
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 4
DATE OF MEETING:	29TH JULY 2003	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	NEIL BETTERIDGE (5895)	DOC:
SUBJECT:	SITE VISITS	REF: NB/KW
WARDS AFFECTED:	HATTON AND SEALES	TERMS OF REFERENCE: DC01

1.0 Recommendations

1.1 See copies of the reports to the last Meeting.

2.0 Purpose of Report

2.1 To receive the reports of the Development Control Committee Site Visits in respect of the following:-

- (a) The erection of an extension to the South side of Singh Newsagents, 194 Station Road, Hatton (9/2003/0627)(Copy of the report to the last Meeting attached at Annexe 'A').
- (b) The relocation of the existing gate at the vehicular entrance to Gunby Farm, Gunby Hill, Netherseal (9/2003/0636/F)(Copy of the report to the last Meeting attached at Annexe 'B').

3.0 Detail

3.1 See copy of the reports to the last Meeting.

4.0 Financial Implications

4.1 None.

5.0 Corporate Implications

5.1 None.

6.0 Community Implications

6.1 See copy of the reports to the last Meeting.

7.0 Background Papers

7.1 None.

Item 1.5

Reg. No. 9 2003 0627 F

Applicant:
Mr B Singh
194, Station Road
Hatton
Derby
DE655EH

Agent:
B. Williamson
Mr. B. A. Williamson
Genista
Broomhills Lane
Repton
Derbyshire
DE656FS

Proposal: **The erection of an extension to the South side of Singh
Newsagents 194 Station Road Hatton Derby**

Ward: **Hatton**

Valid Date: **20/05/2003**

Site Description

The site comprises a small area of land immediately adjacent to the south boundary wall of the shop. It formerly was the area of path leading to the front door of what was a separate dwelling but now forms part of the shop. A small picket fence between the properties may be replaced by the proposal. The path beyond the fence leads to the front door of the next house and behind which is a blind corridor leading to the main living rooms that are further to the south.

Proposal

The proposal is a single story extension to the shop that would infill the area between the shop and the garden path. It would measure 1.32m x 2.13m x 3.7m at its highest point adjacent to the front door. The roof slopes away from the door to finish at a height of 2.5m. The application has been amended to narrow the width and length of the extension. This was to ensure that the extension does not encroach onto the adjacent property and to set the whole of it behind the front face of the shop.

Planning History

An application for a larger front extension was refused in March this year. Previous applications for the extension of the living accommodation above the shop were permitted in 1998 and 2000. An application for a garage and store was permitted in 1993. All these permissions have been implemented.

Responses to Consultations

Councillor Whyman has requested that this application be brought before the Committee.

Hatton Parish Council objects to the development on the grounds of the impact the development would have on neighbours and neighbouring properties.

The County Highways Authority has no comments.

The Environmental Health Manager has no objection.

Responses to Publicity

Two letters from one household have been received objecting to the development for the following reasons: -

- a) The plans as originally submitted would encroach on to the neighbours' land. [*This has been rectified by the amended plan*]
- b) The neighbours have always had a good relationship with the shop owners, but this proposal would result in a loss of light from the hall and the adjacent front room. This would result in overshadowing of the house.
- c) The proposal is out of character with the rest of the terrace of buildings.
- d) If permitted, the extension would make the neighbours feel like prisoners in their own home and affect their quality of life.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Shopping Policy 3

Planning Considerations

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

- The impact of the proposal on the street scene, neighbours and the character of the terrace of properties of which the shop forms a part.

Planning Assessment

This is a much less obtrusive extension to the shop than previously applied for. The appearance in the street scene is minimised to a point where the proposal would merge into the building having a minimal impact.

The impact on the neighbours has changed in that the wall now slopes away from their front door rather than being of a constant height that would have been the case if the previous extension had been permitted. This adds to the mass of the extension adjacent to the front door but its impact is lessened towards the road. The proposal would not overshadow the living room window; the extension lies almost directly north of this window, the nearest habitable room. There would be an impact every time the neighbours used their door, but as stated above this leads to a hallway that is already dark and is not a habitable room. Whilst the extension is on the boundary between the two properties, this situation is repeated many times when the Local Planning Authority considers extensions

Previous extensions and alterations to the shop and the living accommodation above have changed the character of the buildings to a point where the original symmetry of the terrace has

been diminished to some degree. However, the impact of the current scheme on the terrace of dwellings and the shop would be minimal.

On balance, the proposal would conform to the above development plan policies and there would be limited impact on the immediate neighbour as described above.

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.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.



South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH	Description : 194 Station Road Hatton	Date Plotted 18 7 2003 Plot centred at 421681 330497	NORTH ↑ Scale 1:1250
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Item 1.7

Reg. No. 9 2003 0636 F

Applicant:

Mr Mrs J W Poultney
Gunby Farm, Gunby Hill
Netherseal
Swadlincote
Derbyshire
DE128AS

Agent:

Wardhadaway Solicitors
Sandgate House
102 Quayside
Newcastle Upon Tyne
NE13DX

Proposal: The relocation of the existing gate at the vehicular entrance to Gunby Farm Gunby Hill Netherseal Swadlincote

Ward: Seales

Valid Date: 21/05/2003

Site Description

The gate is located on a shared access driveway between a farmhouse and former barns that have been converted to three dwellings. The gate is located between the end elevations of the farmhouse and the adjoining dwelling, The Byre, The Byre has a main kitchen window on the end elevation in close proximity to the gate.

Proposal

The application is a retrospective submission for the retention of a gate. The gate is a metal, seven bar, field gate and is hung between a wooden gatepost and a brick wall.

Applicants' supporting information

The Applicant has submitted letters from the MP, their insurance company, the NFU and the Police in support of their need for security at the site following the theft of items from the site in 2002.

Planning History

Another application is currently under consideration for the relocation of gates currently located at the end of the driveway to a position 5 metres from the entrance to the access driveway.

Planning permission was granted for the conversion of the farm buildings into dwellings in 1998, a condition on the decision removed permitted development rights for means of enclosure and gates within the site area.

Responses to Consultations

The County Highway Authority has no comments to make.

Responses to Publicity

Two letters of representation have been received from the occupiers of the neighbouring dwellings raising the following concerns/ issues:

- A condition of planning consent for the conversion of the barns to residential use was the removal of all existing gates.
- The gate, in its proposed position, constitutes a nuisance in that ingress to and egress from Gunby Farm Barns is impeded.
- An application has been submitted for the relocation of an existing gate at the bottom of the driveway and therefore there is no need for a second gate, let alone in the position proposed in the application.
- The original planning consent for the conversion of the barns to residential use specified a minimum width for the driveway of 5 metres. The access point where the gate is proposed is substantially less than 5 metres in width. It measures 3.55 metres wide.
- Even if the application for the gate at the end of the driveway was withdrawn that would not be sufficient grounds to continue with this application, there is no need for a gate across the driveway in the position proposed.
- The gate is not in keeping with the surrounding area. If the planning application is passed a condition should be added that the gate be of a construction and materials in keeping with the existing environment. All fencing and long standing adjacent gates are of wooden post and rail construction. The gate that has recently been installed is of tubular, galvanised steel and is out of character with the existing materials and environment.
- The original plan relating to the conversion of the barns and which secured planning permission clearly states that this gate is to be removed.
- The Byre is now overlooked and suffers a loss of privacy. Vehicles entering the site stop directly outside the kitchen window to open the gate. This entails the driver stopping the vehicle with the engine running, opening and shutting of the car door, noise from music, overlooking of the kitchen window and opening and closing of the gate.
- There is a considerable increase in noise and disturbance from vehicles entering and exiting the site. A noise complaint has been registered with Environmental Health.
- The boundary line shown on the plan submitted by the applicant is incorrect.
- Due to planning restrictions, the planning permission relating to the conversion of The Byre does not permit any windows along the wall facing the road. The kitchen window is therefore the only window in the entire property that does not face the courtyard. The room is therefore used extensively.
- The conditions attached to the grant of planning permission relating to the barn conversions prevent the erection of any walls, fences or other means of enclosure. The position of this gate and therefore the vehicular traffic it stops impacts upon the privacy of the patio area of The Byre. If the gate was to be granted, the planning restrictions prevent the owner of The Byre from taking any counter measures to safeguard privacy.
- There is no livestock to be contained by this gate.
- There is no need for two gates on the same driveway. This inner driveway gate serves little purpose except to inconvenience and disturb neighbouring properties.
- Any grant of planning permission for a gate should have a condition attached relating to gate closing hours. The gate should remain fully open between the hours of 06:00 hours and 22:00 hours.

Structure/Local Plan Policies

There are no policies which are directly relevant to this scheme.

Planning Considerations

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

- The appearance of the gate
- The impact on the amenity of the occupiers of the adjoining dwellings

Planning Assessment

Planning permission is required for the erection of the gate because a condition on the approval for the barn conversion removes permitted development rights for gates as well as other means of enclosure.

The gate is a metal seven bar field gate across the end of the driveway at the entrance to the farmyard/ courtyard area. The gate does not match the materials of the adjoining fencing which was constructed as part of the barn conversion scheme, the fencing is wooden post and rail fencing. However the gate is viewed against the backdrop of industrial buildings, which are located at the rear of the farmyard/ courtyard area, and its appearance is not considered to be significantly detrimental to the amenity of the locality. The gate is located over 45 metres from the nearest public highway.

The gate is located on a shared access drive and concerns have been raised over the fact that access to the dwellings is impeded, however this is a legal issue concerning access rights and is not a planning consideration. The gate is located close to the kitchen window of the adjoining dwelling and the occupier has raised objections with regard to increased levels of noise and disturbance from the cars stopping and starting as well as car drivers overlooking the window. The driveway is shared between 4 dwellings and therefore traffic levels are not high. The gate impedes the flow of through traffic rather than increases or reduces traffic volume. In view of these facts it is not considered that the level of disturbance can be such as to adversely affect the amenity of the occupier of the dwelling to the extent where refusal of the planning application would be justified.

Recommendation

GRANT permission.



South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH	Date Plotted 18 7 2003	NORTH ↑
	Description : Gunby Farm Netherseal	Plot centred at 428489 314518
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