

27/03/2007

Item 1.1**Reg. No.** 9/2006/1346/L**Applicant:**
Rebecca Himsworth
Civic Offices, Civic Way
Swadlincote
Derbyshire
DE11 0AH**Agent:**
Neil Thompson
Faithful & Gould
Beechdale Court
Beechdale Road
Nottingham
NG8 3LH**Proposal:** Minor works to the external fabric of the structure at
Town Hall Midland Road Swadlincote**Ward:** Swadlincote**Valid Date:** 31/01/2007**Reason for committee determination**

The Council is the applicant.

Site Description

The building is a free standing purpose built Town Hall occupying a prominent position in Swadlincote town centre's Conservation Area.

Proposal

It is proposed to carry out works to the exterior of the building that are required by the Disability Discrimination Act 1996. The works involve the installation of handrails to the main entrance, the provision of non slip edgings to steps, tactile paving and a new sign.

Applicants' supporting information

The supporting information states the works are of a minor nature that would not impede on the aesthetics or character of the building nor affect its status as a listed building.

Planning History

The last application for works at the Town Hall were also concerned with public safety and involved the provision of a fire exit door in 2006.

Responses to Consultations

The Design and Conservation Officer is satisfied with the proposal subject to conditions.

Responses to Publicity

There has been no response to publicity.

Development Plan Policies

The relevant policies are:

RSS8: P27

Joint Structure Plan: EV9 and EV10

Local Plan: EV12 and EV13

Planning Considerations

The main issues central to the determination of this application are the effect of the works on the character of the Listed Building.

Planning Assessment

These works are very minor in scale. It is considered that they will be beneficial in that existing concrete paving blocks will be replaced with natural materials. However, conditions are necessary to ensure that the colours used do not detract from the character of the Listed Building.

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 CONSENT subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.
Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.
2. Notwithstanding the submitted details, the new handrails shall be painted cream to match the existing canopy structure.
Reason: For the avoidance of doubt as the submitted details are unacceptable.
3. Notwithstanding the submitted details, both areas of corduroy pavers shall be blue instead of buff and shall be laid in a stretcher bond pattern. Plain blue clay pavers shall be used instead of relaying one row of the existing concrete block pavers on the top step.
Reason: To ensure uniformity in the design and to suit the materials of the listed building.

4. The risers to the steps shall be of blue clay bricks to match the pavers.

Reason: For the avoidance of doubt as the risers are not shown on the submitted drawings.

Informatives:

It is suggested that a new area of plain blue clay pavers is laid between the lower area of corduroy pavers and the bottom step, laid in stretcher bond. This will unify the works that are being done and result in a better appearance.

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Item 1.2**Reg. No.** 9/2006/1481/B**Applicant:**
Mr & Mrs K Bosworth
24 Beech Avenue
Willington
Derby
DE65 6DB**Agent:**
Mr & Mrs K Bosworth
24 Beech Avenue
Willington
Derby
DE65 6DB**Proposal:** Variation of condition 3 of planning permission 9/2003/1343/FH to allow for occupancy as a separate dwelling at 24 Beech Avenue Willington Derby**Ward:** Willington/Findern**Valid Date:** 04/01/2007**Reason for committee determination**

A previous application for the creation of a separate dwelling was refused and a subsequent appeal dismissed. Officers consider that the current proposal is satisfactory and in the light of the previous decision the application is brought to Committee for determination.

Site Description

The site comprises part of the side garden to 24 Beech Avenue. Part of the rear garden is retained for parking to No 24, parking for the new dwelling would be located on the front of the house.

Proposal

Following the refusal of the previous application for a separate detached dwelling, permission was granted for a side extension to the house. It is this side extension and the side garden that is would be occupied as a dwelling.

Applicants' supporting information

None

Planning History

1991 – permission refused for a detached dwelling in the side garden.
2001 – permission refused by Committee for a detached dwelling and the subsequent appeal was dismissed.

2003 – two applications for extensions to the house including a side extension the subject of this application, both were approved.

Responses to Consultations

Willington Parish Council objects to the development for the following reasons: -

- a) This is a blatant manipulation of the planning system, it objected to the original application for a separate dwelling and that application stands.
- b) The proposal would create a terrace of three dwellings that would reduce the value of the current other semi detached dwelling.
- c) There is concern that there is not sufficient land for all the cars to be parked.

The County Highway Authority has no objection subject to appropriate parking provision being made available for both dwellings and the provision of dropped kerbs to allow off street parking for the new dwelling.

NB This site lies outside the designated floodplain for Willington.

Responses to Publicity

None

Development Plan Policies

The relevant policies are:

RSS8: Policies 2, 3,

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5 and Environment Policy 8

Planning Considerations

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

- The Development Plan
- Impact on neighbours
- Highway implications

Planning Assessment

The creation of a dwelling in a serviced village would be generally in accord with the provisions of the development plan. The Inspector in dismissing the appeal in 2001 found that the erection of a detached dwelling with a garage adjacent to 2 St Michael Close would give the appearance on a cramped and discordant development contrary to the provisions of Housing Policy 5 of the Local Plan as well as Environment Policy 8.

This application is similar to one approved at the junction of Repton Road and Beech Drive. An application for a detached dwelling there was refused, an application for an

extension was submitted and a subsequent application to make it a separate dwelling was permitted – it formed a semi-detached pair of dwellings rather than a terrace as in this case.

There are distinctions between this application and the one refused at appeal. Firstly, this is not a detached dwelling and the erection of further extensions and garden buildings can be controlled by condition.

In addition the dwelling is significantly smaller in scale than the previous proposal. The dwelling would be set well back from the junction of Beech Avenue and St Michaels Close, and a significant area of open space at the corner of the junction would be retained.

The dwelling would not overlook or overbear on any nearby residents and would accord with adopted guidance for the layout and design of new dwellings.

In the light of the above the proposal is in accord with Development Plan policies.

The Highways Authority has no objection subject to conditions and it is not considered that an additional dwelling would impact on highway safety.

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 provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, and no buildings, gates, walls or other means of enclosure 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 the street scene.
3. Prior to the occupation of the structure as a separate dwelling, the space shall be provided within the site curtilage for the parking of vehicles in accordance with the application drawing. Each space shall measure at least 2.5 metres x 5.0 metres and, where possible, be provided with pedestrian intervisibility splays of 2m x 2m x 45 degrees. The spaces shall be finished in a solid bound material and be constructed with a splayed vehicular crossover. The parking spaces,

vehicle crossing and pedestrian intervisibility splays shall thereafter be retained available for their designated use.

Reason: In the interests of highway safety.

4. Notwithstanding the originally submitted details, this permission shall relate to the original submitted drawing and the additional plan showing parking arrangements for the two dwellings received on 11 January 2007.

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

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.

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Item 2.1**Reg. No.** 9/2007/0155/F**Applicant:**
Mr J Oakley
Ashleigh
Breach Lane
Foston
Derbyshire
DE56 5PU**Agent:**
Mr Daniel wright
Woore:Watkins Ltd
61 Friar Gate
Derby
DE1 1DJ**Proposal:** The extension to dwelling to form Granny Annex with new access at Ashleigh Breach Lane Hatton Derbyshire**Ward:** North West**Valid Date:** 08/02/2007**Reason for committee determination**

Councillor Bale has requested the application be determined by the Committee on the grounds that there are special circumstances of the applicant which Members should consider and due to other recent development in the area.

Site Description

The application site consists of a bungalow and the surrounding garden of Ashleigh and forms part of a small group of mainly detached dwellings and nearby farm buildings situated within the countryside. The application site is located approximately 0.5km north of the nearest serviced settlement of Hatton. Breach Lane forms the northern boundary of the site. To the north and west are open fields. To the east is Cornerways, a detached dormer bungalow. To the south is neighbouring residential garden.

Proposal

The proposal is for an extension to the existing bungalow to form a 'granny annex'.

Applicants' supporting information

The applicant has submitted a Design and Access Statement to support the application. The statement advises that the annex is "to provide smaller living accommodation for the occupants of the existing dwelling, allowing their son and his family to move into the larger existing dwelling. It will also enable supervision of the parents, as they get older." The statement goes on to advise that due to the layout of the extension and its relationship to the dwelling it would not be possible to be changed to a separate dwelling at a later date.

Planning History

Permission was granted for the extension of the bungalow in 1978 to provide an additional bedroom and front porch. This permission has been implemented.

Responses to Consultations

No objections.

Responses to Publicity

No objections.

Development Plan Policies

The relevant policies are:

Planning Policy Statement 3: Housing

RSS8: Policies 2 and 3

Joint Structure Plan: General Development Strategy 1

Planning Considerations

The main issues central to the determination of this application are whether the proposed extension is of a scale and provides accommodation that is tantamount to the creation of a new dwelling in a location where new housing development would not normally be permitted.

Planning Assessment

The proposed extension would be situated to the side of the existing bungalow on land currently used as garden. The extension would be situated away from the neighbouring property and is not considered to have any detrimental impact on the occupiers of this neighbouring property. The extension would be clearly visible from Breach Lane but is not considered to be of any significant detriment in terms of visual appearance within this location.

Although the ridge height of the proposed extension has been lowered in order for it to appear subservient to the existing bungalow the extension would almost double the footprint of the existing bungalow providing self-contained living accommodation and an integral garage. Access to the existing bungalow from the proposed annex would be via a single internal doorway.

The scale and accommodation provided by the extension is considered to be tantamount to the creation of a new semi-detached dwelling, being far greater than what is normally considered appropriate for a 'granny annexe' that would normally involve at least some shared facilities and would not be expected to have its own separate garage and vehicle access. In short contrary to the applicant's assertion the design and layout would afford very easily division to form a separate dwelling.

Planning Policy Statement 3: Housing advises that new housing development should be easily accessible and well-connected to public transport community facilities and services. Regional Spatial Strategy: Policies 2 and 3 and General Development

Strategy 1 of the Derby and Derbyshire Joint Structure Plan advise that new development should seek to minimise the need to travel by non-car modes and encourage development in locations well served by public transport. The application site is located 0.5 km north of the nearest serviced settlement of Hatton village and as such is not considered to be in a sustainable location for residential development.

The applicant has not demonstrated that there are significant personal circumstances that would justify approval of residential development within this location.

Highway comments are awaited and will be reported verbally at Committee.

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

REFUSE permission for the following reason:

1. The application site lies in the open countryside and outside the built limits of any settlement. Planning Policy Statement 3: Housing, Regional Spatial Strategy Policies 2 and 3 and General Development Strategy Policy 1 of the Derby and Derbyshire Joint Structure Plan seek to restrict housing development to areas well served by public transport and accessible by non-car modes of transport. The proposed alterations and extension are a substantial alteration to the building which would result in the creation of a new dwelling for which there is no appropriate justification. The proposal would therefore lead to additional residential development in an unsustainable location contrary to the advice contained in PPS3: Housing and the provisions of the Development Plan policies outlined above.