

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. No development shall take place until all external materials have been submitted to and approved in writing by the Local Planning Authority and shall include the use of Staffordshire blue clay plain tiles. The development shall be carried out in accordance with the approval of the Local Planning Authority.

Reason: To safeguard the character and appearance of the dwelling and the surrounding area.

3. No development shall take place until large scale details of the proposed external chimney stack have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the written approval of the Local Planning Authority.

Reason: In the interests of safeguarding the character and appearance of the dwelling.

4. No development shall take place until large scale drawings to a minimum scale of 1:20 or sample of the external joinery of the conservatory, doors and windows have been submitted to and approved in writing by the Local Planning Authority. The external joinery shall be constructed in accordance with the approved details.

Reason: In the interests of safeguarding the character and appearance of the dwelling and the surrounding area.

5. No development shall take place until construction details at an appropriate scale of the dormer window on the north elevation have been submitted to and approved in writing by the Local Planning Authority and the dormer window shall be constructed in accordance with the approved details.

Reason: In the interests of safeguarding the character and appearance of the dwelling and the surrounding area.

6. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 07A as received on 5th July 2001.

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

24/07/2001

Item **A10****Reg. No.** **9 2001 0463 F****Applicant:**

Foston Farm Produce
 Foston Farm Produce, Hay Lane
 Foston
 Derby
 DE655PJ

Agent:

Alan Taylor
 Talbot Associates
 Talbot House
 18 Grange Close
 Ticknall
 Derbyshire
 DE731LF

Proposal: **The retention of a single storey building at Foston Farm
 Produce Hay Lane Foston Derby**

Ward: **North West**

Valid Date: **14/05/2001**

Site Description

The site is occupied by a variety of buildings connected with the food processing operation that takes place within it. The site is located within the countryside with a single residential unit located close to its southern boundary.

The structure, the subject of this application, is located on a concrete hard standing at the rear of the factory site and adjacent to the curtilage of the neighbouring dwelling. There is a concrete panel fence on the boundary to the factory site. On the neighbours' side of the fence is a small area of trees that act as a screen to the proposed site.

Proposal

The structure, the subject of this submission, is already on the site and has a floor area of some 122sq. m. The application proposes the permanent retention of the building on the site and its use for office purposes.

Planning History

The site has a long and complex planning history. The most recent applications made on the site have sought to ensure that the operations that took place on the south side of the buildings have ceased. This has resulted in a reduction in complaints being made about noise from operations at the site.

Responses to Consultations

Foston and Scropton Parish Council, the Environmental Health Services Manager and the County Highways Authority have no objection.

Responses to Publicity

One letter has been received objecting to the development on the following grounds: -

- a) This is yet another retrospective application to retain development already carried out.
- b) If it is proposed to use the building for office purposes on a temporary basis whilst office conversion works are carried out, then permission should be limited to 6 months. If not then an objection is made to the proposal.
- c) The objectors' dwelling would be further enclosed by buildings to the detriment of amenity.
- d) The building has windows facing next door that lessen privacy. Whilst screened the principle of having windows facing the property if this application was to be permitted is not acceptable. The Local Planning Authority has sought to avoid this in the past.
- e) There would be an increased use of the walkway originally put in for emergency use only. This has happened with noise and disturbance along the boundary.
- f) If the proposal is permanent, to what use is the barn conversion going to be put, which increased office floor space on the site by 2 to 300%? This adds to concern that the permission should be for a temporary period only.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 4

Local Plan: Employment Policy 1

Planning Considerations

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

- Conformity with the Development Plan
- The impact of the development on the amenity of the adjacent dwelling.
- The need or otherwise for a temporary permission and the period of the permission if granted.

Planning Assessment

Development in the countryside is generally restricted to that that needs to be located there and if necessary it should be located such that its impact is minimised. In this case the building is needed to serve the business that operates from the site and the building is not visible from outside the site. Therefore, its retention would not adversely affect the character of the countryside and the principle of the retention of the building is, therefore, acceptable.

The structure is low level, being single storey, and is effectively screened from the living accommodation of the adjacent dwelling by both the boundary fence and the planting on the objectors' side of the fence. The objectors are correct in stating that the Local Planning Authority has sought to grant planning permissions that reduced the impact of noise generating activities on their dwelling. In this case, the use of the structure as offices is commensurate with a residential area and it would not detrimentally affect the residential amenities of the adjacent dwelling. A condition limiting the hours of operation to those of the factory is recommended as is one restricting its use to office use only. These conditions would continue to ensure the amenities of the neighbour were not adversely affected

The applicants are seeking the permanent retention of the structure. The Local Planning Authority normally limits the time that such temporary structures are permitted as a means of ensuring that the appearance and condition of such structures can be reviewed over time particularly as such accommodation is normally only required to meet short term needs.

Notwithstanding this, in this case, the structure is well screened and it would be difficult to say that its appearance, being new, would deteriorate in the short term. The 6 months suggested by the objectors would certainly not be reasonable. Equally, there is a need to retain some control over the use of the structure and the possibility of it deteriorating over time. Accordingly, a temporary permission is recommended for a period of 5 years. This is in accord with the Council's normal policy.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 July 2006 on or before which date the structure shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: The structure, by virtue of its materials of construction, is unsuited for permanent retention. Permission is granted in order to meet your needs for office accommodation at this time and to allow the Local Planning Authority to monitor the condition of the structure in the interests of the appearance of the locality.

2. The structure, hereby permitted, shall only be used between the hours specified within the opening hours specified within the consent referenced 9/1993/001.

Reason: To ensure that the hours of operation are consistent across the site in the interests of the amenity of adjacent residential dwellings.

3. The structure hereby permitted shall be used solely as offices (Use Class B1) for the operation of the business permitted on the site. There shall be no use of the building for any other purpose and it shall specifically not be used for the production of products from the site.

Reason: The structure is located close to the boundary of the neighbouring dwelling. Whilst the use of the structure as offices is unlikely to affect the residential amenity of the occupiers of the dwelling, use for production purposes would have an impact. Permission is therefore limited in the interests of the residential amenity of the occupiers of that dwelling.

24/07/2001

Item A11**Reg. No.** 9 2001 0478 F**Applicant:**

Mr P Taylor & Mrs K Bryant & Mrs B Dodds
& Mrs M Morgan
C/O Agent

Agent:

Mr G Pollard
G Pollard - Thorpe's
45 The Greent
Castle Donington
Derby
DE74 2JX

Proposal: The erection of one detached dwelling at Land At The Rear
Of 56-64 High Street Melbourne Derby

Ward: Melbourne

Valid Date: 17/05/2001

Site Description

The site is a semi-derelict plot to the rear of historic development in High Street, within the conservation area. There is a row of old terraced dwellings opposite the site. The road is very narrow at this point.

Proposal

The proposed dwelling would be a traditional cottage style house measuring 6m x 9.5 m in plan and 7.7 m in height. It would be located at right angles to the adjacent highway with access gained over an area of open land. Following discussion with the agent the proposed siting has been moved to a position 8 metres from the front elevations of the cottages on the opposite side of Thomas Cook Close.

Planning History

Permission for a dwelling fronting Thomas Cook Close was granted in 1991. (9/0291/1059/F). A similar application made last year was refused on design and highway safety grounds. (9/2000/0911/F).

Responses to Consultations

The Parish Council has no objection.

Melbourne Civic Society has no objection and comments that the development would fill a site that has become an eyesore.

The Highway Authority and Severn Trent Water Ltd have no objection in principle.

Responses to Publicity

Two neighbours object in the following terms:

- a) The grassed area to be used for access is the only area in the locality for children's play.
Some of the local dwellings have no private gardens.
- b) Additional traffic would cause danger.
- c) Visibility to other road users would be impaired.
- d) There would be loss of light and privacy to nearby dwellings.
- e) The proposal would be out of keeping with the area and other properties.
- f) Existing traffic and parking problems would be exacerbated.
- g) No 4 Thomas Cook Close is currently vacant, but it is likely that occupants would object.
- h) Previous refusals have been issued and this application should be similarly refused.
- i) Not enough residents were notified.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Housing Policy 5 and Environment Policy 12.

Planning Considerations

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

- Residential amenity.
- Impact on the conservation area
- Open space.
- Highway safety.

Planning Assessment

To meet the supplementary planning guidance on space about dwellings the side of the house would need to be 12 metres from the front of the property opposite. It would be only 8 metres as proposed. However the guidance also states that rigid application of the guidelines could lead to inappropriate forms of development, particularly in historic areas. In such circumstances the guidance states that distances may be relaxed. The desirability of the proposal from the point of view of the character of the conservation area is referred to below. The form of historic development in the locality comprises buildings closely related to each other and the street, and the proposal would follow this pattern. Furthermore the scale of the building would be modest and its mass relative to the property opposite would therefore not be excessive. The rear elevation of the dwelling would face the rear of 56/58 High Street. The privacy of the occupiers of that property could be adequately protected by condition. On balance the amenities of the occupiers of nearby dwellings would not be unacceptably harmed.

The site used to contain buildings that were demolished some years ago. The resultant site has assumed a semi-derelict appearance that detracts from the character of the conservation area. The proposed dwelling, being of traditional design would reinstate the site, albeit not to an identical pattern to that existing prior to demolition. Approaching the site from both directions the development would yield a significant enhancement to the character and appearance of the conservation area.

The land over which the access drive would be formed is owned by the Council but is not adopted public open space. As such there would be no loss of a formal recreation facility. Its mounded form, in any event, would make it less suitable as a play area. Furthermore the enhancement to the character of the area outweighs any intrinsic community value in the land.

On the advice of the Highway Authority the proposal would not be harmful to highway safety interests.

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 no. 5471/1A received under cover of the agent's letter dated 21 June 2001, showing revised siting of the dwelling.

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

3. A sample of the roof tile, the stone and the brick shall be submitted for approval in writing by the Local Planning Authority before development 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. 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.

5. Notwithstanding any details submitted, 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.

6. 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).

7. A sample panel of pointing 2 metres 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 prior to the implementation of any other works of pointing.

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

8. 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.

9. 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.

10. Gutters shall be cast metal (with cast metal fall pipes) and shall 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.

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. Before any other operations commence a new vehicular access shall be constructed to Thomas Cook Close in accordance with the application drawing, to a specification that shall have previously been submitted to and approved in writing by the Local Planning Authority. Within the area shown for access on the submitted drawing and within a 2m x 2m pedestrian/vehicle intervisibility splay at the western corner of the access there shall be no obstruction to visibility in excess of 600 mm in height relative to the adjoining carriageway channel level.

Reason: In the interests of highway safety.

13. 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 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.

14. The access/parking area shall be surfaced with a solid bound material in accordance with specifications that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the appearance of the area.

15. The windows in the first floor to the south 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:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

24/07/2001

Item **A12****Reg. No.** **9 2001 0488 R****Applicant:**

Mr T S Read
 2A Jacksons Lane
 Egginton Road
 Etwall
 Derby
 DE656NQ

Agent:

Mr T S Read
 2A Jacksons Lane
 Egginton Road
 Etwall
 Derby
 DE656NQ

Proposal: **The renewal of planning permission 9/0698/0202/F for the retention of a mobile home at 2a Jacksons Lane Egginton Road Etwall**

Ward: **Etwall**

Valid Date: **22/05/2001**

Joint with 9/2001/0500

Site Description

The site, the subject of this submission, forms a small gap between two sets of cottages in the countryside to the south of Etwall. The proposal is to retain a mobile home on the site that has benefited from various temporary planning permissions since 1973. The last of these was granted in 1998.

Planning History

Permission was first granted for the mobile home in 1973 when it was described as being temporary whilst a permanent dwelling was constructed. There have been various renewals of temporary permission since that time. The permission for the permanent dwelling has now lapsed and the reinstatement of that permission is sought in the sister application to this one. (Application reference 9/2001/0550 refers)

Responses to Consultations

Etwall Parish Council and the County Highways Authority have no objection

Structure/Local Plan Policies

The relevant policies are:

Planning Policy Guidance Notes 3 & 13 (PPG3)
 Joint Structure Plan: General Development Strategy Policy 1 & 4, Housing Policy 6
 Local Plan: Environment Policy 1 & Housing Policy 8

Planning Considerations

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

- Conformity with the Development Plan
- Whether the personal circumstances previously used to justify the renewal of permission still pertain
- The length of any renewal of temporary permission

Planning Assessment

The site is located within the countryside where new residential development is generally strictly controlled. Therefore, in principle, the use of the land for the siting of a residential caravan is contrary to planning policy.

Whilst planning consent has continuously been granted on this site the planning policy circumstances have changed considerably since the last permission was granted for the mobile home particularly in terms of national planning policy guidance. As such the continued use of the site for the siting of the mobile home would be contrary to local policies and those of central government concerning sustainability.

In this case no justification has been put forward regarding why the permission should be renewed and no special case made out in terms of the need to live on this site to meet farming or forestry needs. In any case, personal circumstances, even if submitted, are generally not sufficient justification for granting permission.

Additionally, this location fails to meet the locational requirements of PPG 3 and there is total reliance on the private motor car for all the needs of the dwelling contrary to the aims of PPG 13. In addition, there is the above-mentioned policy that does not allow for residential development in the countryside except if it is necessary for the operation of an established rural business.

A mobile home has been on this site for many years now and the applicant has sought renewal at the appropriate times. If the national and local policies are to be applied and permission is refused, then there remains the question of ensuring that the applicants have sufficient time to find alternative living accommodation. A period of 6 months would seem appropriate from the date of any refusal of permission. The decision would make it clear that the permission is granted solely on this basis and that no more temporary permissions will be granted.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 January 2002 on or before which date the structure shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: In the absence of a reasoned justification for the retention of the dwelling in the countryside, permission is granted for 6 months to enable you to find alternative living accommodation. A request for a further extension is unlikely to be considered favourably for the reason that there is no justification for a dwelling to be located here under the provisions of Planning Policy Guidance Notes 3 & 13, General Development Strategy Policies 1 & 4 & Housing Policy 6 of the adopted Structure Plan and Environment Policy 1 & Housing Policy 8 of the adopted South Derbyshire Local Plan.

24/07/2001

Item **A13****Reg. No.** **9 2001 0492 F****Applicant:**

John Clarke
 26, Brook Road
 Thulston
 Derby
 DE723WA

Agent:

John clarke
 26, Brook Road
 Thulston
 Derby
 DE723WA

Proposal: **The erection of a two storey extension and a detached garage
 at 28 Brook Road Thulston Derby**

Ward: **Aston**

Valid Date: **22/05/2001**

Site Description

The site lies at the head of a cul-de-sac at the edge of the village. Part of the site, which lies to the north of Thulston Brook, is an overgrown piece of land sandwiched between two residential gardens. A large Ash tree overhangs the property to the rear. The site is in the green belt.

Proposal

The extensions would involve a two-storey addition to the property and a resultant minor increase in the footprint of the dwelling. The proposed garage would be sited toward the northern boundary of the overgrown piece of land. A bridge over the brook would be needed to gain access to the garage.

Applicants' supporting information

The applicant has indicated that the land to the north of the brook was taken into common ownership with the dwelling more than 10 years ago.

Responses to Consultations

The Parish Council comments/objects as follows:

- a) There is no objection to the extensions.
- b) The garage would have no visible means of access.
- c) The brook defines the edge of the village and the garage would be in green belt.
- d) There would be a precedent for other buildings on the north side of the brook.

The Highway Authority has no comment.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 7.

Local Plan: Green Belt Policy 3.

Planning Considerations

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

- Impact on the green belt.
- Residential amenity.
- Trees.
- Impact on the watercourse.

Planning Assessment

The site is located within the green belt. It washes over the settlement of Thulston.

Notwithstanding this, the proposed extension to the dwelling would have minimal impact on the green belt, being within the built up framework of the village, well related to other dwellings and of modest scale. It is, therefore, acceptable.

There is no confine defined for the settlement in the local Plan. The garage would occupy a location away from existing dwellings but within a piece of land that is bounded on either side by domestic gardens. Additionally, the site of the garage is very well screened by dense vegetation and the garage would not have an adverse impact on the openness of the green belt. In the circumstances it would not prejudice green belt policy in the area and it is acceptable.

There would be no adverse effect on the living conditions of the occupiers of adjacent dwellings as both the extension and the garage are distant from neighbouring properties.

Two small Sycamores would be lost to make way for the new extensions. However, the large Ash tree would not be directly affected.

Provided the watercourse is bridged to the satisfaction of the Environment Agency there would be no material prejudice to Thulston Brook, which has substantial overflow capacity through a culvert to the north.

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.

3. Before construction of the garage is commenced full details and specifications of the means of bridging Thulston Brook to gain vehicular access to the garage shall be submitted to and approved in writing by the Local Planning Authority. The bridge shall be constructed only in accordance with the approved details.

Reason: To safeguard the watercourse.

24/07/2001

Item **A14****Reg. No.** **9 2001 0497 R****Applicant:**

Hornsby Plant Hire Ltd
 118 Springfield Road
 Swadlincote
 Derbyshire
 DE110BU

Agent:

Hornsby Plant Hire Ltd
 Mr J Hornsby
 118 Springfield Road
 Swadlincote
 Derbyshire
 DE110BU

Proposal: **The variation of condition 3 of planning permission 9/988/585 as amended under planning permission 9/0598/0014/R to permit the parking of six heavy goods vehicles at the premises of Hornsby Plant Hire The Yard Middle Place Sunnyside Newhall Swadlincote**

Ward: **Repton**

Valid Date: **23/05/2001**

Site Description

The site comprises a compound used for the storage of plant and equipment in association with a contractor's business close to the old Bretby Brick and Stoneware premises.

The site is located within the green belt and access is gained to it via an unmade track adjacent to "The Stanhope" public house.

Proposal

The applicant seeks to use the site as a base for two more 7½ tonne lorries, making a total of six of these vehicles. Permission currently exists for four.

Planning History

Permission was granted for retention of the use of the site for the parking of plant and machinery and storage of materials in 1989, subject to a condition that no more than two HGVs be operated therefrom (9/988/0585)

In 1998 permission was granted to enable four such vehicles to be based at the site (9/0498/0014/R).

Responses to Consultations

The Parish Council objects because there is already too much traffic and the junction is almost blind. The proposal would exacerbate existing dangers.

The Highway Authority has no objection in principle.

Responses to Publicity

Two letters have been received commenting/objecting in the following terms:

- a) The applicant has been neighbourhood friendly. (This is not a matter material to the planning application)
- b) Two extra lorries would increase the level of noise, dust and disturbance already experienced, which is caused by traffic using the lane to gain access to the industrial premises.
- c) Increased traffic would increase danger to residents and visitors, including children.
- d) The weight of the vehicles should be restricted.
- e) Heavy vehicles cause damage to neighbouring property.
- f) Traffic using the lane has nearly doubled over the last four years.
- g) There is increasing night-time activity at the site.
- h) The condition of the lane is poor and a danger to pedestrians. (This is not a matter material to the planning application)

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Green Belt Policy 4.

Local Plan: General Development Strategy Policy 7.

Planning Considerations

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

- The impact on the green belt.
- Residential amenity.
- Highway safety.

Planning Assessment

The proposal affects an existing lawful use in the green belt. The condition limiting the number of HGVs at the site was imposed in the interest of highway safety. The increase now proposed would not impair the openness of the green belt or conflict with its objectives as the use of the site and the compound itself are already in place. Therefore, in principle, the application is acceptable.

Having regard to the range of businesses that currently have a lawful use of the lane the increase in its usage as a result of the proposal would not materially worsen the living conditions of local residents.

On the advice of the Highway Authority the proposal would not materially affect highway safety. However, as the applicant has previously sought consent for vehicles not exceeding 7.5 tonnes it is considered appropriate to condition this consent to that level of vehicle.

Recommendation

GRANT permission subject to the following conditions:

1. The vehicles permitted to be parked at the site pursuant to this permission shall not exceed 7.5 tonnes gross weight.

Reason: In the interests of residential amenity.

2. No more than six vehicles which require a heavy goods vehicles operators licence, granted under the provisions of the Transport Act 1968, as replaced or amended, and have been so licensed shall operate from or be parked at the site at any one time.

Reason: In the interests of highway safety.

24/07/2001

Item **A15****Reg. No.** **9 2001 0521 U****Applicant:**

Mr G Jones
7
Main Street
Newton Solney

Agent:

M. Blood
M. A. Blood Building Design
6 Brecon Close
Spondon
Derby.
DE21 7JD

Proposal: **Conversion of outbuilding to dwelling at 45 Main Street
Milton Derby**

Ward: **Repton**

Valid Date: **31/05/2001**

Site Description

The property is an existing traditional outbuilding set at right angles to the road within the village of Milton. It was formerly part of 45 Main Street and it is located within the village confines as defined for the village in the local plan. Residential properties surround the site.

Proposal

The proposal generally seeks to convert the existing building although the rear part would be raised in height to enable a third bedroom to be included.

Following discussion with the applicant the following changes have been made to the originally submitted details:

- a) Removal of dormer windows and replacement with roof lights.
- b) Removal of first floor window in the gable facing 35 Main Street.
- c) Access to be gained from a previously permitted drive to the north of 45 Main Street.

Planning History

Permission was granted for conversion of the building to a dwelling in 1991 (9/0791/0351/F). By virtue of works being carried out to the access the permission has been activated and it is extant capable of being fully implemented.

Responses to Consultations

The Parish Council comments as follows:

- a) The existing access should be sealed and use made of the new one.
- b) The windows would overlook the adjacent dwelling.

- c) There is an interesting pattern on the roof, which should be retained.

The Highway Authority objected to the proposal as initially submitted because the substandard access between the building and 45 Main Street was proposed. The revised proposal negates this objection.

Severn Trent Water Ltd has no objection.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5.

Local Plan: Housing Policy 5.

Planning Considerations

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

- The impact on the general character of the area.
- Residential amenity.
- Highway safety.

Planning Assessment

The site lies in the village confine. Furthermore there is an extant permission for a similar proposal. As such the principle of the development is acceptable.

The proposal would make use of an existing traditional building and the impact on the general character of the area would be minimal. As the building is not listed, nor in the conservation area it would be difficult to enforce the Parish Council's request with regard to the roof covering.

In its revised form the proposal would not have a materially worse effect on the living conditions of neighbours.

The revised access position is as before, so there would be a neutral impact on highway safety issues.

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 drawing amended by the applicant on 5 July 2001, showing the omission of dormers and first floor windows.

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

3. 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.

4. Notwithstanding any details submitted, 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 works of alteration and making good of the existing fabric of the building(s) shall be carried out in matching reclaimed brick and plain clay tiles, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

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

6. 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.

7. 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. The joinery shall be retained as agreed thereafter.

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

8. 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.

9. 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.

10. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight(s) shall be fitted such that their outer faces are 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.

11. Unless as may otherwise be approved in writing by the Local Planning Authority, prior to the commencement of any other development, the access to the site shall be laid out entirely in accordance with planning permission 9/788/379 and shall include on-site turning provision in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The access and turning provision shall then be retained as agreed.

Reason: In the interests of highway safety.

12. Prior to the commencement of conversion works and subsequent to the completion of the new access required by Condition 11, the existing vehicular access serving 45 Main Street shall be physically stopped up to vehicular traffic in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. 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 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.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

24/07/2001

Item **A16****Reg. No.** **9 2001 0526 F**

Applicant:
Mr M Meakin
35, Oxford Street
Church Gresley
Swadlincote
Derbyshire
DE119ND

Agent:
Mr M Meakin
35, Oxford Street
Church Gresley
Swadlincote
Derbyshire
DE119ND

Proposal: **The retention of pergola attached to rear of dwelling at 35
Oxford Street Church Gresley Swadlincote**

Ward: **Gresley**

Valid Date: **04/06/2001**

Site Description

The property, the subject of this application, is a modern detached house that is located at the end of a row of more established houses in an established residential area.

Proposal

The applicant seeks consent to retain a pergola that has been erected outside the lounge of the main house over an area which is decked in timber. The pergola has three vertical wooden struts with five by three horizontal struts to form the "roof". Otherwise the structure is fully open. The struts are stained the same colour as the windows in the dwelling.

Planning History

The house was granted permission 1989 and all permitted development rights to extend the house were removed by condition on the grounds that the plot was small such that extensions to it should be controlled.

Responses to Consultations

The neighbour has written to state that the extension is depriving her of privacy and light and enables the occupants of the development to look directly into her kitchen and dining room. She states that the decking is noisy and that her property has been devalued. Photographs are provided to illustrate some of these points and are available on file for inspection if required.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13.

Supplementary Planning Guidance (SPG) Extensions.

Planning Considerations

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

- The impact of the development on the residential amenity of occupiers of neighbouring property
- The impact on the design of the building.

Planning Assessment

The applicants seek consent to retain the pergola. In normal circumstances planning permission would not be required for this development, as it would benefit from permitted development rights. However, when planning permission was originally granted for the house in 1989, retention of minimum areas of garden space in residential development was considered particularly important. This has now been overtaken by government guidance.

Notwithstanding this, the policy cited above requires that residential extensions are in keeping with the property and are not detrimental to the amenities of the adjoining properties or the general character of the area.

As the pergola is on the rear of the property, and by nature of its design, it does not detract from the character of either the property or the area in which it is located.

On the matter of the effect of it on the neighbours it is noted that the pergola stands approximately 2.1 metres from the normal ground level and is approximately 4.5 metres from the nearest facing neighbour's window. Additionally, the comments of the most affected neighbour are noted. However, in view of the design of the structure, i.e. it is primarily open, and the fact it has no overbearing impact on the neighbour, being primarily screened from the neighbour by the boundary fence, it would not have an adverse impact on that neighbour and lead neither to a loss of light nor privacy.

Recommendation

GRANT permission.

24/07/2001

Item **A17****Reg. No.** **9 2001 0543 F****Applicant:**

Shane Hughes
 61, Swarkestone Road
 Barrow-on-trent
 Derby
 DE731HF

Agent:

Shane hughes
 61, Swarkestone Road
 Barrow-on-trent
 Derby
 DE731HF

Proposal: **The erection of a detached garage and an extension at 61
 Swarkestone Road Barrow-on-trent Derby**

Ward: **Ticknall**

Valid Date: **06/06/2001**

Site Description

The property is a semi-detached house in a ribbon of similar properties on the outskirts of the village. The site is located within the countryside.

Proposal

The applicant seeks consent to erect a two-storey extension to the rear of their property and erect a detached single garage within the garden. The extension would project from the face of the building by 4 metres and would be built close to the boundary with the adjoining house at 63 Swarkestone Road.

The garage measures 6.1 metres by 3.2 metres and would be located adjacent to the other side boundary.

Responses to Consultations

The meeting of the Parish Council on 17 July 2001 was too late to enable its comments to be included in this report. The Parish Council's views will thus be reported verbally.

The Highway Authority has no comment.

Responses to Publicity

The adjoining neighbour has written to support the application stating that there are no objections to the size of the extension.

Structure/Local Plan Policies

The relevant policies are:-

Local Plan: Housing Policy 13.

Planning Considerations

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

- Residential amenity.
- Impact on the general character of the area.

Planning Assessment

There is no objection in principle to extensions to existing dwellings even if they are located outside the confines of settlements providing they do not impact on the surrounding area. In this case the extensions are well related to the dwelling and would not adversely impact on the area. The proposal is, therefore, acceptable in principle.

The proposal fails to meet the tests set out in the supplementary planning guidance for extensions, because the proposal would intersect a 45 degree line drawn from the centre of the nearest habitable room window to the adjoining property. This would normally indicate that the proposal might have an overbearing effect on the occupiers of the adjoining property. However, in this instance, the properties are orientated such that the applicant's property is located to the west and north of that affected by the development and so the extension would only affect light to the affected property later in the day. Additionally, the roof to the extension is hipped which would have the effect of reducing further any perceived overbearing. In these circumstances the proposal is, on balance, acceptable.

The garage is only single storey in design and so would not have an adverse impact on the neighbours.

Because the works would affect the rear of the property there would be minimal impact on the general character of the area.

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.

