

16/05/2006

Item 1.5**Reg. No.** 9/2006/0348/F**Applicant:**
Me M Ireland
C/O Agent**Agent:**
C A Collins
119A High Street
Newhall
Swadlincote
Derbyshire
DE11 0HR**Proposal:** The erection of a dwelling on Land Adjacent To 67
George Street Church Gresley Swadlincote**Ward:** Gresley**Valid Date:** 23/03/2006

This application is brought before Committee at the request of Councillor Southerd.

Site Description

This site was formerly part of the rear garden to number 67 George Street. It has already been cleared and work on the foundations for a dwelling has commenced. To three sides the site is enclosed by fencing and trees/shrubs. The boundary with the remaining garden for 67 is currently open save for a mesh barrier that defines the line of separation for the new plot.

Proposal

It is proposed to erect a two storey dwelling with an attached single garage. The new building would be sited partly to the side of but also behind the rear wall of the existing house, number 67. The dwelling would have a lounge/diner, kitchen, bedroom with en-suite and toilet on the ground floor. Two further bedrooms and a bathroom would be located on the first floor which is accommodated within the roof space.

Planning History and Background

In November 2004 an application (9/2004/1279) for a single two storey dwelling in the grounds of number 67 was refused because of a shortfall in the distances between the two storey part of the development and existing dwellings on Hall Street. In February 2005 planning permission (9/2004/1615) was granted for a dwelling of the same design but which being located differently within the site met the separation distances and thus removed the reasons for the earlier refusal.

On 17 November 2005 it came to the Council's attention that the site was being cleared but conditions imposed on the permission granted under 9/2004/1615 concerning the

submission of materials and details of levels were outstanding. The details were submitted and the complaint file was closed on 16 December 2005. On 6 February 2006 the Council received a complaint that the dwelling was not being constructed in accordance with the approved drawings. Investigation revealed that the relationship of the proposed dwelling with 67 George Street was not in accordance with the approved drawings and the foundations had been laid approximately 3m forward of the approved position.

The applicant (who we understand is the new owner) has offered apologies for the error which he says has arisen as a result of him being given a copy of plans for the original application that was refused. Once the error was drawn to his attention he immediately stopped work. The current application incorporates a redesign of the building so that minimum distances of separation are met whilst utilising the foundations that have already been laid.

Responses to Consultations

There is no issue in principle from a highways point of view and the County Highways Authority is satisfied with the scheme subject to an amended plan that incorporates the visibility splay within the application site (i.e. within the red line) and to conditions. An amended plan has been received that deals with the visibility splays. The Pollution Control Officer does not require a site investigation.

Responses to Publicity

Two letters have been received. They raise the following objections:

- Serious loss of light
- Significant loss of privacy
- Overbearance due to the size, position and design
- Increased noise and disturbance
- The proposal does not comply with the Council's Space about Dwellings standards as it is too close to 1, 3 and 5 Hall Street which was one of the reasons for the previous refusal
- Significant loss of amenity
- Contravention of legal right to light
- The adjacent properties are not shown on the drawings and if a decision is made on this basis it would amount to maladministration.
- Complaint about previous failure to notify appropriate neighbours
- Loss of value to all three affected dwellings
- All three neighbours object
- The building error should be handled as such

Development Plan Policies

The relevant policies are:

RSS8: P2

Joint Structure Plan: H3, T4

Local Plan: H4, H11, T6

Planning Considerations

The main issues central to the determination of this application are protection of amenity for neighbours and the design of the building.

Planning Assessment

Amenity

The Council's guidelines for space about dwellings states that between lounge/dining rooms of existing houses and a blank two storey wall of a new dwelling there should be a minimum distance of separation of 12 metres. The submitted plans indicate that this distance is achieved insofar as the proposal relates to the properties on Hall Street and this distance of separation does not differ from the approved plans.

With regard to the relationship with number 67, the new dwelling has been redesigned so that there would be roof lights only at first floor level facing number 67. These serve a bathroom and the landing and could therefore be obscure glazed. As to overbearance the part of the new dwelling that would exceed 5m in height (i.e. two storeys high) would be some 12.5m from the rear of the existing house and would therefore meet the minimum distance for separation.

Design

The redesign of the proposal has resulted in a two storey building with the first floor rooms within the roof space. In overall terms the height of the proposed structure at approximately 7.3m would be lower than a conventional two storey dwelling that would be expected to be around 8m high. As to the design, it is considered that the current proposal is an improvement on the design of the previously permitted dwelling as that included an awkward roof arrangement when viewed from the side and rear.

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

That subject to receipt of an amended plan that includes the visibility splay within the application site (i.e. red line) and service of the appropriate notice on the owner **GRANT** permission subject to the inclusion of a condition referring to the said amended plan and 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. The development hereby permitted shall be constructed using Terca Cassandra bricks and Marley Plain Smooth Grey roofing tiles unless alternative materials have been agreed in writing by the Local Planning Authority before work commences.

Reason: In the interest of the character and visual amenity of the area.

3. The development hereby permitted shall have a finished floor level no greater than 250mm above the finished floor level of 67 George Street unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining properties and the locality generally.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), prior to first occupation of the development hereby permitted a 1.8m high fence shall be provided along the boundary between the application site and 67 George Street. The fence shall comprise 1.5m close boarded fencing topped with 300mm shaped trellis unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of 67 George Street.

5. Prior to the first occupation of the dwelling hereby permitted the existing pillar between the application site and 67 George Street shall be removed or reduced so as not to exceed 1m in height relative to road level.

Reason: In the interests of highway safety.

6. Prior to the first occupation of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.

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

7. Any gates shall be set back at least 5m from the highway boundary and shall be designed so as to open inwards only.

Reason: In the interests of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered (including the insertion of new windows), 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.

9. The roof lights in the front elevation of the building shall be permanently glazed in obscure glass.

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

Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

9/2006/0348/F Land adj to 67 George St
Church Gresley



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Scale 1:1250 Date Plotted 4/5/2006

Plot centred at 429163 318564

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