

04/09/2001

**Item**            **A8**

**Reg. No.**        **9 2001 0593 O**

**Applicant:**  
Mr M S Tomlinson  
84, Victoria Street  
Melbourne  
Derby  
DE731FQ

**Agent:**  
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**Proposal:**       **Outline application (all matters except means of access to be reserved) for the erection of a bungalow on land forming part of the garden at 84 Victoria Street Melbourne Derby**

**Ward:**           **Melbourne**

**Valid Date:**    **21/06/2001**

#### **Site Description**

The site is part of the rear and side garden to 84 Victoria Street, Melbourne. The site is located within the village framework for Melbourne.

There are mature hedges to the boundaries.

#### **Proposal**

The applicant seeks consent in outline, with all matters except means of access to be determined at a later date, to erect a single bungalow on the site. Access to it would be gained by breaching the hedge along the Victoria Street frontage.

No details of siting or design have been submitted.

#### **Responses to Consultations**

The Parish Council objects strongly for the following reasons:

- a) A precedent would be set for the building of other dwellings in the long back gardens of Victorian properties in the street, which would lead to two rows of houses either side of the road.
- b) A large well established tree would be lost.

Melbourne Civic Society objects as follows:

- a) Tandem development is opposed in principle.
- b) The proposal would seriously compromise the privacy presently enjoyed by neighbours.
- c) The application is incomplete.

Councillor Harrison raises strong objection on the following grounds:

- a) The development would be out of character with the other surrounding properties in Victoria Street. All have long gardens, with the exception of 92A, a traditional two storey stable block, which has been converted in to a domestic dwelling.
- b) An unacceptable precedent would be set.
- c) The development would be an intrusion into the privacy, and perhaps light, of the properties to the rear in Spinney Hill.
- d) It may be necessary to cut down a mature tree.

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

### **Responses to Publicity**

Two letters have been received from neighbours objecting as follows:

- a) The proposal would not be in keeping with its surroundings, as there is no other housing in the rear gardens of the dwellings in Victoria Street, apart from the converted stable at 92A.
- b) There would be severe overlooking to adjacent dwellings and gardens.
- c) A fine mature tree would be removed.
- d) The proposal would be over development of the site. Guidance on density is not meant to facilitate backland development.
- e) All the long gardens in Victoria Street could be developed for housing to the detriment of residents in Spinney Hill.
- f) A precedent would be set.
- g) If the debate is finely balance the application should be rejected and tested on appeal.
- h) There would be loss of light to adjacent dwellings.

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

The relevant policies are:

Joint Structure Plan: Housing Policy 5.

Local Plan: Housing Policy 5 & 11.

### **Planning Considerations**

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

- a) The principle of development.
- b) The impact on the character of the area.
- c) Residential amenity.
- d) Trees.
- e) Highway safety.
- f) Prejudice to possible further desirable development on land in the vicinity.

### **Planning Assessment**

The site lies in the confines of the village and residential development is supported in principle, subject to it being in keeping with the scale and character of the settlement.

Whilst previous editions of PPG3 (1992) offered guidance on backland development, and acknowledged that it would be sometimes acceptable to develop back gardens for new housing which would be in keeping with the character and quality of the local environment, the latest issue has no reference to backland development and emphasises the desirability of making the best use of land and seeking generally higher density of development, to relieve pressure on greenfield sites.

Victoria Street contains a substantial proportion of traditional Victorian villa and terraced housing. There are also enclaves of more modern development. The subject site and its neighbour at 82 are bungalows. 84 in particular has a wide plot (some 22 m). To the rear of properties on this side of Victoria Street the relatively new dwellings at the edge of the Spinney Hill development are partly visible. In this case a bungalow is proposed and this would be lower than the properties in Spinney Hill. Therefore in the context of the site, it being located in an area of mixed development, the character of this part of Victoria Street would not be adversely affected by the development.

The proposed access, which would not be shared, could potentially affect two dwellings, 82 and 84 Victoria Street. The applicant controls 84 and would be able to implement screening to protect the amenities of that property. There is a screen conifer hedge along the boundary of the site with 82, which has a non-habitable aspect facing the affected boundary. Subject to conditional control to ensure that screening is maintained the impact on the living conditions of the occupier of that property, who has not raised objection, would be adequately protected and not adversely affected by this proposal.

A single storey dwelling on the plot is unlikely to give rise to demonstrable loss of light to neighbouring properties. The supplementary planning guidance on new housing layout acknowledges that screening can be used to overcome overlooking problems. This is particularly the case with a bungalow which would have no first floor windows that could look over the top of normal height fencing and walling. Subject to conditions requiring a bungalow to be erected on the site and screen fencing to be provided and retained at the appropriate boundaries there would be no harmful overlooking to neighbouring dwellings.

There are a number of garden trees, including a weeping cedar planted some 27 years ago and at a height of about 8 metres, on the site. The tree is visible but not prominent from Victoria Street. It is visible from some of the neighbouring properties either side and in Spinney Hill. Its lack of prominence to the public at large is such that a Tree Preservation Order is not appropriate in this instance.

The Highway Authority has no objection and there is adequate room to park cars off the road. The existing parking and access arrangements for 84 Victoria Street would be unaffected.

The back gardens to properties in Victoria Street do not present a realistic opportunity to develop in a comprehensive manner because of insufficient space to incorporate the size of adoptable access road that would be necessary, both in terms of amenity and the constraints imposed by existing development. Therefore the proposal would not prejudice any desirable development in the vicinity. For similar reasons and because of a general lack of suitable access points in the street a precedent for significant amounts of backland development in Victoria Street is unlikely to be set.

## Recommendation

GRANT permission subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the siting, design and external appearance of the building(s) and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

4. The means of enclosure required pursuant to condition 2 shall be completed in accordance with the approved details before the development is first occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority. It shall then be retained as such thereafter.

Reason: In the interests of the appearance of the area and to protect the amenities of the occupiers of adjoining dwellings.

5. The dwelling shall be single storey only.

Reason: To protect the amenities of the occupiers of neighbouring dwellings.

6. 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.

7. The access shall be provided with 2 m x 50 m vehicular visibility splays and 2 m x 2 m pedestrian visibility splays, within which there shall be no obstruction to visibility exceeding 1 m above the level of the adjoining carriageway.

Reason: In the interests of highway safety.

8. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

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

# 84 VICTORIA STREET



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Date Plotted 17/9/2001



04/09/2001

**Item**            **A12****Reg. No.**        **9 2001 0676 D****Applicant:**

Hamlet New Homes  
Thorncliffe House  
278 Uttoxeter Road  
Derby  
DE223LN

**Agent:**

Tom Wood  
Montague Architects  
9 Vernon Street  
Derby  
DE11FR

**Proposal:**        **The erection of twenty four houses on the site of the former  
Willington House Hotel Hall Lane Willington Derby**

**Ward:**            **Willington**

**Valid Date:**     **12/07/2001**

**Site Description**

The site comprises the whole of the curtilage of the Willington House Hotel that is situated on Hall Lane. The site is located within the settlement confines of Willington.

There is a low boundary wall on the west side of the site that increases in height on the neighbours side because of a change in the ground levels on his side. The hotel currently fronts onto Hall Lane with the rest of the site enclosed by 1.8 metre high close-boarded fences.

There are roads separating the site from adjacent dwellings. The land to the west is a farmyard part of which is used as a base for a milk delivery business.

**Proposal**

The proposal involves the demolition of all the existing buildings on the site. The new dwellings would be arranged in four blocks in the form of a courtyard with a central access point on the Hall Lane frontage providing access to it.

Three of the blocks would be three storey in height with the remaining one being two storey and sited towards the eastern site boundary.

The application has been amended since submission to reflect the comments of the County Highways Authority and there has been an amendment to the fenestration detailing in the rear elevation of the dwellings on the southern boundary.

**Applicants Supporting Information**

In submitting amended drawings, the applicants note on the drawing that the rear elevations of the southern most block would be some 23 metres from the front of one dwelling on the Riverbank, more in other cases. It is noted that these dwellings have a kitchen at ground floor

level and a second bedroom at first floor level. In these circumstances a separation distance of 23 metres minimum would seem adequate. This is especially so as the evergreen hedge on the residents side of the fence would help screen any views.

### **Planning History**

Planning permission for the dwellings on The Riverbank was granted in the mid 1990's.

Outline planning permission for the redevelopment of the site was granted last year.

### **Responses to Consultations**

Willington Parish Council has objected to the plans as amended on the following grounds: -

- a) There will be serious overlooking and loss of privacy for the dwellings on The Riverbank development and Hall Lane. There are only 7 windows in the existing hotel whereas there are many more in the proposal.
- b) The access gates are anti social and would block access for deliveries and emergency vehicles
- c) There is concern that the number of vehicles will be reversing out onto Hall Lane close to the Oaks Road junction.
- d) There appears to be a lack of parking for multiple vehicles at each house.
- e) No conversion of the ground floor garages should be allowed if the application is permitted.
- f) The three-storey development is not in keeping with the area.

The County Highways Authority would have no objection to an amended scheme that reflected concern about the proposed access. An amended scheme for the access has been received and forwarded to the County Highways Authority. It is claimed that this meets the concerns of the County Highways Authority. Any additional comments from the County Highways Authority, will be reported at the meeting.

The Environment Agency has no objection subject to conditions controlling drainage from the site and ensuring proper controls on site for fuels that may be stored thereon.

Severn Trent Water has no objections subject to conditions.

### **Responses to Publicity**

19 letters have been received objecting to the development on the following grounds:-

- a) The three storey development would intrude onto the privacy of adjacent dwellings – this privacy is very highly valued by residents and two storey development would be more appropriate. The developments at The Riverbank and the Sycamore Court are a credit to the District Council and something like those developments would be acceptable to local residents. Perhaps incorporating a conversion of the hotel into apartments thus retaining one of the few buildings of character in the village. The balcony would remove privacy for residents and look more like a marina development on the south coast or a city centre location. The Willington site is in the heart of the village and the dwellings would overlook numerous other single and two-storey dwellings. These are really maisonettes, not a form of development that is in keeping with the locality.



- b) There would be a significant loss of light for existing occupiers, the proposed dwellings are just too close to the boundary
- c) The development is totally out of keeping with the leafy, tree-lined character of Hall Lane. There are numerous dangerous junctions along Hall Lane, especially the junction of the lane with Repton Road. The road is unsuited to the additional traffic that would be generated.
- d) There would be an increase in the noise levels from living accommodation on the second floor particularly in the summer months – all the dwellings hereabouts are either bungalows or two storey houses.
- e) Just because three-storey development is deemed acceptable in Hilton, it does not mean that it is acceptable in all areas of the district. People at Hilton have the opportunity of deciding whether to move into an area where there are three-storey dwellings, people at Willington would have no choice. The development at Hilton has living accommodation that has been restricted to the ground floor. All applications should be judged on their individual merits taking account of the local circumstances and local opinion. The prospect of three-storey development horrifies some residents.
- f) There are too many houses proposed, the density of the development is out of keeping with the rest of the village. It is an example of developers maximising their profits at the expense of residents
- g) There is not enough space available in the school to accommodate the extra children in the development.
- h) There is insufficient parking space, especially to the Hall Lane frontage where cars from eight houses would back out on to Hall Lane. The parking spaces are immediately in front of the garages and it is likely that cars will be parked on the road and not on the drives. It is more likely that the occupiers would have three cars rather than two.
- i) The application should be refused and the developers asked to come up with a more appropriate design. The development does nothing to achieve the objective of the Development Control Charter 'to improve the quality of the built environment'.
- j) The electronic gates at the entrance would not enhance any development and should be omitted.
- k) The developer may have a better idea of the potential flooding of the site and proposes to build accordingly.
- l) The operator of the adjacent milk delivery business is concerned that the boundary wall be retained or increased in height to ensure that future residents are not affected by the business. Deliveries start at 3:30am.

Since reconsultation on the amendments to the proposal a further 12 letters of objection have been received. There are no new points of objection beyond those referred to above.

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

The relevant policies are:

Planning Policy Guidance Note 3

Joint Structure Plan: General Development Strategy Policy 1, Housing Policy 5

Local Plan: Housing Policy 5

### **Planning Considerations**

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

- Conformity with the Development Plan and Government Advice.

- The suitability of the access and highway safety.
- The design of the development and its impact on the character and appearance of the area.
- The impact of the development on the amenity of nearby residents.

### **Planning Assessment**

The site lies within a sustainable settlement. It also lies within the settlement confine identified in Housing Policy 5 of the adopted Local Plan. In addition, outline consent for the redevelopment of the site has been granted and remains extant. The principle of redevelopment of the site is therefore acceptable.

The highway authority has no objection to the proposal in principle. There is no reason in this case to question that view. However, the matter of the site access is still under discussion. An update on that matter will be reported at the meeting.

There have been many comments made concerning the proposed design of the dwellings being out of character with their surroundings. Whilst there are no other traditional dwellings of this type in the village, the current hotel and Willington Hall are examples of three-storey development. The development would, therefore, replace an existing building of a similar height and retain a strong built element along the Hall Lane frontage and this would benefit rather than detract from the Hall Lane frontage.

Three storey units elsewhere on the site would reflect the frontage development and introduce some variety in the design of dwellings in this locality. The overall design of the dwellings is acceptable and it would form an acceptable form of development in this area that would not harm the character and appearance of the area and it would help to achieve the Government's objective of making the best use of land that is capable of being redeveloped.

The objectors on Hall Lane are concerned that the occupiers of the proposed dwelling would have unrestricted views into their living accommodation. On Hall Lane, there would be a minimum of 25 metres between the living room windows of the respective dwellings across the road. This would be acceptable under the Council's Supplementary Planning Guidance (SPG) and reflect the stance taken by inspectors in appeal cases elsewhere in the district.

The proposed dwellings that back onto the Riverbank dwellings are also three-storey in height. The minimum separation here is 21 metres between the first floor living accommodation and the front kitchens and bedroom of the existing dwellings although the distance does increase to the east of the site. In this case the degree of separation together with the existing boundary hedge and the presence of the road between the dwellings is again sufficient to achieve privacy levels reflective of SPG and the comments made at appeal by planning inspectors.

The relationship between the proposed dwellings on the west and east boundaries do not conflict with adopted standards.

### **Recommendation**

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

1. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos 1603-04B, 07B, 08A and 10B

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

2. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment.

3. 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 on the eastern boundary of the site. 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.

4. The windows in the flank wall of the dwelling on Plot 13 shall be permanently glazed in obscure glass.

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

5. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

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

Informatives:

A. You are reminded that conditions attached to the outline planning permission remain to be discharged relating to the means of foul and surface water disposal, landscaping and site levels relative to surrounding development.

B. The Environment Agency advises that

- i) The finished floor levels of the properties should be raised a minimum of 600mm above the maximum recorded flood level of the River Trent in order to reduce the risk of flooding in the occurrence of a flood event larger than previously recorded.
- ii) Applicants or developers should be aware of their responsibilities to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.
- iii) During the period of construction any facilities for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or

have separate secondary containment. The drainage system of the bund should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets should be detailed to discharge downwards into the bund.

iv) If the highway is to be adopted through an agreement under the provisions of S38 of the Highways Act 1980 the adopting Highway Authority will require the use of appropriate construction techniques, including the use of trapped gullies, for the disposal of surface water.

v) As part of the Agency's objective to further the sustainable use of our water resources it is promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies. It recommends the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. In the garden consider installing a water butt to provide a natural supply of water for plants. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations, reducing the cost to the environment and the householder.

# WILLINGTON HOUSE HOTEL



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