

## **DEVELOPMENT CONTROL COMMITTEE – 8<sup>th</sup> July 2003**

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

### **REPORT OF THE PLANNING SERVICES MANAGER**

#### **1. Planning Applications**

#### **INDEX TO PLANNING APPLICATIONS**

| <b>Application<br/>Reference</b> | <b>Item<br/>No.</b> | <b>Place</b>   | <b>Ward</b> | <b>Page<br/>No.</b> |
|----------------------------------|---------------------|----------------|-------------|---------------------|
| 9/2002/0404                      | 1.1                 | Stenson        | Stenson     | 1                   |
| 9/2003/0227                      | 1.2                 | Egginton       | Hilton      | 6                   |
| 9/2003/0341                      | 1.3                 | Foston         | North West  | 8                   |
| 9/2003/0463                      | 1.4                 | Melbourne      | Melbourne   | 11                  |
| 9/2003/0627                      | 1.5                 | Hatton         | Hatton      | 14                  |
| 9/2003/0635                      | 1.6                 | Netherseal     | Seales      | 17                  |
| 9/2003/0636                      | 1.7                 | Netherseal     | Seales      | 20                  |
| 9/2003/0673                      | 1.8                 | Church Gresley | Gresley     | 23                  |

When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Planning Services Manager's report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Planning Services Manager, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other



08/07/2003

**Item** 1.1**Reg. No.** 9 2002 0404 F**Applicant:**

T Sharp  
 The Barn, Lower Farm  
 Stenson  
 Derby

**Agent:**

Swinfield Design  
 Quarry Cottages  
 Morley  
 Derby  
 D676DJ

**Proposal:** The conversion into four holiday cottages of The Barn Lower Farm Stenson Derby

**Ward:** Stenson

**Valid Date:** 11/04/2002

**Site Description**

The building is a two-storey former threshing barn situated adjacent to the highway. It is part of a group of buildings comprising three converted barns, now in residential use, and a former farmhouse.

**Proposal**

The application seeks to convert the building to four 2-bedroom units to be used as holiday accommodation. Two single storey extensions are proposed, one to the side of the building and one at the rear.

**Applicants' supporting information**

The existing substandard access to the site would be closed off. Access would be gained by the existing drive to the west of the group of buildings, (constructed when the existing conversions were undertaken).

**Site History**

Permission was granted to convert the range of agricultural buildings to four dwellings in 1991 (9/0491/0076/F). The barn, the subject of this application, would have been one unit. The permission is still live so it would still be within the rights of the owner to implement the permitted scheme.

**Responses to Consultations**

The Highway Authority, Environment Agency and the Environmental Health Manager have no objection in principle.

## Responses to Publicity

Three neighbours object in the following terms:

- a) There would be increased noise and disturbance to neighbours, as vehicles would have to pass in front of existing properties. There would also be noise from vehicles using the courtyard parking area, particularly as the acoustics of the courtyard greatly amplify sound.
- b) Occupiers are unlikely to respect the privacy of neighbours.
- c) The building may not be safe for users.
- d) The access is dangerous and the proposal for four units would increase the risk.
- e) There would be risk to pedestrians as there are no footways in the vicinity of the site.
- f) The proposed extensions and alterations would harm the character of the building and bring the building much closer to neighbours.
- g) There would be overlooking to neighbouring dwellings.
- h) There would be additional maintenance burden for the owners of the shared drive.
- i) The drive is inadequate for the number of units proposed.
- j) The proposed holiday accommodation would be a precursor to applying for change of use to four private dwellings. There is no demand for holiday cottages in the area.
- k) The proposal would be out of keeping with the rural character of the area.
- l) There is no outdoor amenity space and it likely that children would play on land belonging to residents.
- m) There would be safety and security issues for residents and their children, due to the influx of strangers to the site.

## Structure/Local Plan Policies

The relevant policies are:

Derby and Derbyshire Joint Structure Plan: General Development Strategy Policy 4 and Recreation and Tourism Policy 5.

South Derbyshire Local Plan: Recreation and Tourism Policy 1.

Draft Local Plan: Policy LRT7.

## Planning Considerations

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

- The principle of development.
- Impact on the character of the countryside.
- Residential amenity.
- Highway safety.
- Drainage.

## Planning Assessment

The relevant policies encourage the re-use of redundant rural buildings for tourist accommodation. Therefore the proposal is acceptable in principle.

Whilst proposing two extensions, one is small and subordinate in scale to the host building. The other is at the rear and out of general public view. Otherwise alterations to the building are

limited and it would retain its simple agricultural character. The structure is showing obvious signs of decay. It makes a positive contribution to the former farm group as a whole and its continuing presence on the site is therefore desirable.

The building would not have any greater impact in terms of overlooking and loss of light than the existing permitted scheme. Whilst there would be increased use of the private drive this would not be demonstrably harmful to residential amenity.

On the advice of the Highway Authority the development would not give rise to unacceptable danger to road users.

The interests of the Environment Agency could be met by appropriate conditions.

### **Recommendation**

**GRANT** 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. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 427.B5 Rev B received under cover of the agent's letter dated 14.04.03 and 427.B1c received 19 August 2002.
2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Notwithstanding the provisions of Part C, Class C3 to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the premises hereby permitted shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order without the prior permission of the Local Planning Authority. The property shall not be occupied by any individual or groups of persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority, at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.
3. Reason: Use of the building for residential purposes would be contrary to national and local policies which seek to guide residential development to urban settlements and serviced villages in the interests of sustainable development.
4. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical 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.
4. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
5. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

5. Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.
6. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight(s) 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.
6. Reason: In the interests of the appearance of the building(s) and the character of the area.
7. Pointing of the existing/ proposed building(s) 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".
7. Reason: In the interests of the appearance of the building(s).
8. 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.
8. Reason: In the interests of the appearance of the building(s) and the locality generally.
9. 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.
9. Reason: In the interests of the appearance of the building(s) and the character of the area.
10. 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.
10. Reason: In the interests of the appearance of the building(s) and the character of the area.
11. 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.
11. Reason: In the interests of the appearance of the building(s), and the character of the area.
12. No work shall take place on the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
12. Reason: In the interests of pollution control.
13. The proposed development shall not be brought into use until the vehicle parking and turning facilities have been provided in accordance with the revised plan no. 427.B1c. Once provided these facilities shall be retained in perpetuity free from any impediment to their designated use.
13. Reason: In the interests of highway safety.
14. The proposed development shall not be brought into use until the existing vehicular access indicated at location A on drawing no. 427.B1c has been closed in a manner that shall have previously been submitted to and approved in writing by the Local Planning

Authority, using a permanent barrier at least 1 metre in height. The highway margin shall be concurrently reinstated in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

14. Reason: In the interests of highway safety.

08/07/2003

**Item** 1.2**Reg. No.** 9 2003 0227 FH**Applicant:**

Mr M Wilson  
 12, Elmhurst  
 Egginton  
 Derby  
 DE656HQ

**Agent:**

Mr M A Parkes  
 54 Haden Park Road  
 Cradley Heath  
 West Midlands  
 B64 7HE

**Proposal:** The erection of an extension at 12 Elmhurst Egginton Derby**Ward:** Hilton**Valid Date:** 25/02/2003**Site Description**

The site comprises a single dwelling in a housing estate developed in the 1970's. The house is set forward from the adjacent dwelling. There is a flat roofed garage on the boundary of the two dwellings. In the front of the adjacent dwelling is a kitchen, utility room according to the plans submitted at the time. The dwelling is at a slightly lower level than the application site.

**Proposal**

The proposal involves the creation of a second floor on the flat roof above the Garage for that part of the garage roof that is contiguous with the main dwelling (i.e. there would be a length of flat roof that would remain once development were complete). At the front, there would be a two-storey forward projection in line with the existing front porch.

**Applicants' supporting information**

The application has been amended to place the en-suite at the rear of the extension rather than the front to avoid direct overlooking of the rearmost dwelling.

**Planning History**

This is the first planning application on the dwelling since it was built at the end of the 1970's.

**Responses to Consultations**

Egginton Parish Council has no objection.



The County Highways Authority has noted that the distance between the proposed garage door and the highway is substandard, but the difference that would ensue following the development would not be material.

The Environment Agency has no objections but draws attention to the possible flood risk if there were a flood that overtopped the villages flood defences (1 in 100 years).

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

The relevant policies are:

Local Plan: Housing Policy 13

Emerging Local Plan: Policy ENV. 21

### **Planning Considerations**

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

- The impact of the extension on the residential amenity of the occupiers of the adjacent dwelling.

### **Planning Assessment**

The relevant supplementary planning guidance states that there should be a distance of 12 metres from the habitable room window on the front of the neighbouring dwelling to the nearest part of the extension. The submitted scheme shows this distance at approximately 4 metres. However, the existing distance between the window and the nearest two storey element of the house is approximately 6.5 m and therefore is already below standard and the difference between this and the proposed distance would therefore be marginal. Coupled with the fact that the window faces north and the occupier has not objected, the application is considered acceptable.

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

08/07/2003

**Item 1.3****Reg. No. 9 2003 0341 FI****Applicant:**

Mr E T Bentley  
 Woodside Farm, Woodyard Lane  
 Foston  
 Derby  
 DE655PY

**Agent:**

Mr E T Bentley  
 Woodside Farm, Woodyard Lane  
 Foston  
 Derby  
 DE655PY

**Proposal:** The erection of 2.4m high steel palisade fencing with vehicular gates at Woodside Farm Woodyard Lane Foston Derby

**Ward:** North West

**Valid Date:** 13/03/2003

**Site Description**

The site comprises part of the ET Bentley haulage depot to the rear of the existing yard area. There is an area of woodland to the north west. There is no south or east boundary feature. A public footpath passes over the land to be contained by the proposed fence.

**Proposal**

The erection of the fence would create a separate area in the yard that would also have the effect of requiring a diversion of the footpath. It would comprise a fence some 2.4 metres high with access gates in the south boundary.

**Applicants' supporting information**

The purpose of the fence is to create a secure area for the parking of loaded vehicles. This part of the site has previously been used for the open storage of materials and neatly parked, smartly painted vehicles would replace this. This area has been chosen to ensure that there is a backdrop of trees rather than the other side of the site that backs onto open fields. The site also has direct supervision from the owner's dwelling.

**Planning History**

The site has long been used as a lorry depot with open storage of materials. Permission to extend the area was granted in the mid 1990's.

**Responses to Consultations**

Foston and Scropton Parish Council has no objection if the footpath is diverted before the fence is erected. Otherwise, there is concern that access to the footpath would be prevented.

The County Highways Authority is aware of the application and the footpaths section is awaiting a formal application to divert the footpath. The applicants have recently confirmed that an application to divert the path has now been made.

### **Responses to Publicity**

One letter has been received objecting to the development for the following reasons: -

- a) The fence would be completely out of character with the area in this rural setting.
- b) The proposal would obstruct a public footpath making access impossible. Access to the path is already hindered by the owner with locked gates and dogs roaming freely in the yard through which the path passes, albeit with warning signs erected.

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

The relevant policies are:

Joint Structure Plan: Transport Policy 9

Emerging Local Plan: Policy T3

### **Planning Considerations**

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

- The impact of the fence on the character and appearance of the area
- The public footpath.

### **Planning Assessment**

In terms of a fall back position, the applicant could erect a 2.0 metres high fence in the location shown without the need for planning permission. The 2.4 metre high fence would not have any greater material impact on the countryside than a 2.0 fence that could be erected under permitted development rights. The site is clearly prominent from the public footpath and is of a similar size and scale to that erected around the premises of Foston Farm Products.

The fence would obstruct the route of Footpath No 8 but that issue will be determined by the Secretary of State in response for the application for a diversion of the path that has been submitted.

### **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.

Informatives:

Nothing in this permission authorises the stopping up of the Public Footpath that crosses the site. An application to divert the line of the path is required to be submitted to the Secretary of State for determination.

08/07/2003

**Item** 1.4**Reg. No.** 9 2003 0463 FH**Applicant:**

Mr Mrs Gilmore  
 21, Castle Street  
 Melbourne  
 Derby  
 DE731DY

**Agent:**

Mr. S. Greaves  
 S. G. Design Studio  
 202 Woodville Road  
 Hartshorne  
 Swadlincote  
 Derbyshire  
 DE11 7EX

**Proposal:** The erection of a two storey side extension at 21 Castle Street  
 Melbourne Derby

**Ward:** Melbourne

**Valid Date:** 15/04/2003

**Site Description**

The property is a traditional brick cottage in the conservation area. The gable wall has been unsympathetically altered over the years and is now rendered with a number of window openings in the wall. There is a modern brick wall to the front and side boundaries, visible in the street scene.

**Proposal**

The proposed extension would be in facing brick and attached to the gable wall referred to above. The modern boundary wall would be demolished and replaced with traditional wrought iron railings on a stone/brick plinth.

**Responses to Consultations**

The Parish Council has no objection.

Melbourne Civic Society objects for the following reasons:

- a) The existing house is a small traditional cottage in the heart of the conservation area and in need of sensitive restoration. The development would be almost as large as the house and would lead to over 75% site coverage, thus eliminating most of the amenity space within the curtilage.
- b) The extension is badly designed without regard to period detailing, to the detriment of the appearance of the house and the street scene.
- c) The extension would be too large and would irredeemably compromise a significant and charming Melbourne landmark and be detrimental to the character of the conservation area.

## Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 8.

Local Plan: Environment Policy 12 and Housing Policy 13.

## Planning Considerations

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

- The impact on the character and appearance of the conservation area.
- Residential amenity.

## Planning Assessment

The extension would be subordinate in scale to the main building, being. The works would cover the unsympathetic gable and create a new blank brick gable in the street scene. This in conjunction with the removal of the existing modern boundary wall would lead to a significant enhancement to the character and appearance of the conservation area.

The proposal would satisfy the guidelines in supplementary planning guidance and the impact on neighbours would be negligible.

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

**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.
3. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical 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.
3. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
4. Eaves and verges details shall match those to the existing building.
4. Reason: In the interests of the appearance of the building

5. Pointing of the existing/ proposed building(s) 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".
5. Reason: In the interests of the appearance of the building(s).
6. 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.
6. Reason: In the interests of the appearance of the building(s) and the locality generally.
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.
7. 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.
8. Reason: In the interests of the appearance of the building(s) and the character of the area.
9. 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.
9. Reason: In the interests of the appearance of the building(s), and the character of the area.
10. Large scale drawings to a minimum Scale of 1:10 of the boundary wall, railings and gate shall be submitted to and approved in writing by the Local Planning Authority before building work starts. These shall be constructed in accordance with the approved drawings.
10. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

08/07/2003

**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.

08/07/2003

**Item** 1.6**Reg. No.** 9 2003 0635 F**Applicant:**

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

**Agent:**

Ward hadaway 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 gates are located on a shared access driveway between a farmhouse and former barns that have been converted to three dwellings. The gates are located five metres into the site from the highway.

**Proposal**

The application is a retrospective submission for the retention of a pair of gates and their relocation to position 5 metres from the highway edge. The gates are five bar timber gates.

**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 a gate at the top of the access track at the entrance to the farm yard/ courtyard area.

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 to enable adequate control to be exercised in the interests of visual amenity.

## **Responses to Consultations**

The County Highway Authority states that the gates should be located 5 metres from the carriageway edge.

## **Responses to Publicity**

Two letters of representation have been received 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. This gate is indicated for removal on the approved plans.
- Although this gate was not removed, at no time since the occupation of the barn conversions has either section of the gate been closed.
- If the application were to be approved conditions should require that the gates are not locked and that the gates are in keeping with the existing environment.
- That this application could be withdrawn but the application for the gates at the top of the driveway could still be considered.
- The application is supported by a letter from the Police who have stated verbally that they always work from the outer most property boundary and in towards the house. It could therefore be argued that a gate at the roadside entrance might act as a deterrent.
- There will be an increase in noise and disturbance and loss of privacy to the adjoining garden area although the impact of this gate will not be so significant as that of the other gate.
- The boundary line shown on the plan submitted by the applicant is incorrect.
- There is no livestock to be contained by this gate.
- Any grant of planning permission should have a condition attached relating to gate closing hours. The gate should remain fully open between the hours of 06:00 and 22:00 hours.
- There is no need for two gates on the same driveway.

## **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 highway safety.

## **Planning Assessment**

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

The gates are of timber construction and match the adjoining fencing in terms of external appearance. The gates are already attached to the existing fencing and are to be relocated, the appearance of the gates is therefore considered acceptable. The gates will be located over 35 metres from the nearest dwelling and therefore there will not be any impact on the amenity of the occupiers of the dwellings.

The gates are to be relocated to a position 5 metres from the carriageway edge which would enable cars to be clear of other traffic when the gates are opened and closed. There would therefore be no detriment to highway safety as a result of the 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.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.

08/07/2003

**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.



08/07/2003

**Item** 1.8**Reg. No.** 9 2003 0673 FH**Applicant:**

Mr Mrs T Southerd  
 1, Old Hall Gardens  
 Church Gresley  
 Swadlincote  
 Derbyshire  
 DE11 9PA

**Agent:**

B. Williamson  
 Gilson Design Consultants Ltd  
 Genista  
 Broomhills Lane  
 Repton  
 Derbyshire

**Proposal:** The erection of a conservatory at the rear of 1 Old Hall  
 Gardens Church Gresley Swadlincote

**Ward:** Gresley

**Valid Date:** 29/05/2003

**Site Description**

The application site is at the rear of the side elevation of a bungalow which is located in a residential area. There is a high wall/ fence along the side boundary adjacent to the neighbouring dwelling and the garden land rises slightly to a fence at the rear. The adjoining dwelling has an attached garage along the side boundary.

**Proposal**

The application proposes the construction of a conservatory measuring 3.46m by 3.4m to infill an area at the rear of the dwelling between existing rear and side extensions. The conservatory is to be of brick and upvc construction.

**Planning History**

The dwelling has previously been extended at the side and rear and front.

**Responses to Consultations**

None received.

**Responses to Publicity**

None received.

## Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13.

Supplementary Planning Guidance - Extensions

## Planning Considerations

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

- The design and appearance of the conservatory and impact on the occupiers of adjoining dwellings.

## Planning Assessment

The proposed conservatory is of a scale and character, which are in keeping with the existing property, and the design and external appearance are considered acceptable. The conservatory will not adversely affect the amenity of the occupiers of any neighbouring dwellings, there is a high fence on the side boundary, which will protect privacy, and the proposal will not breach any standards with respect to the adjoining dwelling. The scheme is therefore complies with the provisions of Housing Policy 13 of the Local Plan and the Supplementary Planning Guidance on extensions.

## 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. All facing bricks 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.
2. Reason: To safeguard the appearance of the existing building and the locality generally.

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.