as follows:

- i) The patio areas are out of keeping and would cause a much greater loss of privacy for properties on Dale Road.*
- ii) Providing access to the rear would result in the existing access being shared by 9 homes instead of the current three resulting in much increased traffic.*
- iii) The narrowing of the access way would make it impossible for vehicles entering and leaving to pass each other and create difficulties for delivery and emergency vehicles.*
- iv) A maximum of 6 houses would mitigate the impact of the size of the development and permit the access to remain at its current established width.*

Development Plan Policies

The relevant policies are:

RSS8: Policies 2 & 3

Local Plan: Housing Policy 5

Planning Considerations

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

- The Development Plan
- The requirement for Infrastructure Contributions
- The requirements of Consultees
- The impact on neighbours

Planning Assessment

Given that the application is for 7 dwellings the development triggers a requirement to ask for financial contributions towards the provision of off site open space, education and health contributions. Consultations have been sent to the Local Councillors, health

and education offices to seek information on the need for these contributions. Any responses not already received will be reported at the meeting.

The development would comply with the requirements of the Development Plan policies referred to above. Whilst there would be a loss of a character property, it is not of particular historic or architectural quality, the new dwellings would make better use of previously developed land. *(Dale End House is probably Georgian but it has been so messed about – modern windows, render etc, that it is unlikely to be of listable quality).*

The design of the dwellings has been amended considerably since submission to reflect the comments of our Urban Designer – the dwellings are now to be accessed from the rear. This has allowed the dwellings to be brought forward towards the carriageway edge and has removed large garage doors from the main elevation to produce a design of a more human scale. The arrangement of the dwellings would also more closely match those of the adjacent dwellings and reduce the amount of overlap against those dwellings.

Councillor Mrs Plenderleith sought additional contributions towards rectifying the traffic calming measures on Main Street. However, rectification arises from previous mistakes and the responsibility for rectifying this should rest with the contractors/County Highway Authority and it would be unreasonable to impose this cost on the developers of this site a point accepted by Councillor Plenderleith.

A contribution towards off-site open space is triggered by the development – this would amount to £715/person where one bedroom = 1 person (21 x £715 = £15,015); the Education Authority has requested primary and secondary education contributions totalling £28,267.92. A response is awaited from Primary Care Trust but if a contribution is requested it would amount to £3,857.

The requirements of the consultees can be addressed through the imposition of planning conditions and those recommended below reflect those requirements.

For the purposes of assessing the impact of this development on neighbours, the patio area above the parking bay for each dwelling has been treated as a main habitable room. The main living accommodation including patios is at first floor level and the minimum separation distances have been increased in accordance with the requirements of adopted Supplementary Planning Guidance – Housing Layout and Design.

The amended layout and design have produced a pleasing layout that takes account of the position and arrangement of windows in neighbouring dwellings. The most direct impact is on the dwellings on the opposite side of Dale End Road and those on Dale Orchard.

The minimum separation distance between habitable-room windows are more than met by the layout. However, it is not clear that the raised patio areas would meet the standards in all cases. However, it would be possible to set the railings back from the edge of the patio to ensure that any views towards the existing houses are at a distance that meets the standard and a condition to this effect is recommended.

The new dwellings front to Dale End Road and, in the main, overlook the car park and garden of The Kings Head public house. However, Nos 2 & 4 Dale End Road would

have more windows looking towards the houses than is the case currently. Dale House has windows looking towards these other houses and the new houses would be set slightly further away from 2 & 4. The minimum separation distance for the proposed bedroom and kitchens to the neighbouring dwellings is 18 and 15 metres respectively. The distances achieved are 15 metres but the Housing Layout and Design document states that the guidelines may be relaxed where there is an intervening roadway having regard to the overall character of the surrounding area. The proposed layout is considered to be in keeping with the general character of the area.

The trees on the south boundary of the site have been assessed for their suitability for a Tree Preservation Order. The Council's Arboriculturalist has advised that the trees are Lombardy Poplars which have very short lives and are not suited to being sited in close proximity to dwelling (including the existing ones). He has suggested that all the trees be removed and that a landscaping scheme be required to include a requirement to plant trees more suited to a location in close proximity to houses, have a longer life expectancy and contribute to the long term landscape screening of the site.

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

Subject to the receipt of a signed unilateral undertaking for the provision of open space monies, and contributions towards health and education **GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 11820-01 Rev C, 02 Rev C & 03 Rev A received on 10 March 2008.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. Building operations to construct the dwellings hereby permitted shall not take place outside the following times 0800 -1800 Monday to Friday and 0800 to 1200 on Saturdays there shall be no operations of Sundays or bank and public holidays.

Reason: To ensure that the building operations do not prejudice the enjoyment by neighbouring occupiers of their properties.

4. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the LPA without

delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

5.
 - A) The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the local planning authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.
 - B) Prior to occupation of the development (or parts thereof) an independent verification report must be submitted, which meets the requirements given in Box 2 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.
 - C) In the event that it is proposed to import soil onto site in connection with the development, this should be done to comply with the specifications given in Box 3 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.
 - D) No development shall take place until monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, section 3,1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

6. Before any other operations are commenced excluding demolition and site clearance, a temporary access shall be formed to Dale End Road, laid out and constructed and provided with visibility sight lines in either direction in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. Prior to the access being taken into use, the area in advance of the sightlines shall be cleared of all obstructions greater than 1.0 metre in height (0.6m in the case of vegetation) and thereafter the access and visibility sightlines shall be maintained in accordance with the approved drawings throughout the construction period.

Reason: In the interests of highway safety.

7. Before any other operations are commenced (excluding works to provide the construction access and demolition/site clearance) space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8. Throughout the period of construction, wheelwash facilities shall be provided within the site and used to prevent the deposition of mud and other extraneous material on the public highway.
Reason: In the interests of highway safety.
9. Prior to the first occupation of any dwelling on the site, a new vehicular access to Dale End Road shall be created to Dale End Road. Notwithstanding the submitted drawings, the access shall be constructed in the form of a vehicular footway crossing unless otherwise agreed in writing by the Local Planning Authority. The first 10 metres of the access measured from the nearside carriageway edge from Dale End Road shall be surfaced with a solid bound material at a gradient not exceeding 1 in 15 and measures shall be implemented to prevent surface water draining from the site onto the highway.
Reason: In the interests of highway safety.
10. 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 each 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 each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.
Reason: To ensure that adequate parking/garaging provision is available.
11. Prior to the first occupation of any dwelling on the site, or such other time as may be agreed in writing with the Local Planning Authority, a footway shall be constructed along the Dale End Frontage of the site. The footway shall be generally in accord with the submitted plan but more specifically in accordance with design and construction details first submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority.
Reason: In the interests of highway safety.
12. 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).
Reason: To protect the amenities of adjoining properties and the locality generally.
13. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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.
Reason: In the interests of the appearance of the area.
14. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used

in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

15. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of flood protecting and pollution control.

16. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, none of the dwellings hereby permitted shall be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

18. 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.

Reason: In the interests of preserving the setting of the building and the character of the area.

19. Notwithsatndng the submitted details, precise details for the location of the railing on the outdoor living areas shall be submitted to and approved in writing by the Local Planning Authority. The railing shall then be erected in the postions shown on the approved plan together with any screen details as may be necessary to prevent overlooking of adjacent dwellings and shall thereafter be maintained in the approved positions.

Reason: In order to ensure that existing dwellings are not overlooked by any person making use of the outdoor living area

20. Notwithstanding the submitted plans the boundary fence adjacent to the parking space for house 1 shall be relocated 2.m south of the position indicated on amended drawing 11820 - 01Rev C.

Reason: To improve the available manoeuvring space in the interests of highway safety.

Informatives:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification should be given to the Director of Environmental Services at County Hall, Matlock (telephone 01629 580000

and ask for the District Highway Care Manager on extension 7595) before any works commence on the vehicular access within highway limits.

Pursuant to Section 163 of the Highways Act 1980, where a site curtilage slopes down to the public highway, measures shall be taken to ensure that surface water run-off from the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soak away within the site.

Sections 149 and 151 of the Highways Act 1980, require the applicant must take all reasonable steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicants/developers responsibility to ensure that action is taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new footway shall be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, legal and administrative processes involved in achieving adoption of the new footway may be obtained from the Department of Environmental Services at County Hall, Matlock, Derbyshire DE4 3AG (tel: 01629 580000 and ask for Development Control South-East.

The phased risk assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA. The contents of all reports relating to each phase of the risk assessment process should comply with best practice as described in the relevant Environment Agency guidance referenced in footnotes 1-4, to the relevant conditions attached to this permission.

For further assistance in complying with planning conditions and other legal requirements applicants should consult "Developing Land within Derbyshire - Guidance on submitting applications for land that may be contaminated". This document has been produced by local authorities in Derbyshire to assist developers, and is available from www.south-derbys.gov.uk/Environment/Pollution/LandPollution/contaminatedlandguide.htm

Reports in electronic formats are preferred, ideally on a CD. For the individual report phases, the administration of this application may be expedited if a digital copy of these reports is also submitted to the pollution control officer (contaminated land) in the environmental health department: dan.calverley@south-derbys.gov.uk.

Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended. The developer is thus responsible for determining whether land is suitable for a particular development or can be made so by remedial action. In particular, the developer should carry out an adequate investigation to inform a risk assessment to determine:

- whether the land in question is already affected by contamination through source - pathway - receptor pollutant linkages and how those linkages are represented in a conceptual model;
- whether the development proposed will create new linkages, e.g. new pathways by which existing contaminants might reach existing or proposed receptors and whether it will introduce new vulnerable receptors; and
- what action is needed to break those linkages and avoid new ones, deal with any unacceptable risks and enable safe development and future occupancy of the site and neighbouring land.

A potential developer will need to satisfy the local authority that unacceptable risk from

contamination will be successfully addressed through remediation without undue environmental impact during and following the development. In doing so, a developer should be aware that actions or omissions on his part could lead to liability being incurred under Part IIA, e.g. where development fails to address an existing unacceptable risk or creates such a risk by introducing a new receptor or pathway or, when it is implemented, under the Environmental Liability Directive (2004/35/EC). Where an agreed remediation scheme includes future monitoring and maintenance schemes, arrangements will need to be made to ensure that any subsequent owner is fully aware of these requirements and assumes ongoing responsibilities that run with the land.

Item 1.2

Reg. No. 9/2008/0033/FH

Applicant:

Mr N Tomlinson
6 Main Street
Derbyshire
DE65 6AG

Agent:

Mr. Paul Day
PD ARCHITECTURE
120 Gedling Road
Arnold
Nottingham
NG5 6NW

Proposal: The erection of a detached garage to the front of
The Haven 6 Main Street Findern Derby

Ward: Willington & Findern

Valid Date: 09/01/2008

Reason for committee determination

The application is brought before Committee at the request of Councillor Ford because local concern has been raised about a particular issue and there are unusual site circumstances, which should be considered by the Committee.

The Committee will remember that the application was deferred at the 01.04.08 meeting so that discussion could take place with the Applicant about moving the garage away from the boundary. The Applicant has confirmed by telephone that he wishes the application to be determined as per the submitted plans as he is concerned that moving the garage will have an adverse impact on his own front window which is the only window serving the room.

Site Description

The site is the front garden area of a detached corner plot dwelling. The site is at a higher level than the adjoining dwelling at No 8 Main Street such that the garage would have its floor level at the same height as the first floor of the adjoining dwelling. All the main living accommodation for No 8 Main Street is located at first floor level and No 8 is set forward of the application dwelling, No 6 Main Street. A fence forms the boundary between the two properties. No 6 Main Street is set in a large corner plot and has separate access to both the front and rear. The site for the proposed garage is currently used as a parking area at the end of the front driveway, the remainder of the front garden is landscaped.

Proposal

The application is for a detached double garage measuring 5.8 metres by 5.5 metres and 4.9 metres to the ridge.

Planning History

9/2008/0034 for a garage at the rear of the dwelling is currently under consideration (as a potential alternative to the current scheme).

9/2006/1095 – Erection of a bungalow at the rear – approved.

9/2006/0657 – Extension – approved and completed.

9/2002/0804 – Two storey extension and garage – approved but now lapsed (garage located to the rear of the dwelling).

Responses to Consultations

The Parish Council has no objections

Responses to Publicity

One letter of representation has been received raising concerns over the impact of the garage on No 8 Main Street on the basis that the garage is to be built up to the boundary and will be almost 3 metres in height above the window line, the position of the garage is adjacent to the front door, kitchen and dining room of the property and to the east of these windows. As a result the garage would only be 3m from the door and dining room and 1.25m from the kitchen resulting in a loss of morning light and having a negative impact on outlook from the property.

Development Plan Policies

The relevant policies are:
Local Plan: Housing Policy 13.

Planning Considerations

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

- the impact of the garage on the street scene,
- the impact on the occupiers of No 8 Main Street

Planning Assessment

The proposed garage would be located at the front of the dwelling however it would be located adjacent to the side of No 8 Main Street. The garage would not therefore be viewed as an isolated prominent structure and would not have a detrimental impact on the appearance of the street scene. The garage would be of traditional design and brick and tile construction. The proposed design and appearance of the garage are therefore also considered acceptable.

The garage would be sited in close proximity to the adjoining dwelling, No 8 Main Street. The kitchen and dining room windows of No 8 adjoin the site although the main windows to these rooms face south towards Main Street; no principle windows face the application site. The garage would be located to the east of the windows and therefore the windows would still benefit from significant levels of natural light for the majority of the day. The kitchen is set back from the front of No 8 and the proposed garage would breach a 45° line drawn from the centre of this window. However the garage is only a single storey structure and the roof slopes away from the boundary. The scheme therefore complies with the provisions of Housing Policy 13 and the SPG on Extensions, which states that single storey extensions will be dealt with on their own merits on the basis of preserving privacy.

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 three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

Item 1.3

Reg. No. 9/2008/0053/F

Applicant:

Gerard Van-Hoek
Willow Bank House
South Hill
Rolleston on Dove
Burton on Trent
DE13 9AT

Agent:

Gerard Van-Hoek
Willow Bank House
South Hill
Rolleston on Dove
Burton on Trent
DE13 9AT

Proposal: The erection of a detached dwelling and detached garage at 29 Main Street Walton-on-Trent Swadlincote

Ward: Seales

Valid Date: 17/01/2008

Reason for committee determination

The application has been brought before Committee at the request of Councillor Timms because local concern has been expressed about a particular issue, the Committee should debate the issues in this case which are finely balanced and there are unusual site circumstances which should be considered by the Committee.

Site Description

The site is a rectangular parcel of garden land that fronts onto Main Street, Walton and has five dwellings dating from the 1980's located to the rear. The site is located between Nos 27 and 33 Main Street, No 27 is a large 20th century, detached, brick built house and No 33 is a small, rendered, traditional cottage. The site is within Walton Conservation Area and there are two trees on the site, which are protected by a Tree Preservation Order, a Beech tree, located approximately in the centre of the site and a Norway Spruce located towards the rear of the site. Access to the dwellings at the rear is currently via a drive up the centre of the application site.

Proposal

The scheme proposes the construction of a large, detached 2 storey brick built house with rooms in the roof space. The proposed dwelling is L shaped and would be positioned approximately in the centre of the plot and at an angle to Main Street so that it would be in alignment with No 33 Main Street. The access road to serve the proposed and existing dwellings would be located at the western side of the site. A detached double garage would be located to the rear of the proposed dwelling.

Applicants' supporting information

The predominant building line along Main Street is 4 metres back from the highway with the dwellings either side of the application site proving the exception to this rule. Initial thoughts were that the new development could sit along the predominant building line but this would contravene the 45 degree rule from the principle windows of adjoining dwellings.

The dwelling has been turned a slight angle and constructed along the same alignment as the cottage to the right. Not only does this visually connect the two properties but it ensures that overbearance with adjacent properties is avoided. The garage is sited to the rear to protect the appearance of the street scene.

The overall scale of the proposal has been determined with due consideration for the size and mass of other properties within the village. A conscious decision has been made to limit both the length and depth of the dwelling.

The landscaping will consist of a replacement tree at the rear of the dwelling, a privet hedge on the front boundary, a timber fence to the right hand side and rear of the property, a lawned area to the front of the dwelling and an area of hard paving to the rear with the remainder laid to lawn with borders.

The appearance of the building has been developed through careful consideration of the use of materials and styles that are key to protecting the integrity of the conservation area.

Residents of 1-5 Mewies Close will be provided with a new 4.2m wide vehicle access to replace the existing 3m access road. This two way access will improve current levels of road safety as motorists wishing to gain access into Mewies Close are often faced with having to reverse their vehicle back out onto Main Street to allow egressing vehicles to pass.

Planning History

9/484/265 – Erection of a detached house with integral garage. Approved subject to conditions.

Responses to Consultations

The Highway Authority raises no objections subject to conditions.

Severn Trent Water raises no objections.

Responses to Publicity

5 letters of representation have been received raising the following issues:-

- The proposal would result in increased parking on Main Street in an area where parking pressures are already great due to the fact that the village hall is well used, including for a nursery, and has no car park. There have been several accidents in the vicinity in recent years.

- The site is described as semi-derelict but up until several months ago was a well tended garden and if it was returned to its original state it would enhance this area of the village in the Conservation Area
- The proposed dwelling is larger than adjacent properties and is out of keeping and will overshadow the surrounding older properties including No 35 which is listed
- The design is inappropriate in its context
- The dwelling is too far forward of the building line between Nos 27 and 33, 80% of the house will jut out of the front of the building line towards the front of the plot
- 2 trees with a TPO will be lost, the owner of the site has already tried to destroy the trees to enhance development potential of the site
- The drive will run alongside the wall and trees adjacent to No 33 and will damage the roots and remove the open ground surface from beneath these trees
- Extra traffic will increase the danger at this accident black spot
- The changes to the drive will make it narrower and it will be more awkward to enter and exit Main Street
- Visibility to the left of the drive is substandard due to the hedge and trees in the garden of No 35 and moving the access closer to this house will make it worse
- The boundary treatment to Nos 33, 35 and 37 will have to be changed and will be out of keeping
- The proposal will affect the privacy of Nos 33 and 35 as this is currently maintained by the hedge/ trees
- The privacy of the bathroom window of No 33 will be affected as it would overhang the proposed drive
- Some of the details in the Design and Access statement are incorrect
- The dwelling will lie in very close proximity to 27 Main Street and affect the privacy of side windows
- The development will directly affect trees in neighbouring gardens

Development Plan Policies

The relevant policies are:

Local Plan: Housing Policies 5 and 11 and Environment Policy 12

Planning Considerations

The considerations are the principle of residential development, the design and appearance of the proposal and impact on the Conservation Area, loss of open space and TPO trees, impact on the occupiers of neighbouring dwellings and highway considerations.

Planning Assessment

The site is a brownfield infill plot where new residential development is acceptable in principle in line with Housing Policy 5 of the Local Plan.

The Conservation Officer requested minor changes to the design of the proposed dwelling and amended plans have been received detailing these changes. The design and appearance of the proposed dwelling are therefore considered acceptable. The dwelling has been aligned at the same angle as 33 Main Street so that it relates well to the historic grouping of buildings consisting of 33 and 35 Main Street and is not over dominant. On the basis of the proposed design and alignment the development would

not have an adverse impact on the character and appearance of the Conservation Area and therefore complies with the provisions of Environment Policy 12 of the South Derbyshire Local Plan.

The site is currently an undeveloped front garden area and contains two protected trees. The TPO was placed on the trees in August 2007 for the reasons that the trees are the only remaining trees on this open land within the Conservation Area and are highly visible from Main Street and that they form an important screening function of the houses to the rear. The beech tree has been heavily pollarded in the past and has an unusual shape and the Norway Spruce is a non native tree. The trees would have to be removed to make way for the proposed development. The screening function of the trees could be replaced by the building itself and two replacement trees of native species could be planted at the front of the site which would provide greenery in this part of the Conservation Area. In view of the particular circumstances of this case it is considered that removal of the trees would be acceptable. The Council's Arboriculturalist has assessed the impact of the proposed driveway on the boundary hedge adjacent to No 33 and has stated that a no dig construction could be used, this would be required by condition. He has also stated that the mature hawthorn in the garden of No 27 would suffer some impact and damage from the development but that the tree would not be killed by the development and is not worthy of a TPO.

The dwelling has been sited so that it complies with the 45 degree angle with respect to the windows on the front of the adjoining dwelling. The occupiers of the adjoining dwelling have raised concerns about the windows on the side of their property however the Supplementary Planning Guidance on Housing Design and Layout states that side windows are considered as secondary windows and as such will generally not be protected. The proposal would be sufficient distance from the dwellings at the rear to comply with space about dwellings standards with respect to these properties.

The Highway Authority has raised no objections to the application subject to conditions requiring a wider access, the provision of appropriate visibility sightlines, a wider footway at the front of the site and appropriate parking provision.

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 three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

3. Large scale drawings to a minimum Scale of 1:10 of eaves, verges, chimneys, porch, dormers and external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

4. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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.

Reason: In the interests of the appearance of the area.

5. All boundary walls shall have a traditional style of shaped clay or stone coping the details including a sample of which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area.

6. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

7. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

8. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

9. Pointing of the proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the building(s).

10. A sample panel of pointed brickwork 1 metre square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and

approval in writing by the Local Planning Authority before the work is generally executed.

Reason: In the interests of the appearance of the building(s) and the locality generally.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

12. No part of the development shall be carried out until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason: In the interests of the appearance of the area.

13. Prior to the commencement of development a scheme shall be submitted showing a no dig construction for the access road in the area adjacent to the holly trees to the western boundary of the site and the access road shall then be constructed in accordance with the previously agreed details.

Reason: To ensure the retention of the holly trees adjacent to the site in the interests of the appearance of the Conservation Area.

14. Prior to any other operations commencing, the access shall be modified in accordance with the application drawing. The access shall have a minimum width of 4.1m and be provided with 2m x 2m x 45 degree pedestrian intervisibility splays and 2m x 90m visibility sightlines, the area forward of which shall be cleared and maintained in perpetuity clear of any obstruction exceeding 1m in height (600mm in the case of vegetation) relative to the nearside carriageway edge. The access shall be surfaced in a solid bound material and provided with measures to ensure that surface water does not flow from within the site onto the footway.

Reason: In the interests of highway safety.

15. Prior to the occupation of the new dwelling, the footway fronting the entire site shall be widened to 1.2m, laid out and constructed to adoption standard in accordance with a scheme first submitted to and approved by the Local Planning and County Highway Authorities.

Reason: In the interests of highway safety.

16. Prior to the occupation of the dwelling, space shall be provided within the site curtilage for the parking and turning of two vehicles and maintained thereafter free of any impediment to its designated use.

Reason: To ensure that adequate parking/garaging provision is available.

17. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme shall include details of the planting of two trees on the site frontage as replacement for the protected trees on the site.

Reason: In the interests of the appearance of the area.

18. 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.

Reason: In the interests of the appearance of the area.

Informatives:

The footway and vehicular crossover are required to be constructed to Derbyshire County Council's specifications for adoptable roads. Prior to commencing any works plans and details will need to be submitted for construction approval and an Agreement under Sections 38/278 of the Highways Act 1980 will need to be entered into.

Item 1.4

Reg. No. 9/2008/0088/F

Applicant:

Mr Mrs J C Renwick
Warren House
16 Milton Road
Repton
Derby
DE65 6FZ

Agent:

Renwick Homes Ltd
Unit 2 Lyndon Farm Workshops
Edith Weston Road
Lyndon
Oakham
LE15 8TY

Proposal: Approval of reserved matters of application 9/2005/0793/O for the erection of a detached dwelling and garage on Plot 2 Land To The Rear Of Warren House 16 Milton Road Repton Derby

Ward: Repton

Valid Date: 25/01/2008

Reason for committee determination

Councillor Bladen has requested that the application is brought before the Committee because local concern has been expressed about a particular issue.

Site Description

The site is located in the large rear garden of a detached dwelling within Repton. The site is to the south of a newly constructed dwelling, both plots received outline consent in 2005. The western end of the plot is within the floodplain of Repton Brook but the footprint of the proposed dwelling itself is outside the floodplain. Trees, including leylandii, mark the boundary with the brook. Bungalows fronting Ascot Grove are located to the south of the site. The bungalows have main windows to the rear and old railings and a hedge mark the boundary between the bungalows and the site.

Proposal

The application is a reserved matters submission for approval of siting, design, external appearance and landscaping for a detached dwelling. The means of access was approved at the outline stage. The proposed dwelling is a large two storey L-shaped property with an attached double garage on the southern elevation, similar in design and external appearance to the dwelling, which has recently been constructed on Plot 1. An amended plan has been received such that the proposed dwelling has been moved 2 metres from the boundary with the bungalows to the south of the site.

Applicants' supporting information

None received.

Planning History

9/2005/0793 - outline consent for two dwellings.

9/2006/0941 – reserved matters approval for dwelling on Plot 1.

Responses to Consultations

County Highway Authority has no objections on the basis that access was dealt with at outline stage.

Severn Trent Water has no objections.

Environmental Health recommend a contaminated land condition however this is a reserved matters submission and such a condition should have been applied at outline stage.

Repton Parish Council objects to the plan because the planned dwelling is far too close to neighbouring houses – this objection was received prior to amended plans being submitted moving the dwelling 2 metres from the boundary.

Responses to Publicity

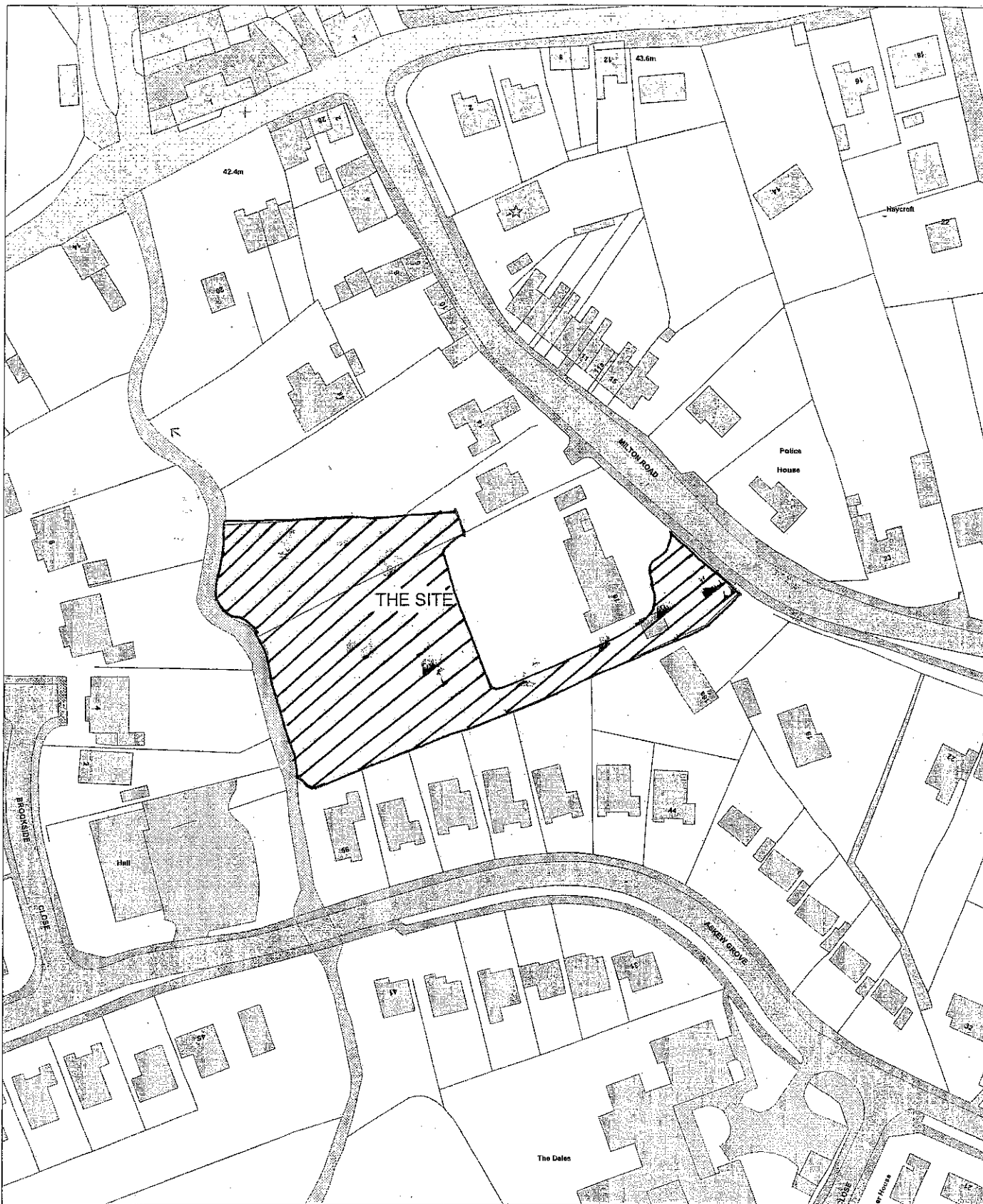
Six letters of representation have been received (including two to the amended plan one of which was satisfied that overlooking had been satisfied) from the occupiers of three neighbouring dwellings raising the following concerns:-

- Vehicle headlights will be intrusive to the rear of bungalows fronting Askew Grove, the construction of a wall on the boundary would mitigate against this.
- The dwelling is far too dominant for the site and in relation to the surrounding properties; the dwelling that has been constructed shows this. The new dwelling will totally overshadow and overwhelm the adjoining bungalows and result in loss of privacy; even though the siting has been moved away from the fence.
- The infrastructure in Repton will not have the capacity to cope with demand from all the new housing.
- The village is increasingly flooded due to the land being covered by impermeable materials resulting in the run off water overloading the flow rate capacity adjacent to the brook.
- Another dwelling will add extra traffic onto a corner of an already busy road.
- There is a problem with surface water drainage here as, at this time, there is a large area of standing which has been present for several weeks.
- The dwelling is out of character with adjoining properties due to its scale.
- The gardens to the bungalows are shallow and the dwelling will tower over the bungalows, no windows should face the bungalows.

Development Plan Policies

The relevant policies are:

Local Plan: Housing Policies 5 and 11



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9/2008/0088

THIS MAP IS FOR SITE IDENTIFICATION PURPOSES ONLY

Date Plotted 11/4/2008

Plot centred at 430630 327009

NORTH ↑

Scale 1:1250

Planning Considerations

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

- The design and appearance of the dwelling in relation to its setting.
- Impact on neighbouring residents.

Planning Assessment

Outline consent has already been granted for residential development of the plot, the access was approved at outline stage and a flood risk assessment was submitted and the proposals found to be acceptable. Conditions on the outline approval must be complied with, these include a condition requiring boundary treatment details.

The properties fronting Milton Road in the vicinity of the site have large rear gardens giving a sense of openness adjacent to this side of Repton Brook, which is in contrast to the relatively high density development on Askew Grove. The proposed dwelling is very similar in design and scale to that which has recently been constructed on Plot 1 and reflects the scale and style of larger properties fronting Milton Road. The dwelling would be set within a spacious curtilage that would provide an appropriate setting to a dwelling of this size and retain some of the characteristic openness of the immediate area.

The amended plans show the main two storey section of the proposed dwelling 18 metres from the windows on the rear elevations of the nearest bungalows fronting Askew Grove. The single storey garage attached to the proposed house would be just under 12 metres from the nearest windows. There are no windows proposed on the side elevation of the house which would face the existing bungalows. The proposal would comply with the space about dwellings standards outlined in the SPG on Housing Design and Layout which requires a distance of 9 metres between an existing dwelling and a single storey structure and 12 metres between an existing dwelling and a two storey structure.

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.

Informative:

To note that all conditions on outline approval reference 9/2005/0793/O must be complied with.

Item 1.5

Reg. No. 9/2008/0097/FH

Applicant:

Mr Kevin Klym
The Wharf
Shardlow
Derby
DE72 2GH

Agent:

M J Harrison
7 Hall Park
Barrow On Trent
Derby
Derbyshire
DE73 7HD

Proposal: Alterations and extensions including increase in roof height at 33A The Wharf Shardlow Derby

Ward: Aston

Valid Date: 29/01/2008

Reason for committee determination

The application is brought to Committee at the request of Councillor Watson as local concern has been expressed about a particular issue.

Site Description

The application site is a detached bungalow situated within a large plot of land on the edge of Shardlow Conservation Area. The surrounding residential properties are two-storey and mixed in character.

Proposal

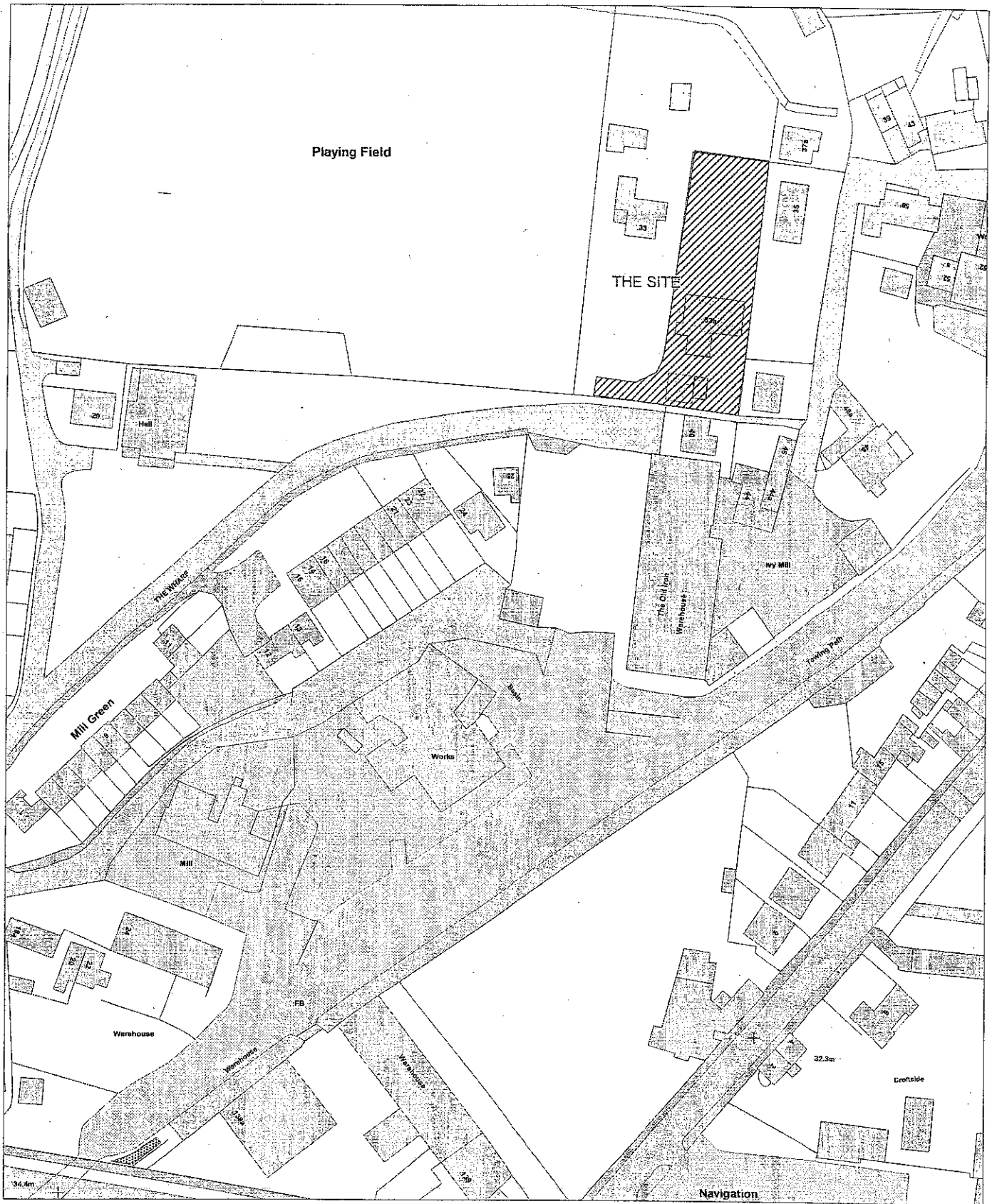
The proposal is to extend the existing bungalow to the rear and side and increase the ridge height by 4m to allow for first floor accommodation with a cat slide roof sloping down at the rear.

Applicants' supporting information

The applicant has had pre-application discussions with the Planning Officer and Design and Conservation Officer prior to submitting the application.

Planning History

The property has previously been extended at single storey on either side.



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9/2008/0097

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Date Plotted 11/4/2008

NORTH ↑

Plot centred at 444328 330425

Scale 1:1250

Responses to Consultations

The Parish Council is concerned that the impact on the neighbouring properties will be considerable.

The Design and Conservation Officer has no objections subject to the removal of the rooflights on the north elevation and conditions relating to boundary treatments and the use of plain glazing throughout with the exception of obscure glazing as required.

Responses to Publicity

Three letters of objection have been received raising the following comments:

- The application makes it sound like a modest addition but in reality it is the total replacement of the bungalow.
- The size of the development would be detrimental to the open aspect of the area.
- Overlooking and loss of privacy.
- Surface water drainage will go into a ditch running between 33a and 35 The Wharf which is not part of a formal drainage system bringing responsibility of maintenance to others.
- Access to the property is gained across a neighbouring drive. In view of the number of vehicles at No 33a it would be safer to have a dedicated entrance off The Wharf.

Development Plan Policies

The relevant policies are:

Local Plan: Environment Policy 12 and Housing Policy 13

Planning Considerations

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

- The impact on the amenity of the neighbouring properties.
- The impact on the character of the Conservation Area.

Planning Assessment

No 33a The Wharf is situated on a long plot of land with a rear garden of some 30m in length. The neighbouring property, No 33 The Wharf, is a two-storey dwelling situated to the northwest of the application site with main windows to both the front and side of the property facing towards the site. The application property as extended would be situated some 12.5m distance from this neighbouring property at its nearest point. An existing boundary hedge obscures views between the ground floor windows of these two properties. The proposed first floor velux windows to the rear of the application property will be omitted preventing any overlooking from first floor level. The existing first floor bedroom window of No 33 The Wharf falls below the minimum distance requirement of 15m to a section of the proposed dining room to the rear of the application property. A condition to obscure glaze this section of window will overcome this problem. The proposal complies with the Council's minimum distance requirements

with regards to overlooking and overbearance from the application property to this neighbouring property.

No 35 The Wharf is a two-storey dwelling situated to the northeast of the application site with main windows to both the front and side of the property including a side conservatory facing towards the application site. The proposed extension meets the Council's minimum distance requirements with regard to overlooking and overbearance to and from these neighbouring windows. Part of the existing boundary fence between the application site and this neighbouring property will be removed as part of the extension but a condition requiring the submission of boundary details will ensure that overlooking between ground floor windows is prevented between the two properties.

Whilst the proposal represents a significant increase in the ridge height of the existing property the long slope of the cat-slide roof to the rear of the property will reduce the overall impact to these neighbouring properties at the rear of the site.

The scale of the proposal is in keeping with the surrounding properties and there is no material adverse impact on the neighbouring properties surrounding the site. The proposal complies with the requirements of Housing Policy 13 of the Local Plan and the Council's Supplementary Planning Guidance and is considered acceptable.

The application site is situated on the edge of Shardlow Conservation Area. The submitted application follows on from pre-application discussions with the Design and Conservation Officer and the Council's Urban Designer and is as discussed with the exception of a few minor alterations. The existing bungalow is plain in appearance and makes little contribution to the character of the surrounding area. The proposed alterations would improve the character of the property and enhance the character of the adjacent Conservation Area.

There are no alterations to the existing access proposed as part of this application.

The issue of surface water drainage is not a material planning consideration.

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 three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the submitted details, no part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved drawings.

Reason: To safeguard the appearance of the existing building and the locality generally.

3. Large scale drawings to a minimum Scale of 1:10 of eaves, verges, chimney stacks, corbelled entrance brickwork, chimney stacks and external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

4. Notwithstanding the submitted details, revised details of the lintel over the principle entrance shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

5. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

6. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

7. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

8. Pointing of the proposed building shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the building(s).

9. A sample panel of pointed brickwork 1 metre square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority before the work is generally executed.

Reason: In the interests of the appearance of the building(s) and the locality generally.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be

altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

11. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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 (including railings) 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.

Reason: In the interests of the appearance of the area.

12. All boundary walls shall have a traditional style of shaped clay or stone coping the details including a sample of which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

13. Notwithstanding the submitted details, the two bedroom rooflights on the north elevation shall be omitted.

Reason: In the interests of the appearance of the building(s).

14. The bathroom rooflight and right hand panel of the dining room window north elevation of the building shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

15. With the exception of the windows detailed in Condition 14 above all windows shall be plain glazed unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building.

16. Prior to the commencement of the development hereby permitted the applicant shall confirm in writing to the Local Planning Authority, as a minimum, that:

(1) Floor levels within the proposed development will be set no lower than existing levels AND,

(2) Flood proofing of the proposed development has been considered by the applicant and incorporated where appropriate.

Reason: In the interests of flood protection.

17. Notwithstanding any details submitted, the precise type and size of the proposed bathroom rooflight shall be submitted to and approved in writing by Local Planning Authority. The approved rooflight shall be fitted such that the outer face

is flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

Informatives:

In the event that condition 16 is insufficient and floor levels within the extension must be set 300mm above the known or modelled 1 in 100 year (annual probability 1% chance) river flood level or 1 in 200 year (annual probability 0.5% chance) tidal & coastal flood level (which has been demonstrated by a plan to Ordnance Datum/GPS showing finished floor levels relative to the known or modelled flood level), it is likely that a further planning permission would be required.

Item 1.6

Reg. No. 9/2008/0175/MR

Applicant:

Mr Shaun Clarke
25 Claymore Drive
Newhall
Swadlincote
Derbyshire
DE11 0LF

Agent:

Mr Darryn Buttrill
bi Design Architecture Ltd
79 High Street
Repton
Derbyshire
DE65 6GF

Proposal: The demolition of the existing dwellings and the erection of a residential complex comprising 11 apartments with associated parking area at 230-232 Burton Road Woodville Swadlincote

Ward: Woodville

Valid Date: 11/02/2008

Reason for committee determination

This is a major application and more than two letters of objection have been received.

Site Description

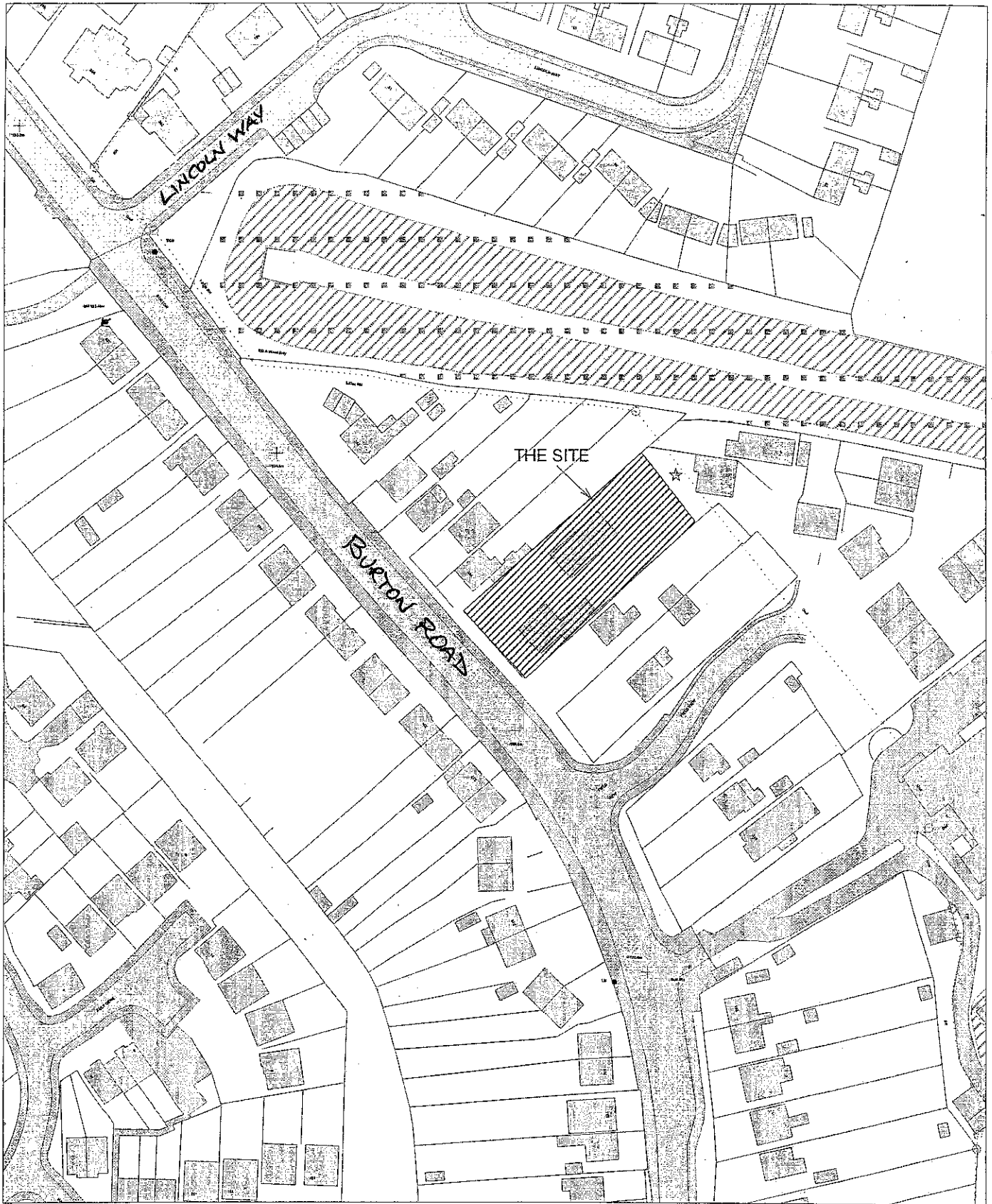
The site comprises an area of land currently occupied by a bungalow and disused commercial building. The bungalow (No. 230) is sited 6.5m back from the pavement and virtually on the boundary with number 228 Burton Road. The commercial building (No.232) is located some 22m back from the pavement and towards the other side of the site some 3m from the boundary with number 334 Burton Road. The site slopes gently away from Burton Road. Two-storey dwellings bound the house on either side and to the rear. Access to the existing site is from Burton Road adjacent to the left hand boundary.

Proposal

The proposal is for the demolition of the existing bungalow and large commercial storage building and the erection of 11 (originally 12) two and single storey apartments.

From Burton Road the development would have the appearance of two semi-detached two-storey dwellings behind which would be a further two-storey lower element reducing to a single storey linked section to the rear consisting of four apartments with rooms in the roof. The single storey element would be on a similar footprint to that of the existing commercial building.

Access to the site would be along the right hand boundary with parking to the rear.



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THIS MAP IS FOR SITE IDENTIFICATION PURPOSES ONLY

Date Plotted 11/4/2008

NORTH ↑

Plot centred at 431183 320036

Scale 1:1250

Applicants' supporting information

The Design and Access Statement makes the following main points:

- a) The proposal falls within the scope of PPS1 and PPS3 which both encourage the use of previously developed land and brownfield sites.
- b) The design of the elevation to Burton Road has been detailed to convey a feeling of two semi-detached two-storey houses to help integrate the building into its surroundings.
- c) The four apartments situated to the rear of the front building will be 600mm lower than those at the front with a single storey building situated to the rear of this further reducing the impact of the building on the surrounding properties.
- d) The single storey element has been positioned on the original footprint of the warehouse with the pitch of the roof kept to a minimum to reflect the height of the existing warehouse and designed to look like an old industrial garage converted to residential accommodation.
- e) Parking is situated to the rear of the site providing a buffer zone between the proposed development and No. 1 Field View.

Planning History

An outline application for residential development of the application site and including land to the rear of 220-230 Burton Road was refused due to substandard visibility in 2004. Since this time statutory Highway requirements have altered and the required distance back from the kerb for visibility splays has reduced from 4.5m to 2.4m. Adequate visibility can now be achieved at the proposed access point.

The site of 230 Burton Road currently has permission for the erection of a detached dwelling permitted in 2005.

Responses to Consultations

The Highway Authority comment that whilst the layout concept is far from ideal it is not considered that a refusal on highway grounds alone would be sustainable at appeal. Following the receipt of amended plans addressing Highway concerns over visibility, access for refuse vehicles and parking the Highway Authority has no objection subject to the bin store situated to front of the building remaining open sided to enable bins to be accessed effectively and quickly by the refuse collection service minimising refuse vehicle waiting time on the classified road.

The Pollution Officer has no objections.

The Education Authority would not seek a financial contribution based on the type of small apartment dwellings proposed.

The Crime Prevention Officer comments that the site is adjacent to a busy road subject to hazard markings. Concern is raised regarding the unallocated parking provision within the site and insufficient parking.

Severn Trent has no objection.

Responses to Publicity

Three letters of objection have been received raising the following points:

- a) The development will increase traffic along an already busy Burton Road within close proximity of Granville School.
- b) Burton Road has been subject to several traffic accidents, one fatal accident being outside 230 Burton Road.
- c) The development on Field View to the rear of the application site already affects views towards Hartshorne.
- d) The buildings will be out of character.
- e) The new buildings are in close proximity to the neighbouring boundaries and will be overbearing and overlook the neighbouring properties.
- f) The development will detract from the value of neighbouring properties.
- g) The area is a quiet residential area and this development will alter this.
- h) The side access to parking at the rear will cause noise and fume issues within close proximity of the neighbouring boundary.
- i) An application was previously refused on the site due to visibility.
- j) The building on site has never been used as a haulage firm as stated on the application forms.

Development Plan Policies

The relevant policies are:

RSS8: Policies 2 & 3

Local Plan: Housing Policies 4 & 11, Transport Policy 6

Planning Considerations

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

- The principle of development.
- Highway safety.
- Residential amenity.
- Visual impact.
- Planning contributions.

Planning Assessment

The site lies in the urban area and is brownfield land. As such the development is acceptable in principle.

The development would be accessed from Burton Road, a busy principle road. The hazard markings on the road adjacent to the site consist of a double white line indicating no waiting, stopping or parking of vehicles at any time. The scheme has been amended to address initial Highway Authority concerns regarding the design of the access for use by refuse vehicles with the provision of an integral communal bin store located towards the front of the building. A further amendment to the scheme to remove the doors to the bin store to ensure effective and quick access and thereby reduce refuse vehicle waiting

time on the classified road and avoid the doors opening onto the access can be required by condition.

The amended plans show parking provision increased to 17 spaces to serve the 11 units with provision of suitable access visibility splays of 2.4m x 90m to the satisfaction of the Highway Authority.

Whilst the Highway Authority considers the layout to be far from ideal it is not considered that the design of the layout alone is sufficient grounds for refusal.

No 234 Burton Road is situated side on to the application site with main windows to both front and rear. A glazed porch roof runs along part of the side of this property with single storey outbuildings extending out to the rear. The two-storey element of the proposal would fall outside of the 45° line taken from the centre of the nearest ground floor window situated to the rear of this neighbouring property and is acceptable. Where the land drops away to the rear of the site the proposed single storey element would be of a similar height and position to that of the existing commercial building.

No 228 Burton Road is set some 17m back from the front of the proposed building with main room windows and an area of garden to the front of the property. The scheme has been amended to set back the two-storey apartment block to the rear of the frontage building to meet the minimum overbearance distance requirement of 12m relating to the main ground floor window of No 228. The first floor windows to Apartment 6, which overlook the boundary of this neighbouring property, have been obscure glazed to prevent overlooking and the roof windows to the single storey apartments to the rear have been raised to prevent overlooking of the conservatory to the rear of No 228.

No 1 Field View is situated to the rear of the site some 16.5m away from the single storey element of the proposal and therefore well beyond the minimum distances required to protect privacy and prevent overbearance.

The amended scheme is not considered to have any significant adverse impact on the amenity of the neighbouring properties and complies with the requirements of Housing Policy 11 and the Council's Supplementary Planning Guidance – Housing Design and Layout.

The scheme has been designed following pre application discussions. The surrounding properties are mixed in character but mainly consist of two-storey dwellings. The proposal would retain the appearance of two semi-detached two-storey dwellings when viewed from Burton Road in keeping with the appearance of the surrounding area. The remainder of the building would step in behind this frontage section reducing to single storey at the rear limiting the impact on the surrounding properties.

Contributions towards Open Space and Healthcare are sought by way of a Unilateral Undertaking.

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

Subject to the receipt of a signed unilateral undertaking for the provision of open space monies and contributions towards healthcare **GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the appearance of the existing building and the locality generally.
3. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, all laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority, and maintained throughout the construction period in accordance with the approved designs free from any impediment to its designated use.
Reason: In the interests of highway safety.
4. Before any other operations are commenced (excluding demolition/ site clearance) the access shall be formed to Burton Road, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
5. Before any of the operations hereby approved are commenced facilities shall be provided as agreed in writing with the Local Planning Authority to prevent the deposition of extraneous material on the public highway and shall be maintained throughout the construction period.
Reason: In the interests of highway safety.
6. Prior to the first use of the development hereby permitted space shall be provided within the application site in accordance with the revised application drawings for the parking for residents/visitors vehicles (including secure covered cycle parking)], laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
Reason: In the interests of highway safety.
7. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.
Reason: In the interests of the appearance of the building(s), and the character of the area.

8. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
Reason: In the interests of flood protecting and pollution control.
9. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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.
Reason: In the interests of the appearance of the area.
10. The obscure glazed windows as identified in amended drawing no. 11A shall be permanently glazed in obscure glass.
Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.
11. Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area pursuant to the Council's powers under Section 2 of the Local Government Act 2000 and to reflect government guidance set out in PPS1.
12. 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).
Reason: To protect the amenities of adjoining properties and the locality generally.
13. A) The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the local planning authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.
B) Prior to occupation of the development (or parts thereof) an independent verification report must be submitted, which meets the requirements given in Box 2 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

C) In the event that it is proposed to import soil onto site in connection with the development, this should be done to comply with the specifications given in Box 3 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

D) No development shall take place until monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, section 3,1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

14. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

15. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 11A, 12A and 13A received 10 April 2008.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

16. Notwithstanding the submitted details an amended plan showing the eastern elevation of the bin store as open sided shall be submitted to and agreed in writing by the Local Planning Authority, the bin store shall be constructed in accordance with the agreed details.

Reason: In the interests of highway safety and to enable bins to be accessed effectively and quickly by the refuse collection service and minimise refuse vehicle waiting time on the classified road.

Informatives:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification should be given to the Director of Environmental Services at County Hall, Matlock (telephone 01629 580000 and ask for the District Highway Care Manager on extension 7595) before any works commence on the vehicular access within highway limits.

Any security measures implemented in compliance with the approved scheme should seek to achieve the 'Secured By Design' accreditation awarded by Derbyshire Constabulary. Written confirmation of those measures should then be provided to the Local Planning Authority.

The phased risk assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA. The contents of all reports

relating to each phase of the risk assessment process should comply with best practice as described in the relevant Environment Agency guidance referenced in footnotes 1-4, to the relevant conditions attached to this permission.

For further assistance in complying with planning conditions and other legal requirements applicants should consult "Developing Land within Derbyshire - Guidance on submitting applications for land that may be contaminated". This document has been produced by local authorities in Derbyshire to assist developers, and is available from www.south-derbys.gov.uk/Environment/Pollution/LandPollution/contaminatedlandguide.htm

Reports in electronic formats are preferred, ideally on a CD. For the individual report phases, the administration of this application may be expedited if a digital copy of these reports is also submitted to the pollution control officer (contaminated land) in the environmental health department: dan.calverley@south-derbys.gov.uk.

2. PLANNING AND OTHER APPEALS

(references beginning with a 9 is planning appeal and references beginning with an E is an enforcement appeal)

Reference	Place	Ward	Result	Cttee/delegated
9/2007/0067	Ticknall	Hartshorne/Ticknall	Dismissed	Committee
9/2007/0645	Newhall	Newhall	Dismissed	Delegated
9/2007/0919	Newhall	Newhall	Dismissed	Delegated



Appeal Decision

Hearing held on 5 February 2008

Site visit made on 5 February 2008

by **Julia Gregory** BSc (Hons) BTP MRTPI
MCMi

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date: 17th
March, 2008.

Appeal Ref: APP/F1040/A/07/2045290

Knowle Hill Farm, Ingleby Lane, Ticknall, Derby DE73 7JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Stanton against the decision of South Derbyshire District Council.
- The application Ref 9/2007/0067/U, dated 13 January 2007, was refused by notice dated 13 March 2007.
- The development proposed is use of land for the siting of one mobile home.

Procedural matters

1. As the mobile home is already sited on the land and is occupied, I shall treat the application as one made under Section 73A of the Act.

Decision

2. I dismiss the appeal.

Main issue

3. I consider the main issue to be whether the development would comply with national and local policies in respect of residential development in the countryside.

Reasons

4. The mobile home is located in the countryside on land associated with an equestrian unit at Knowle Hill Farm. I was told at the Hearing that it is currently residentially occupied by a worker on the unit. There are two dwellings already occupied in association with the equestrian business. One of these is located to the east of Ingleby Lane, known as Ladyacre House, whilst the other is a bungalow located close to the site of the mobile home.
 5. There was no dispute at the Hearing that national and local policy seek to prevent unjustified residential development in the countryside generally, but offer support for the re-use of rural buildings. Nevertheless, this is not an application for the re-use of a building. The Regional Spatial Strategy for the East Midlands (RSS8) seeks generally to promote a sequential approach to development to be adopted in development plans. South Derbyshire Local Plan (LP) Environment Policy 1: Development in the Countryside, specifies that new development outside settlements will not be permitted unless, amongst other matters, it is essential to a rural based activity. LP Housing Policy 8 allows for
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certain new housing necessary to the operation of an established viable long term rural based activity. This is consistent with the support generally in the LP and RSS8 for rural based activity. The accompanying text to LP policy Housing Policy 8 makes it clear that the applicant will be required to submit a detailed assessment to support the functional and financial requirement for a dwelling.

6. Whilst I was given some details of the operation of the business at the Hearing and in representations, and I saw the facilities and land associated with it, this did not constitute a rigorous assessment in this regard to satisfy the requirement or in line with Annex A to Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7), which postdates the LP. There was an indication given at the Hearing that the mobile home was needed to house an agency worker, but this justification again should have been part of the full functional and financial justification. I acknowledge that the mobile home is not a permanent dwelling but PPS7 sets criteria that should be complied with, which should be the same for temporary agricultural dwellings, as far as they are relevant, as specified in paragraph 15 of Annex A. Whilst the Council could have requested more information, it was not obliged to do so.
7. I acknowledge the concern over security since there have been thefts from trailers in the yard. Nevertheless, there is a good level of human presence during the day on the site since there are a variety of businesses in addition to the equestrian use during the day, and there is a bungalow on the site so there would be also an overnight presence. The trailers are now kept unlocked and valuables are not stored there.
8. I saw that there were linked alarms to the main range of buildings, and the gate on the access drive could be kept locked. I also understand the concerns about animal welfare, but horses can become sick or injured even when there is a residential presence near by. I appreciate that there may be times when the bungalow would not be occupied, but this argument could be repeated often, leading to a proliferation of dwellings in the countryside. PPS7 specifies that whilst the protection of livestock from theft or injury by intruders may contribute to the need for a new agricultural dwelling, it will not by itself be sufficient to justify one.
9. Although I acknowledge that there is a sustainability issue regarding the use of fuel to travel to the site by any worker who could alternatively live in the mobile home, this argument could be used to support much development associated with rural activity, contributing to development in isolated locations contrary to the thrust of the development plan and national policy. Whilst I saw that the mobile home would not be conspicuous from Ingleby Lane, it would be prominent and open to view from the nearby public right of way and would further add to the development of the site. I conclude that the development would fail to comply with national and local policies in respect of residential development in the countryside.

Julia Gregory

INSPECTOR



Appeal Decision

Site visit made on 22 January 2008

by **A. U. Ghafoor** BSc (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
18 March 2008

Appeal Ref: APP/F1040/A/07/2057341

117 Sunnyside, Newhall, Derbyshire DE11 0TN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Kay Tomlinson against the decision of South Derbyshire District Council.
- The application Ref 9/2007/0645/FH, dated 24 May 2007, was refused by notice dated 26 July 2007.
- The development proposed is described in the application as "demolition of existing building and rebuilding house/garage".

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue is whether the proposal would constitute inappropriate development within the Green Belt and, if so, whether there are any other material considerations which would clearly outweigh the harm by means of inappropriateness and any other harm thereby justifying the proposal on the basis of very special circumstances.

Reasons

3. The appeal site is situated within a ribbon of development that extends beyond Newhall's boundary. The appellant considers that the site is located within a village washed over by the Green Belt, but I consider it is within the Green Belt. Policy 3B (i) of the South Derbyshire Local Plan (1998), which reflects national planning guidance in paragraph 3.6 of Planning Policy Guidance Note 2 (PPG2): *Green Belts*, therefore applies.
4. Government and development plan policy states that the replacement of existing dwellings need not be inappropriate in the Green Belt providing the new dwelling is not materially larger. The appearance and style of the replacement dwelling would be similar to existing properties within Sunnyside but it would be materially larger than the existing bungalow in height, depth and width and thus bulkier. Consequently the proposed replacement dwelling would be inappropriate development in the Green Belt and would be, by definition, harmful to the Green Belt.
5. The appeal site is elevated and I could see it from various locations due to the area's topography. The appellant considers the gap between nos. 115 and 119 is larger than it appears because the existing property occupies part of the plot,

but I am unconvinced by this argument. The proposed development would be visually prominent due to its siting and location and the existing gap would be diminished. To my mind, the dwelling would represent an encroachment of additional development into the countryside. This would conflict with the third purpose of Green Belts which is to assist in safeguarding the countryside from encroachment and also harm openness, the most important attribute of Green Belts.

6. In reaching my decision, I have considered the appellant's comments about the need to modernise the existing property and her personal circumstances. On balance, however, these matters and the other considerations I have discussed would not clearly outweigh the identified harm to the Green Belt. I conclude therefore that no very special circumstances exist in this case.
7. For the reasons stated above, and having regard to all other matters raised including the appellant's Design and Access Statement, I conclude that the appeal should not succeed.

A. U. Ghafoor.

INSPECTOR



Appeal Decision

Site visit made on 3rd March 2008

by **Jonathan G King** BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
19 March 2008

Appeal Ref: APP/F1040/A/07/2060739

2 Stoneydale Close, Newhall, Swadlingcote, Derbyshire DE11 0UN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr K Grew against the decision of South Derbyshire District Council.
- The application Ref 9/2007/0919/FH, dated 1st August 2007, was refused by notice dated 28th September 2007.
- The development proposed is a 2-storey side extension.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of adjacent dwellings.

Reasons

3. The proposed extension would follow the same footprint as an existing single-storey projection at the side of the house. In design terms, I find it acceptable.
4. However, the side of the house abuts the rear boundaries of 2 small semi-detached bungalows, Nos 101 and 103 Meadow View Road, which have windows to principal rooms facing directly towards it. The Council's Supplementary Planning Guidance: *Extending your Home* provides guideline distances between different elements of neighbouring dwellings. That advised between a lounge or a dining room towards a blank elevation, such as in this case, is 12 metres. Here, the distance would be about 11 metres. While it is not always necessary to apply such guidelines slavishly, the bungalows are at a significantly lower level, so that the effect of the additional upper floor would be that much greater than if the buildings were on level ground. I consider that the effective height of the proposed extension, combined with the proximity to the bungalows, would render it visually oppressive to the occupiers of the latter, dominating their outlook. In my view the proposed development would thereby be contrary to the provisions of Housing Policy 13 of the South Derbyshire Local Plan; and is unacceptable
5. In reaching this conclusion I have had regard to the 2-storey extension which has been built at a nearby house. But the relationship of that property to its

neighbours is not comparable. I have also had regard to the appellants' personal circumstances and the reasons for wanting the extension. But these are insufficient, to my mind, to outweigh the harm I have identified to the living conditions of the neighbours.

6. For the reasons given above I conclude that the appeal should be dismissed:

Jonathan G King

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr MA Stanton	Appellant
Heather Stanton	Appellant
Mr BE Wolsey	29 Chapel Street, Ticknall, Derby DE73 7JY

FOR THE LOCAL PLANNING AUTHORITY:

Nicola Toon	Area Planning Officer
Alison Briggs	Area Planning Officer Support Officer

DOCUMENTS SUBMITTED AT THE HEARING

- 1 LP Housing Policy 7: Residential Conversion
- 2 LP Recreation and Tourism policies
- 3 LP Employment policies
- 4 RSS8 policy 6
- 5 RSS8 policy 24
- 6 Application plan with red and blue outlines

