

11/12/2007

Item 2.1**Reg. No.** 9/2007/1292/F**Applicant:**
Mr & Mrs P McDermott
Dalston Road
Newhall
Swadlincote
Derbyshire
DE11 0QG**Agent:**
C A Collins
14 Sunnyside
Newhall
Swadlincote
Derbyshire
DE11 0TJ**Proposal:** The erection of a detached dwelling on the Garden of 16
Dalston Road Newhall Swadlincote**Ward:** Newhall**Valid Date:** 05/11/2007**Reason for committee determination**

Councillor Richards has requested that the application is brought before the Committee for the following reasons: the Committee should debate the issues in this case which are very finely balanced; the original application was refused with incorrect information and reasons.

Site Description

The site is the main garden area to 16 Dalston Road and is located to the front of the dwelling across a narrow private drive which carries the route of a public footpath. The garden is bounded by a wall to the front, a fence to the public footpath which runs down the side of the site, a wall to the adjoining dwelling and a fence to the dwellings to the rear. The garden has several sheds and a greenhouse to one side and a planting area to the other and measures between 7 and 10 metres in width and 22 metres in length.

Proposal

The application proposes the construction of a detached two-bedroom house on the garden. A small area of the garden measuring approximately 3 to 3.5 metres in width by 7 metres in length has been shown on the plan as being retained by 16 Dalston Road. The proposed dwelling will have a driveway of 5 metres in length leading to an integral single garage. The proposed dwelling has been designed without any principle windows on the front elevation in order to comply with space about dwellings standards with respect to 16 Dalston Road. The dwelling has also been designed with no first floor windows on the rear elevation; the bedrooms are lit by roof lights only. The kitchen and lounge/dining room are located at the rear of the dwelling and therefore the main windows are located at ground floor level facing the dwellings to the rear.

9/2007/1292/F Garden of 16 Dalston Road

Newhall



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Scale 1:1250

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DISTRICT COUNCIL
CIVIC OFFICES
CIVIC WAY
SWADLINCOTE DE L11 1JH



Applicants' supporting information

A design and access statement submitted with the application provides information in support of the following points:

- The site is within the existing Newhall settlement boundary and is not allocated for an alternative use
- The development complies with the density requirements of PPG3
- The development has no effect on the access, parking or amenity space arrangements of any existing dwellings
- A safe access can be constructed to the plot for the proposed dwelling that is acceptable to the highway authority, and the access itself would not harm neighbours
- A dedicated access can be provided to the proposed dwelling and can be constructed to achieve the requirements of the highway authority
- There is no realistic prospect of forming a larger development site
- The site is not on the edge of the settlement and forms an infill to the existing settlement
- The proposed design would not be out of character and the design has been considered such that it would not cause a loss of privacy to adjacent properties
- The design and layout respect the character of the streetscene
- In considering the layout attention has been given to crime issues, SPG on 'Crime Reduction through Environmental Design' has been taken into account
- Local facilities are located within walking distance and there is good public transport provision in the locality
- The design has been considered to make the dwelling compliant with housing suitable for disabled people

Planning History

9/2007/0980/F was refused under delegated powers in October of this year on three grounds. Firstly, highway safety due to the inadequate width of the access resulting in inadequate parking and turning areas being provided. Secondly, loss of garden area for the existing dwelling and thirdly the siting of the dwelling resulting in a loss of privacy for existing neighbouring occupiers.

Responses to Consultations

The County Highway Authority object to the development on the grounds that the 'Manual for Streets' requires that adequate parking be provided for residential development and whilst parking is shown on the plan, the site would be impossible to access with a vehicle, due to the width of Dalston Road where it fronts the site. Furthermore, due to the lack of turning space, any driver attempting to access the site would need to reverse along the full length of Dalston Road, resulting in potential conflict with other vehicles and particularly pedestrians and be likely to manoeuvre within High Street in order to reverse to or from the junction. Such manoeuvres and the increase in on street parking would be detrimental to highway safety.

Severn Trent Water has no objection to the proposal.

Responses to Publicity

No responses received.

Development Plan Policies

The relevant policies are:

Saved Local Plan: Transport Policy 6 and Housing Policy 11

Planning Considerations

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

- the principle of development;
- highway and pedestrian safety,
- loss of garden area for No 16 Dalston Road and
- the potential adverse impact on the privacy of the occupiers of adjoining dwellings as a result of overlooking.

Planning Assessment

The site lies on previously developed land (garden) within the urban area and therefore the principle of development is acceptable in policy terms.

The access to the site is inadequate as stated above in the consultation response from the Highway Authority. Dalston Road is a narrow private street which carries a public right of way with a public footpath extending along the full length of the road and along the side of the application site. Dalston Road is very narrow at the point where it meets the application site and although additional land exists to the front of the existing dwelling it is located at a lower level than the road/ footpath and separated from the road by a fence so could not form part of the access. The width of the available access would be such that manoeuvring into and out of the driveway and garage would be impossible, particularly in view of the garden land being retained for use by 16 Dalston Road. In addition there would be no means of turning vehicle within Dalston Road except on private land outside the control of the applicant and any vehicle accessing the site may therefore have to reverse along the road resulting in potential conflict with other vehicles and pedestrians using the public footpath.

Most of the garden to 16 Dalston Road would be given over to the proposed development. The dwelling is two bedroom but nevertheless is considered one that would be appropriate for family accommodation and the loss of its garden would not be in the interests of good housing design as advised in PPS 3 and Housing Policy 11 and the SPG on Housing Design and Layout.

The proposed dwelling has been designed so that all the main windows are located on the rear elevation, at ground floor level. There is an existing fence on the rear boundary which measures approximately 1.5 metres in height but the dwellings to the rear are elevated above the site and despite the height of the fence there are clear views between the site and the main living room windows of the dwellings to the rear of the site. The floor level of the proposed house would be above the existing level of the site and any standard height boundary treatment would be inadequate in protecting the privacy of existing occupiers. The distance between the proposed kitchen and living

room windows and the existing living room windows of the dwellings to the rear of the site is only 16 to 19 metres which is below the space about dwellings standards set out in the SPG on Housing Design and Layout. Although in many circumstances the distances between main ground floor windows can be reduced as a result of providing adequate boundary treatment, in this case the difference in levels between the site and the houses at the rear means that the existing dwellings would be overlooked and privacy would be compromised.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

REFUSE permission for the following reasons:

1. The Manual for Streets requires that adequate parking be provided for residential development and whilst the submitted drawing indicates an integral garage with a parking space in front, the site would be impossible to access with a vehicle due to the width (approximately 2m) of Dalston Road where it fronts the site. Furthermore, due to the lack of turning space, any driver attempting to access the site would need to reverse along the full length of Dalston Road, resulting in potential conflict with other vehicles and particularly pedestrians and be likely to manoeuvre within High Street in order to reverse to or from the junction. Such manoeuvres and the increase in on street parking which would result from the construction of the proposed dwelling would be detrimental to highway safety. The proposal would therefore be detrimental to highway safety contrary to Transport Policy 6 of the South Derbyshire Local Plan.
2. Most of the garden to 16 Dalston Road would be given over to the proposed development. The dwelling is one that is appropriate for family accommodation, and the loss of its garden would not be in the interests of good housing design as advised in PPS3 and Housing Policy 11 of the South Derbyshire Local Plan and Supplementary Planning Guidance - Housing Design and Layout.
3. Due to the siting of the proposed development and issues of overlooking, a reasonable level of privacy would not be maintained for existing neighbouring occupiers contrary to Housing Policy 11 of the South Derbyshire Local Plan and Supplementary Planning Guidance - Housing Design and Layout.

