

- e. Due to the limited size of the property and the limited equipment available, it is unlikely that it would be occupied by any more than four people at a time.
- f. The property was selected because it is on the ground floor and therefore is accessible to all. Bass's Crescent sheltered housing scheme consists of 24 units, half of which are vacant – a figure that is likely to increase given that prospective tenants resist accommodation where a bathroom is shared and only part of the first floor is accessible by lift.

### **Responses to Consultations**

The Environmental Health Manager and the County Highway Authority have no comments.

### **Structure/Local Plan Policies**

The relevant policies are:

Local Plan: Community Facilities Policy 1.

### **Planning Considerations**

The main issues central to the determination of this application are whether the development would adversely impact upon the amenities of the occupiers of neighbouring properties and highway safety.

### **Planning Assessment**

Development plan policies require that the provision of new community facilities be balanced against the need to protect the amenity of nearby residents. In particular consideration should be given to the effect of such facilities on neighbouring properties, traffic generation and car parking facilities.

In this case the proposed use would be low key, reasonably connected with the nearby residents and it would make good use of a property in a block which has been difficult to let and is, therefore, currently vacant.

In addition, the survey of local opinion that accompanies the application (and the lack of neighbour objection to the application) gives a clear indication that generally local residents are in favour of the setting up of the facility.

Given that no objections have been received from the Environmental Health Manager and the County Highway Authority, it can be concluded that there would be little likelihood of traffic noise or parking problems either.

In view of this, with the use of conditions to control the hours of its use, the proposal is considered acceptable and in accord with policy.

**Recommendation**

**GRANT** permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. The use hereby permitted shall only be carried out in the premises between the hours of 09.00 and 20.00hrs Monday to Friday and 10.00 and 16.00hrs on Saturday.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Article 3 and Part 3 of the Town and Country Planning (General Permitted Development) Order 1995, this permission shall relate to the use of the premises as described in your application and for no other purpose.

Reason: In order that the Local Planning Authority may retain control over the future use of the premises and in the interests of the amenity of the area.

15/01/2002

**Item**            **A9****Reg. No.**        **9 2001 1147 F****Applicant:**

Mr Bryan Moore  
 Home Cottage  
 25 Weston Road  
 Aston On Trent  
 DE72 2AS

**Agent:**

Mr Bryan Moore  
 Home Cottage  
 25 Weston Road  
 Aston On Trent  
 DE72 2AS

**Proposal:**        **The extension and conversion into self contained living accommodation of an outbuilding at 25 Weston Road Aston-on-Trent Derby**

**Ward:**            **Aston**

**Valid Date:**     **30/11/2001**

**Site Description**

The site is located within the existing curtilage of 25, Weston Road within Aston village. The building, the subject of this application, is a traditional outbuilding set in a secluded yard to the rear of that property. The building is attached to neighbouring outbuildings. It is currently used for purposes incidental to the enjoyment of the host property.

**Proposal**

The applicant seeks consent to convert and extend the building to form a self-contained granny annex.

**Responses to Consultations**

The Parish Council and Highway Authority have no objection in principle.

**Responses to Publicity**

Three letters have been received from residents in the following terms:

- a) Posey Lane serves five properties, producing a fair amount of traffic onto Weston Road.
- b) There are existing garden gates linking the application site to Posey Lane. It would be potentially dangerous to encourage more vehicles to use the lane by allowing vehicular access from the garden of 25 Weston Road.
- c) Vehicular access on to Posey Lane should be precluded by condition, in the interests of highway safety.

## Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5 & Environment Policy 9.

Local Plan: Housing Policy 7 & Environment Policy 12.

## Planning Considerations

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

- The principle of development.
- The impact on the conservation area.
- Residential amenity.
- Highway safety.

## Planning Assessment

The site lies in the village confines defined for Aston in the South Derbyshire Local Plan. Aston on Trent is a sustainable village as defined in the settlement hierarchy. Furthermore the proposal would be the consolidation of an existing household, thereby making a positive contribution to sustainability. As such the principle of the proposal is in accord with the relevant policies.

The proposal would make use of an existing old building and the extension would have a neutral impact on the locality. Therefore the proposal would preserve the character of the conservation area.

The proposal faces into the applicant's garden and there would thus be no adverse effect on neighbours. Whilst there are two rooflights proposed on the rear roof slope, these would be high level and would have no harmful effect on the occupiers of 21 and 23 Weston Road.

As the proposal is specifically for a granny annex there would be no material increase in the amount of traffic using the site. As such it would not be reasonable to attempt to preclude the use of the existing access onto Posey Lane, although a condition restricting the use of the building to a use ancillary to the main dwelling unit would be appropriate.

## Recommendation

**GRANT** permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. The living accommodation hereby permitted shall be occupied solely by members of the household of 25 Weston Road Aston on Trent or by domestic staff, and shall not be severed from the main house as a separate and unconnected dwelling.

Reason: Permission is granted in the light of your particular personal circumstances. Although the provision of the additional dwelling to provide additional accommodation to be used in conjunction with the existing dwelling is acceptable, the Council would not normally be inclined to allow the formation of a separate residential unit because of the unsatisfactory relationship, in amenity terms, with the host dwelling and the substandard nature of the vehicular access to the site. Since the unit includes all the domestic facilities necessary for the establishment of a separate self-contained unit, the Council hereby seeks to make it clear that separate occupation is not authorised by this permission.

3. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

4. Pointing of the existing/ 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).

5. Large scale drawings to a minimum Scale of 1:20 of external joinery, including 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.

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 and position of heating and ventilation flues 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. Large scale drawings to a minimum Scale of 1:20 of the eaves detail shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves 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.

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.

15/01/2002

**Item**            **A10****Reg. No.**        **9 2001 1178 F****Applicant:**

Mr Mrs Swinfen  
1, Lucas Lane  
Hilton  
Derby  
DE655FL

**Agent:**

G. Markwell  
Graham Markwell Associates  
1B Derby Road  
Borrowash  
Derbyshire  
DE72 3JW

**Proposal:**        **The erection of a conservatory and a second storey extension  
at 1 Lucas Lane Hilton Derby**

**Ward:**            **Hilton**

**Valid Date:**      **11/12/2001**

**Site Description**

The site is occupied by a large detached dwelling situated on the outskirts of Hilton. The dwelling is located within the settlement limits defined for Hilton on the Local Plan. The site faces Egginton Road and it is accessed via a private drive off Lucas Lane.

There are other dwellings to each side and to the rear of the premises. A landscaped strip separates the site from Egginton Road.

**Proposal**

The applicant seeks consent to erect a second storey extension to the garage on the East Side of the dwelling and the erection of a conservatory to the rear of the house.

**Planning History**

The dwelling was erected a part of the expansion of Hilton that was permitted in the early 1990's.

**Structure/Local Plan Policies**

The relevant policy is:  
Local Plan: Housing Policy 13

## Planning Considerations

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

- The principle of the development
- The effect of the proposal on the amenity of the near neighbours.

## Planning Assessment

The site is located within the settlement confines defined for Hilton in the South Derbyshire Local Plan. Therefore, the principle of the extension is acceptable.

The Council's Supplementary Planning Guidance (SPG) on extensions requires that two storey extensions should not overbear on adjacent dwellings and sets out criteria to be applied in such cases. In this case the extension does not meet the criteria set out in the SPG and a corner section of the extension, amounting to approximately one metre in depth, would intersect the line of overbearance as set out in the SPG.

However, the extension would be on the north west side of the affected house and so have little impact on the loss of sunlight and amenity of that dwelling. Additionally, as set out above, there is only a small amount of the extension that would intersect the angle of overbearance as set out in the SPG. Therefore, in this case, the extension proposed is acceptable.

## Recommendation

**GRANT** permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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

15/01/2002

**Item**            **A11****Reg. No.**        **9 2001 1194 F****Applicant:**

Mr Mrs N & S Wileman  
9, Potter Street  
Melbourne  
Derby  
DE731DW

**Agent:**

Mr D Decamps  
20 Rowditch Avenue  
Derby  
DE223LD

**Proposal:**        **Erection of an extension at 9 Potter Street Melbourne Derby****Ward:**            **Melbourne****Valid Date:**      **07/12/2001****Site Description**

The property is a traditional end of terrace dwelling situated in the conservation area. There is a former stable block to the rear of the premises, which presently has a flat roof. The wall of the stable block adjacent to 11 Potter Street is to a height of some 4 metres whereas the other side is lower at 2.5 m. The land slopes down wards to the rear of the site.

**Proposal**

The applicant seeks consent to extend the floor area of the existing kitchen by 0.5 metres, to bring its sidewalls level with the existing walls of the stable block and the kitchen. It is also proposed to convert the existing ground floor accommodation in the stable block to a living room and cloakroom. A monopitch roof would be built over the stable block and the extended kitchen. The eaves level of the roof on the side facing No 7 Potter Street would remain at the existing height, but the wall adjacent to No 11 would be raised by some 600 mm (including parapet) to achieve a roof pitch of 22.5°.

No first floor accommodation is proposed.

**Planning History**

The committee refused permission for a larger extension (9/2001/0668/F), involving first floor accommodation, on 7 November 2001, following a site visit.

**Responses to Publicity**

An adjoining occupier objects on the basis that the raising of the wall would adversely affect the amount of light and sunshine to 7 Potter Street and its garden.



## **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Environment Policy 9.

Local Plan: Housing Policy 13 and Environment Policy 12.

## **Planning Considerations**

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

- The principle of the extension
- The impact of the extension on the conservation area.
- Residential amenity.

## **Planning Assessment**

The site is located within the settlement confines of Melbourne village as defined in the Local Plan. Therefore, the principle of the development is acceptable.

The proposal would have a minimal impact on the conservation area, because only part of the sidewall and roof of the extension would be visible. The incorporation of a parapet to the higher sidewall, which would be rendered, would be acceptable, resulting in the preservation of the character of the conservation area.

The extensions now proposed are only minimal alterations to the dwelling. The extension itself is small and it would not affect the amenity of neighbouring properties. The wall that is to be raised in height is set away from the boundary with 7 Potter Street. The effect on the amenities of the occupier of that property would be negligible particularly as the wall is a monopitch and slopes away from the boundary with 7, Potter Street.

The increase in the height of the wall would not adversely affect the amenities of the other near neighbour, No.11 Potter Street.

## **Recommendation**

**GRANT** permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 01A and 02A received 24 December 2001.

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

3. Samples of the roof tile, the brick and the capping material for the parapet to the stable room shall be submitted for approval in writing by the Local Planning Authority before work commences. Thereafter, the agreed materials shall be used to construct the develop[ment hereby approved.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

4. Pointing of the existing/ 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).

5. Large scale drawings to a minimum Scale of 1:20 of external joinery, including 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.

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.

15/01/2002

**APPEAL DISMISSED**

Appeal by P& H Flexible, Boardman Industrial Estate, concerning the retention of a plastic banner at P& H Flexible Boardman Industrial Estate, Boardman Road Swadlincote (9/2001/0643)

The application was refused permission for the following reason:

1. The application is considered to be unacceptable as by reason of its size, design, materials and prominent location the banner sign adversely affects public amenity contrary to the policies set out in the Council's Supplementary Planning Guidance: "Display of Advertisements".

The inspector took the view that because of its size, bold text and bright colours, the impact of the banner was unduly assertive on the rear elevation of the industrial estate and intrusive in views within the surrounding open area to the north and north-west. He considered that, pending development of the adjacent open land, the banner sign over-emphasised the commercial/industrial impact of the estate buildings in views across what currently remains open countryside.

He noted the appellant's comment that the banner had helped to increase trade and secure employment and accepted that outdoor advertising can play an important part in encouraging small businesses and in attracting trade. He said however that the Advertisement Regulations require decisions to be made only in the interests of amenity and, where applicable, public safety and it is these factors, rather than commercial need, that must be decisive.

