

Item 2.1

Reg. No. 9/2007/0510/FH

Applicant:

Mrs Tanya Bates
2 Council Houses
Main Street
Scropton
Derby

Agent:

Mrs Tanya Bates
2 Council Houses
Main Street
Scropton
Derby

Proposal: **The retention of a vehicular access to serve 2 Council Houses Main Street Scropton Derby**

Ward: North West

Valid Date: 02/05/2007

Reason for committee determination

The application is brought to Committee at the request of Councillor Bale.

Site Description

The site is located within the village of Scropton and forms one of a row of terraced properties set back from the main road through the village with gardens situated to the front.

Proposal

The proposal is for the retention of an existing vehicular access situated within the front garden with access from Main Street, a classified road.

Applicants' supporting information

None.

Planning History

An enforcement notice was served on the owners of the site relating to the unauthorised formation of a vehicular access on 4 April 2007.

Responses to Consultations

The County Highway Authority has objected on the grounds that the new vehicular access would introduce traffic movements to and from the highway at a point where

9/2007/0510/FH 2 Council Houses

Main St

Scropton

Westway

TCB

Gramond 56.4m

The Wildemes

TO HATTON

56.3m

Scropton Road

Newtons Cottages

56.3m

Elm Tree Cottages

5212

Level Crossing

MP 2

Mill Green

SPs

Pump House

Allotment Gardens 6410

56.3m

TCB

Lych Gate

Burial Ground

3915

3416

sters' Arms (PH)

The Opoc

THE SITE

Scropton

Elm Tree Cottages

5212

Level Crossing

MP 2

Mill Green

SPs

Pump House

Allotment Gardens 6410



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SWADLINCOTE DE11 0AH

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Date Plotted 29/6/2007
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visibility is severely substandard and that no adequate provision has been made for vehicles to manoeuvre on the site which would result in vehicles reversing onto Main Street to the detriment of highway safety.

Foston and Scropton Parish Council have expressed concern about the visibility from oncoming traffic from either direction.

Responses to Publicity

None.

Development Plan Policies

The relevant policies are:

RSS8: None

Joint Structure Plan: None

Local Plan: None

Planning Considerations

The main issue central to the determination of this application is the impact of the proposed vehicular access on highway safety.

Planning Assessment

The vehicular access at No 2 Main Street is situated at a point on Main Street where the road bends to both the east and west of the site reducing visibility in both directions. None of the neighbouring properties on this row of terraced houses have a vehicular access to the front. In view of the County Highway Authority's concerns there appears little choice but to refuse permission.

Recommendation

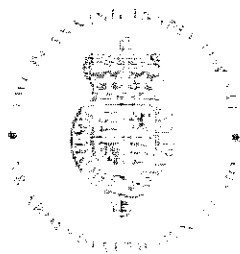
REFUSE permission for the following reason:

1. The development involves the creation of a new vehicular access to Main Street which has introduced traffic movements to and from the highway at a point where visibility is severely substandard to the detriment of highway safety. Furthermore, no adequate provision is included in the access for vehicles to manoeuvre which can result in vehicles reversing to or from the classified highway at a point where visibility is substandard to the further detriment of highway safety.

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
9/2006/0356	Thulston	Aston	Allowed
9/2006/0903	Stenson Fields	Stenson	Dismissed
9/2006/0278	Woodville	Woodville	Dismissed
9/2006/0882	Swarkestone	Aston	Dismissed



Appeal Decision

Site visit made on 23 May 2007

by **Terence N Povey BA BArch MA**
FRTPi Architect

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

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Date: 8 June 2007

Appeal Ref: APP/F1040/A/06/2030114

Thurlestone Grange, Thulston, Derby DE72 3FE

- 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 Mrs M E Eyadne Robbins against the decision of South Derbyshire District Council.
- The application Ref: 9/2006/0356/FH, dated 23 March 2006, was refused by notice dated 7 June 2006.
- The development proposed is the erection of a wrought iron gate with brick piers and flank walls.

Decision

1. I allow the appeal, and grant planning permission for the erection of a wrought iron gate with brick piers and flank walls at Thurlestone Grange, Thulston, Derby DE72 3FE in accordance with the terms of the application Ref: 9/2006/0356/FH, dated 23 March 2006, and the plans submitted therewith, subject to the following conditions:
 - (1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - (2) No development shall take place until samples of the facing bricks and stone dressings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - (3) The pointing of the flank walls shall be carried out using a lime mortar, the details of which shall be submitted to and approved in writing by the local planning authority before the development commences. A sample of the facing brickwork measuring 900mm wide by 600mm high shall be erected for inspection and approval in writing by the local planning authority before the flank walls are pointed. The work shall be carried out in accordance with the approved sample.

Reasons

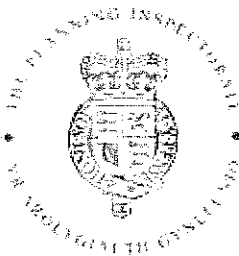
2. The proposed development would be located at Thurlestone Grange's existing vehicular access to the highway. From the access a drive leads through a pleasing area of grazing land to the Grange, which is a substantial 18th century country house situated within the attractive open countryside of the Green Belt. Thurlestone Grange is a listed building. I share the Council's opinion that

the proposal would not serve to diminish the openness of the Green Belt and in this context would not amount to inappropriate development within the Green Belt.

3. Turning to the effect of the proposed development on the rural character of the area and the setting of the listed building, I consider that the existing access provides an unprepossessing entrance to the Grange, comprising a somewhat haphazard arrangement of a cattle grid, a five-bar gate and some lengths of fencing. The proposed scheme, on the other hand, would incorporate a handsome pair of gates set between brick piers and short flank walls, the piers and walls having been sensitively designed to have a pleasing appearance and a reasonably modest size and scale. Consequently, the development as a whole would comprise a restrained but elegant entrance to the Grange, its formality being consistent with the formal nature of the country house's classical architecture.
4. With regard to the wider aspect of the countryside location, I am satisfied that the modest scale of development would prevent it from intruding into the rural landscape. Indeed, the proposed flank walls would be much less extensive than those of other formal entrances in the locality which have been referred to and which I inspected on my site visit. I have therefore concluded that provided conditions were utilized to ensure that the appearance of the brickwork and stonework was commensurate with that of the country house, the listed building's setting would be preserved and enhanced and the rural character of the area maintained. The proposal would thus accord with the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with the provisions of the policies of the regional spatial strategy, structure plan and local plan to which the Council has referred.

Terence N. Povey

INSPECTOR



Appeal Decision

Site visit made on 21 May 2007

by **George Arrowsmith BA, MCD, MRTPI**

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for Communities and Local Government

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Date: 12 June 2007

Appeal Ref: APP/F1040/A/07/2034976

23 Quick Hill Road, Stenson Fields, Derby, DE24 3JB

- 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 Mrs J Smith against the decision of South Derbyshire District Council.
- The application Ref 9/2006/0903/FH, dated 15 July 2007, was refused by notice dated 21 September 2007.
- The development proposed is the erection of a 2 storey house extension.

Decision

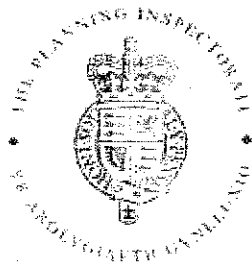
1. I dismiss the appeal.

Reasons

2. If the extension was erected the occupants of 20 Quick Hill Road would be faced with a 9.7m wide and an almost 5m high wall about 10m to the south of a main ground floor window and two bedroom windows. In my view the wall would have a significantly overbearing and overshadowing impact, especially on the ground floor window. As such it would conflict with the objectives of housing policy 13 in the adopted South Derbyshire Local Plan and the Council's supplementary guidance on house extensions, both of which seek to protect the amenities enjoyed by neighbouring properties.
3. It appears to me that the relationship between No 23's existing side wall and No 20's facing elevation already contravenes the guidance in the supplementary planning guidance but this does not justify a development which would make the situation worse.

George Arrowsmith

INSPECTOR



Appeal Decision

Site visit made on 24 May 2007

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by **Terence N Povey BA BArch MA**
FRTPI Architect

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Date: 12 June 2007

Appeal Ref: APP/F1040/A/06/2029140

Former Bretby Pottery Site, Swadlincote Road, Woodville, Swadlincote, Derbyshire DE11 8DE

- 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 Northcliffe Properties Ltd against the decision of South Derbyshire District Council.
- The application Ref: 9/2006/0278/MR, dated 9 March 2006, was refused by notice dated 18 July 2006.
- The development proposed is the erection of residential development comprising the conversion of an existing listed building into a dwelling and erection of apartments and houses with associated external works.

Decision

1. I dismiss the appeal.

Reasons

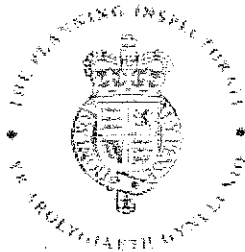
2. The appeal site comprises previously-developed land situated within an urban area. The original Bretby Pottery showroom, which is a listed building, stands at the north end of the site facing Swadlincote Road, a busy highway. It is clear to me that because the proposal involves redevelopment of "brownfield" land for new housing, and because the site is located close to public transport services, the scheme conforms with the Government's sustainable development principles published in Planning Policy Statement 3 and Planning Policy Guidance 13. I have also noted that the proposed development would have a satisfactory means of access from the highway and that the Appellants have prepared a Unilateral Undertaking concerning the developer's financial contributions to the local infrastructure.
3. With regard to the listed building, it is proposed to convert and extend it for residential use; listed building consent was granted for this aspect of the scheme in 2006. I take the view that the conversion scheme would secure the building's preservation. Furthermore, I consider that the layout of the proposed housing development, which, despite its overall high density, incorporates space around the listed building as well as around the other dwellings, would reasonably preserve the listed building's setting. In this respect I find that the proposal accords with the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. While the proposal is therefore satisfactory in these various respects, it is nevertheless relevant that the site occupies a noise-sensitive location for new housing, since it is bordered on three sides by commercial sites, and is situated

alongside a busy highway. In this context both the Appellants and the Council have submitted noise assessment reports on the suitability of the site for residential development, these reports referring to Government policy on noise-sensitive sites as published in Planning Policy Guidance 24.

5. I acknowledge that the proposed housing has been designed with a view to addressing the problem of noise around the site; thus, the layout incorporates a terrace of "single aspect" dwellings at the south end of the site, with a terrace of south-facing dwellings alongside Swadlincote Road. In addition, noise attenuation measures in the form of tall brick boundary walls, boundary fences, and acoustic glazing and ventilation are proposed. The findings of the Appellants' noise assessment report indicate to me that these measures might reasonably reduce the impact of noise from the commercial sites to the east, south and west. I am not, however, entirely convinced that the proposed fencing would provide as effective a noise barrier as the brick walls proposed elsewhere, bearing in mind that there is 24 hour heavy goods vehicle traffic associated with the commercial site to the west.
6. On the other hand, the Appellants' and the Council's noise assessment reports both conclude that the greatest source of noise is traffic using Swadlincote Road. The reports' findings indicate that the north part of the site adjacent to the highway falls into either noise exposure category C or D, as defined by Planning Policy Guidance 24. The document states that planning permission for residential development should not normally be granted for sites in these categories, although it does not rule out the possibility of development on category C sites in certain circumstances, provided planning conditions are imposed to ensure protection against noise. The Appellants' consultants have recommended that in order to address the traffic noise problem, no dwellings facing Swadlincote Road should have habitable rooms facing the highway. However, the drawings submitted show that the roadside dwellings have bedrooms facing the highway and in this regard the scheme is, in my opinion, seriously flawed since it would lead to future residents suffering from noise nuisance. I do not consider that it would be feasible to modify this aspect of the design by means of a planning condition. Accordingly, I find that the proposal conflicts with Government policy on noise-sensitive sites for housing.

Terence N. Povey

INSPECTOR



Appeal Decision

Site visit made on 11 June 2007

by **Dannie Onn** RIBA IHBC

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

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Date: 14 June 2007

Appeal Ref: APP/F1040/E/07/2037220

The Reading Room, Church Lane, Swarkestone, Derby, DE73 7GT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Charles Thomas against the decision of South Derbyshire District Council.
- The application Ref 9/2006/0882/L, dated 18 July 2006, was refused by notice dated 19 September 2006.
- The works proposed are to reinstate the porch at the front door.

Decision

1. I dismiss the appeal.

Reasons

2. The Reading Room is a house in a converted, altered and extended listed building. The former reading rooms are listed partly for historical interest and are included for group value only. The special interest of the building lies in its simple form which marks its original function. The building sits alongside a stone fronted house facing the church of St James. As part of a group with its neighbours and clearly visible from the south porch of the church, the Reading Room helps make a significant place in the Swarkestone Conservation Area.
3. I am told that the building had a porch added in 1986 and was listed the following year. The porch was removed by condition attached to a planning permission and listed building consent of 2003, which allowed the extension of the property. Although the extensions contribute to viable occupation of the listed building, I consider that they detract from its special interest by disguising its special historic form.
4. The proposed porch would be built onto the main façade, which is the only original elevation now open to view. The porch would disrupt the elevation and further disguise the form of the original building. That would harm the character of the building, contrary to Environment Policy 13 of the South Derbyshire Local Plan. It would also break forward of the building beyond the common line with its neighbour, which would detract from the relationship between these buildings and the church to the detriment of the character and appearance of the Conservation Area.
5. I acknowledge that the proposed porch could improve the comfort, security and energy efficiency of the house. However, I do not consider that those concerns can outweigh the harm I have found whilst other, less intrusive solutions could be used.

Dannie Onn
INSPECTOR

