

16/10/2001

Item **A13****Reg. No.** **9 2001 0796 F****Applicant:**

Mr S Worthington
28, New Street
Church Gresley
Swadlincote
Derbyshire
DE119PS

Agent:

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

Proposal: **The erection of a pair of semi detached houses and two detached houses on land adjoining 28 New Street Church Gresley Swadlincote**

Ward: **Gresley**

Valid Date: **10/08/2001**

Site Description

The site is currently made up of the garden of no 28 which contains a number of other buildings (in a fairly poor state) which appear to have been in part domestic and part workshop use. The site is surrounded by residential property – to the rear bungalows fronting Allison Avenue, and to the north east houses fronting Wilmot Road.

Proposal

The plan originally submitted showed a pair of semi-detached houses on the front with a further pair and a detached house on the land at the rear. An amended scheme shows the pair of semi-detached houses on the front retained but the semi-detached houses at the rear replaced with a detached house (i.e. a net reduction of one on the site).

Applicants' supporting information

To accompany the amended scheme, the applicant's agent states that the two detached dwellings meet the various space about buildings standards and are sited 750mm further away from the dwellings to the north-west of the site.

Planning History

Outline permission for the erection of a pair of semi-detached houses on the site frontage was first granted permission in 1990 and has been renewed ever since. Permission was most recently renewed in April 2001.

Responses to Consultations

The County Highway Authority has no objection subject to the adequate provision of parking spaces and adequate visibility at the site access.

Responses to Publicity

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

- a. The houses would overlook and overshadow neighbouring property leading to a loss of privacy and outlook. In some cases this is exacerbated by the fact that the proposed dwellings are houses and some neighbouring dwellings around the site are bungalows.
- b. There would be an increase in noise and disturbance from the traffic and pedestrian movements associated with the development and occupation of the properties which would be detrimental to neighbours quality of life. There is already noise from the road at the front of neighbouring houses.
- c. The development would be out of keeping with the area. All properties that surround the site follow the line of the roads without intrusion into enclosed garden spaces. If this application is approved it would set a precedent for others to develop their gardens.
- d. It is inappropriate to allow such piecemeal developments to take place. The site should remain as garden area as a valuable breathing space and with all trees retained.
- e. Problems already exist in the area with surface water. The development would make the situation worse.
- f. The development would result in serious loss of light and sunlight to neighbouring properties.
- g. The size and appearance of the buildings would not be in keeping with the surrounding area.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 3.

Local Plan: Housing Policies 4 and 11.

Planning Considerations

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

- Whether the proposals conform with the provisions of the development plan and government guidance.
- The impact of the proposals on the residential amenities of the occupiers of surrounding properties.

Planning Assessment

The site falls within the established urban area and constitutes previously developed land. As such its redevelopment for housing complies in principle with the provisions of the development plan and PPG 3. Although this is a backland site, it fulfils the government's objective of making more efficient use of land that meets the basic criteria.

The scheme incorporates a pair of semi-detached houses on the site frontage. However, these already benefit from planning permission and therefore the application essentially stands to be judged on the merits of the remaining two detached houses. The submitted scheme shows the main habitable rooms and blank side walls of the two houses set at the requisite distances from

main habitable room windows on adjoining properties in accordance with the minimum standards set out in the Supplementary Planning Guidance. This is largely as a result of one dwelling being omitted from the scheme originally submitted and the two houses being repositioned and redesigned to suit.

None of the other matters raised by neighbours are considered be of sufficient weight to make up sustainable reasons for withholding permission.

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 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.

3. 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.

Reason: To safeguard the appearance of the existing building and the locality generally.

4. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 5760.1A and 5760.5.

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

5. The windows in the north east elevation of plot 4 and the south west elevation of plot 3 shall be permanently glazed in obscure glass.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, none of the dwellings hereby permitted shall be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows shall be inserted into the side walls of the houses hereby permitted other than as approved under this permission.

Reason: In the interests of preserving the setting of the building and the character of the area.

8. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed by the Local Planning Authority in accordance with its published standards. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

9. 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.

10. Prior to the occupation of the dwellings, the accesses at the site shall be laid out in accordance with the amended drawing and paved in a solid bound material (i.e. not loose chippings) for at least 5 metres back from the highway boundary.

Reason: In the interests of highway safety.

11. Notwithstanding the submitted details, the entire site frontage shall be maintained clear of any obstruction exceeding 600mm in height relative to the nearside carriageway edge for a distance of 2 metres back from the highway boundary.

Reason: In the interests of highway safety.

Informatives:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

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.

16/10/2001

Item **A14****Reg. No.** **9 2001 0823 D****Applicant:**

Willow Construction C/O

Agent

Agent:

P. Billham

Mr. P. Billham

Planning & Design

Old School Lodge

Aston On Trent

Derbyshire

DE72 2AF

Proposal: **The erection of a detached house together with a boundary wall and fence in substitution for that permitted under 9/2000/0726/F on the site of the outbuildings to the south west of The Old Manor Farmhouse Twyford Road Barrow-on-Trent Derby**

Ward: **Ticknall**

Valid Date: **20/08/2001**

Site Description

The site lies at the edge of the village of Barrow set some distance back from Twyford Road behind Old Manor Farmhouse. The building works to the house are substantially complete in accord with planning consent already granted.

Proposal

Permission has already been granted for the erection of a dwelling on the site. Therefore, the applicant seeks consent to erect the dwelling in a manner that does not accord with the originally approved scheme.

The development differs from a previously permitted scheme as follows:

- a) There is an additional window at first floor level in the side elevation. This serves a bathroom.
- b) There is an additional window at ground floor level in the side elevation. This serves a cloakroom.
- c) A first floor French window has been inserted in the rear elevation.
- d) The garage /games room roof is 150 mm higher to the ridge and 300 mm higher to the eaves than originally proposed.
- e) A boundary wall is proposed along the side boundary.
- f) A fence and gates are proposed to the front of the property.

Planning History

Permission for the erection of a dwelling on the site was previously granted last year (9/2000/0726/F).

Responses to Consultations

The Parish Council objects as follows:

- a) Objections from local residents are supported.
- b) Retrospective applications should not be encouraged.
- c) The new windows are a threat to the privacy of neighbours and should be removed.

The Highway Authority and Environment Agency have no objection in principle.

Responses to Publicity

None.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 6 and Environment Policy 9.
Local Plan: Housing Policy 5 & 11 and Environment Policy 12.

Planning Considerations

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

- The principle of the development.
- The impact on the character and appearance of the conservation area.
- Residential amenity.
- Traffic and parking.

Planning Assessment

The dwelling has a valid planning consent and is partly erected. As such the principle of the development in this case is also acceptable.

The dwelling, in terms of its overall design, is little altered from that previously granted consent. Therefore, the proposal would have a neutral impact on the conservation area.

There are residential properties close to the site. However, the additional impact of the second storey windows can be effectively controlled to require obscure glazing such that there would be no demonstrable loss of privacy to the neighbouring property. The additional windows at ground floor level would not affect the amenity of neighbours.

The increased garage height is not significant in terms of the level that it exceeds the originally granted consent. This would not adversely affect the nearest property. Overall the increased impact on neighbours is not material.

The additional fencing and walling would not have an adverse impact on the neighbours, as the proposed height of it, i.e. 1.8 metres at its highest, is otherwise permitted development.

Highway safety and parking issues remain unaltered from the previously approved scheme.

Recommendation

GRANT permission subject to the following conditions:

1. 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.

2. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three 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.

3. The first floor windows in the east elevation (annotated west elevation on the submitted plan), the windows to the snooker room and the landing window in the west elevation (annotated east elevation on the submitted plan) shall be permanently glazed in obscure glass.

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

16/10/2001

Item **A15****Reg. No.** **9 2001 0826 F****Applicant:**

Mr J Fox
 12 South Drive
 Mickleover
 Derby
 DE35AN

Agent:

Tim Foster
 2 Broomfield Cottages
 Morley
 Ilkeston
 Derby
 DE76DN

Proposal: **The erection of single storey extensions at 23 Oaklands Road
 Etwall Derby**

Ward: **Etwall**

Valid Date: **21/08/2001**

Site Description

The site is occupied by a single dwelling unit, which is one of a number that form part of a line of detached dwellings off Oaklands Road, Etwall. The frontages to the properties are generally open plan. To the rear of the dwelling fences and tall hedges, enclose the garden. The dwellings to the sides are slightly staggered in relation to the application dwelling.

Proposal

The single storey front extension would be located centrally on the dwelling and extend some 2 metres into the front garden. It would be constructed in brick and tile with a large window looking out towards the road. It would have a ridged roof. A high level window and a glazed door would be placed in either side elevation of the extension.

The rear single storey extension would also be built in brick with a monopitch roof. It would be located on the north west corner of the dwelling. It would be approximately 1.0 metre from the side boundary.

Responses to Consultations

Etwall Parish Council objects because the front extension will protrude forward of the building line.

The County Highways Authority has no comments.

Responses to Publicity

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

- a) The proposed front extension would be out of character with the rest of the street and protrude inexplicably beyond the building line and set precedent for similar extensions.
- b) There would be some loss of sunlight to the occupiers of No 21 from the rear extension that is some three metres long. It would remove sunlight to the kitchen that is currently enjoyed through the kitchen door.
- c) The land to 23 is slightly higher than the ground at 21 and there would be a feeling of being overshadowed.
- d) There is already a problem of water draining from the application site onto the land next door. Drainage should ensure that the water drains away from the boundary.

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:

- The principle of the development, and,
- The impact of the extensions on the street scene and neighbouring dwellings.

Planning Assessment

The site is located within the village confines of Etwall. Therefore, in principle, the proposed development is acceptable.

The front extension does extend forward of the dwelling by some 2.0 metres. This would be different to the other dwellings in the row. However, the extension is single storey in size and has a pitched roof. As such, the impact of the extension would not significantly detract from the street scene. In addition, the erection of further, similar, extensions would be unlikely to adversely affect the overall appearance of the street, notwithstanding the fact that all applications are considered on their own individual merits. The windows and door in this extension are in such a position that there would be no overlooking of neighbours.

The rear extension is close to the side boundary of the property and would extend beyond the rear of the dwelling to a position level with the rear of 21 Oaklands Road, the adjoining property.

The neighbouring property has two small downstairs windows that are both obscure glazed and a doorway that is part glazed. The windows to the side elevation are not main lights. Additionally, the main window to the kitchen of no 21 is on the north east (rear) elevation of that dwelling and so unaffected. Also, the extension is separated from the neighbouring dwelling by a driveway. Therefore, the impact of this single storey unit on the amenities of the neighbour would not be significant.

The issue of drainage is a matter that is not material to this application.

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.

16/10/2001

Item **A16****Reg. No.** **9 2001 0882 R****Applicant:**
Mrs P Jackson C/O Agent**Agent:**
Ward Hadaway
Sandgate House
102 Quayside
Newcastle Upon Tyne
NE13DX**Proposal:** **The removal of condition 2 of planning permission
SED/469/102 to permit the unrestricted occupancy of the
dwelling known as Ramsley House Station Road Melbourne
Derby****Ward:** **Melbourne****Valid Date:** **07/09/2001****Site Description**

The site is an isolated substantial dwelling located in the open countryside east of Melbourne. The house is about thirty years old.

Proposal

The applicant seeks to remove an agricultural occupancy condition imposed on a grant of planning permission in 1968.

Applicants' supporting information

- a) The house has been subject to extensive marketing with regional agents Fallowell and Partners, with offices in Coalville, Melbourne, Ashby, Swadlincote, Burton on Trent, Leicester, Long Eaton and Broughton Astley.
- b) All branches of the agent maintain a proactive mailing list of people wanting property. Whilst the demand for this type of property is high, none of the people on the mailing list would be able to satisfy the agricultural occupancy condition.
- c) Most offices receive approximately 10 enquiries per week from people looking for property with land.
- d) A property with an occupancy condition is difficult to market. Expensive advertising is not recommended because few potential purchasers would be able to satisfy the condition. However the property has been advertised on the company's web site.
- e) People likely to be able to satisfy the condition are likely to be local and the vast majority of farmers in the area would be expected to approach the company if they were looking for a property of this type.
- f) There has been only one enquiry but the prospective purchasers could not satisfy the condition.

- g) It is clear that there are no potential buyers and it can be concluded that there are no reasons in planning terms why the condition should not be removed.
- h) PPG7 states that dwellings should not be kept vacant nor should their present occupants be necessarily obliged to remain in occupation simply virtue of planing conditions restricting occupancy which have outlived their usefulness. It further states that the removal of conditions should be based upon realistic assessments of the existing need for them. This dwelling has outlived its usefulness under the agricultural occupancy condition as illustrated in the marketing campaign, so the removal of the condition would be in accordance with National Planning Guidance.
- i) The asking price of £295000 reflects the fact that there is an agricultural tie and there are 4 acres of land attached to the house.

Planning History

A similar application was refused in September 2000 because no material evidence had been supplied to demonstrate that efforts had been made to dispose of the property within the farming community. (9/2000/0461/R).

Responses to Consultations

The Paris Council has no objection.

Responses to Publicity

None.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 8.

Planning Considerations

The main issue central to the determination of this application is:

Whether it is necessary to retain the condition to satisfy a local need for an agricultural worker's dwelling of this size.

Planning Assessment

The applicant has now made realistic efforts to sell the property. Given its size an location, and having regard to the sharp decline in market gardening in the area it is not surprising that the property has not been sold to meet the need of an agricultural worker in the locality. As such the proposal satisfies the advice in PPG7 as set out in the applicant's supporting information.

Recommendation

GRANT permission: