

REPORT OF THE HEAD OF COMMUNITY AND PLANNING SERVICES

SECTION 1: Planning Applications

SECTION 2: Planning Appeals

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).

1. PLANNING APPLICATIONS

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 1995 (as amended) responses to County Matters and submissions to the IPC.

Reference	Item	Place	Ward	Page
9/2012/0790	1.1	Melbourne	Melbourne	1
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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 Head of Community and Planning Services' 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 Head of Community and Planning Services, 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 similar cases.

11/12/2012

Item 1.1

Reg. No. 9/2012/0790/NO

Applicant:
MARSTONS PLC
MARSTONS HOUSE
THE BREWERY ROAD
WOLVERHAMPTON
WV1 4JT

Agent:
MR GARRY BENTLEY
THE MEADOWS
WERN
LLANYMYNECH
POWYS
SY22 6PD

Proposal: **THE RETENTION OF AN EXTERNAL SHELTERED AREA
AT ALMA INN 59 DERBY ROAD MELBOURNE DERBY**

Ward: **MELBOURNE**

Valid Date: **01/10/2012**

Reason for committee determination

The application is referred to Committee at the request of Councillor Harrison because local concern has been raised about a particular issue and Committee should consider unusual site circumstances.

Site Description

The site is a public house in a mixed use but predominantly residential area within the Melbourne Conservation Area. There is a raised patio area to the rear of the site bounded by brick walls.

Proposal

The application seeks to retain an existing smoking shelter, situated against the rear wall, which forms the boundary with No.1 South Street. Its height is roughly equivalent to the top of the wall. A gate and fence arrangement is also proposed. The structure was brought to the Council's attention in August of this year.

Applicants' supporting information

The applicant states that the shelter has been located so as not to compromise the setting or appearance of the conservation area.

Planning History

None relevant.

9/2012/0790 - Alma Inn, 59 Derby Road, Melbourne, Derby DE73 8FE



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South Derbyshire District Council. LA 100019461. 2010

Responses to Consultations

The Parish Council and Melbourne Civic Society have no objection.

The Environmental Health Manager recommends a 2-year temporary permission to enable the impact of the shelter on neighbours to be assessed over that period. It is also recommended that the shelter be locked at 10 pm. If, in the meantime, noise problems were to arise, these could be addressed via the licensing regime or through Environmental Protection Act noise abatement action.

Responses to Publicity

Two neighbours object as follows:

- a) The public house has been the subject of breaches of its licence.
- b) The shelter should not be used after 10 pm.
- c) There is no requirement for a shelter.
- d) Notwithstanding the application details there is no disabled access to the shelter.
- e) There has never been permission for a smoking shelter at the site.
- f) Relevant guidance states that shelters should be located away from neighbours where smoke and noise may become an environmental issue.
- g) The shelter is located adjacent to No 1 South Street, fixed to its wall, and would cause smoke/noise nuisance.
- h) The shelter should be re-located to reduce nuisance. Other mitigation suggestions are also made.

Development Plan Policies

The relevant policies are:

South Derbyshire Local Plan Saved Environment Policy 12.

National Guidance

National Planning Policy Framework Para 70 (Chapter 8: Promoting Healthy Communities) Para 129 (Chapter 12: Conserving and enhancing the historic environment).

Planning Considerations

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

- Impact on the character and appearance of the conservation area
- Residential amenity

Planning Assessment

Impact on the character and appearance of the conservation area

The shelter is set to the rear of the public house and in terms of impact on the conservation area this has neutral impact, in accord with South Derbyshire Local Plan Saved Environment Policy 12 and Paragraph 129 of the National Planning Policy

Framework. A location closer to Derby Road would likely have a greater, possibly negative, impact on the conservation area.

Residential amenity

Paragraph 70 of the National Planning Policy Framework supports the provision and use of community facilities such as public houses. The shelter is not likely to increase the number of smokers using the beer garden, but provides a shelter from bad weather. Nevertheless the impact over time is not yet known and it is therefore necessary to impose a condition to enable the situation to be monitored over a two-year period. On the advice of the Environmental Health Officer there is no justification at present to consider re-locating the shelter. The recommended conditional control over the hours of usage of the shelter would reasonably protect the amenities of the occupiers of adjoining residential property.

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. This permission shall be for a limited period only, expiring on 30 November 2014 on or before which date the structure shall be removed and the site reinstated unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: To enable the local planning authority to monitor the impact of the use of the shelter on the amenities of adjoining neighbours.

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no 335/01A showing a fence and gate, which shall be constructed within 2 months of the date of this permission and thereafter retained for the lifetime of the development.

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

3. The gate to the shelter shall be kept locked between the hours of 10 pm till 11 am the following day and no access to the shelter shall be allowed during these hours.

Reason: To protect the amenities of adjoining neighbours.

Item 1.2

Reg. No. 9/2012/0804/FH

Applicant:
**MR & MRS CHRISTIAN &
JOANNE CRISPIN
14 CHURCH STREET
COTON IN THE ELMS
SWADLINCOTE
DE12 8EZ**

Agent:
**MR & MRS CHRISTIAN &
JOANNE CRISPIN
14 CHURCH STREET
COTON IN THE ELMS
SWADLINCOTE
DE12 8EZ**

Proposal: **THE CREATION OF A VEHICULAR ACCESS (AMENDED
APPLICATION TO 9/2012/0322) AT 14 CHURCH STREET
COTON IN THE ELMS SWADLINCOTE**

Ward: **SEALES**

Valid Date: **30/10/2012**

Reason for committee determination

Councillor Hall (ward member) requests that the committee determine the application as local concern has been expressed about a particular issue.

Site Description

The application property is a semi-detached ex-authority owned house on Church Street that sits approximately 8m from the public road to its frontage. There is an approximate 0.45m increase in land levels from said road to the front elevation of the house.

Proposal

The application seeks to gain permission for a proposed vehicular access in the forward most northern corner of the plot resulting in the creation in an off-street parking space at the front of the property.

Applicants' supporting information

An occupier of No.16 Church Street has agreed to allow the required visibility splay to facilitate the creation of the vehicular access.

Planning History

9/2012/0322 – Vehicular Access - Refused

Responses to Consultations



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South Derbyshire District Council. LA 100019461. 2010

The County Highway Authority has no objection subject to conditions.

The Parish Council has concerns regarding the potential affect that the proposal may have on the stability of neighbouring land as well as the visibility in relation to the bus stop and requests that the committee makes a site visit prior to determining the application.

Responses to Publicity

An occupier of the attached neighbouring property objects to the proposal on the following grounds:

- The proposal would adversely affect access to their property by way of there being insufficient space for their right of access needs as well as for the application property's intended use for parking vehicles.
- The proposal would adversely affect visibility in relation to the bus stop in close proximity.

Development Plan Policies

Transport Policy 6 of the Local Plan.

Planning Considerations

The main issue central to the determination of this application is the impact on highway safety.

Planning Assessment

A similar application for a vehicular access was previously refused under planning reference 9/2012/0322 as it would introduce vehicular movement at a location where visibility is substandard, contrary to the best interests of highway safety. This amended application now includes a visibility splay to the frontage of No.16 Church Street which results in the application being considered acceptable by the Highway Authority. Similarly, the Highway Authority has not raised any concern about the potential affect that the proposal may have on the bus stop alluded to by the neighbour.

The potential affect that the proposal may have on the stability of neighbouring land is a civil issue and is therefore not a planning consideration. Similarly, the potential affect that the proposal may have on access to neighbouring land is a civil issue and is therefore not a planning consideration (N.B. a planning permission cannot override any independent private property rights).

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 three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Before any other operations are commenced a new vehicular access shall be created to Church Street in accordance with the application drawings, laid out, constructed and provided with 2.4m x 43m visibility splays in each direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety.

Informatives:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification should be given to the Director of Environmental Services at County Hall, Matlock (telephone 01629 580000 and ask for the District Highway Care Manager on extension 7595) before any works commence on the vehicular access within highway limits.

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures should be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin.

This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

11/12/2012

Item 1.3

Reg. No. 9/2012/0856/FH

Applicant:
MR WILLIAM MOORE
THE VICARAGE
1 MERE GREEN ROAD
SUTTON COLDFIELD
B75 5BW

Agent:
MR MARK TEMPLE
PLANWISE
11 BROADFERN ROAD
KNOWLE
SOLIHULL
B93 9DE

Proposal: **THE ERECTION OF EXTENSIONS AND EXTERNAL ALTERATIONS AT 40 MAIN STREET WALTON ON TRENT SWADLINCOTE**

Ward: **SEALES**

Valid Date: **16/10/2012**

Reason for committee determination

The application is brought before committee at the request of the Head of Community and Planning Services, as there are unusual site circumstances that should be considered by the committee when assessing the proposal against Supplementary Planning Guidance.

Site Description

The application property is an early 1990s detached property, which sits in a slightly elevated backland plot behind 38 Main Street with No's 38, 36 and the adjoining Village Hall sitting tight to the road frontage.

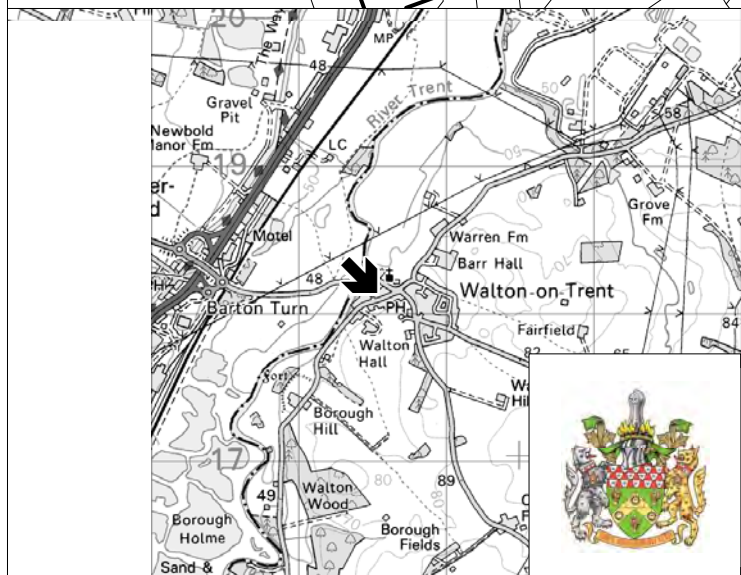
The application site is within the Walton on Trent Conservation Area.

Proposal

The proposal is for the erection of a single storey lean-to extension along the full length of the rear elevation and a first floor extension over the existing single storey entrance and garage range to the east side of the application property. The proposal also includes the application of some external decorative features to match the existing property and the reconfiguration of the existing internal spaces.

Applicants' supporting information

9/2012/0856 - 40 Main Street, Walton on Trent, Swadlincote DE12 8LZ



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South Derbyshire District Council. LA 100019461. 2010

The Design and Access statement describes the proposal: the house is in the conservation area and on land previously attached to 38 Main Street. The north and east elevations are of particular significance as they face this property.

The design incorporates the following:

- The ridgeline of the 1st floor extension will be lower than the existing ridgeline of the main house;
- All new external brickwork will match the existing;
- Existing roof tiles will be re-used on the 1st floor extension;
- No new windows on the 1st floor east elevation;
- The new window on the 1st floor, north elevation, will have top hung opening transom lights only and obscure glass;
- New decorative brick roundel on 1st floor, east elevation, to match existing on gable end;
- New decorative barge boards on first floor, north elevation, gable to match existing;
- Existing decorative soldier course will be extended around perimeter of 1st floor extension;
- New 'walk-in' bay window on east elevation will not extend beyond existing building line;
- Where possible, existing windows and doors will be re-used. All new windows and doors will be in style and colour to match existing; and
- No change to the existing access or parking arrangements.

The house is set well back from the highway and partially concealed by 38 Main Street. The original features have been retained on the east elevation and the proposed 1st floor extension shows a secondary ridgeline in order to minimise the impact from the front. The north elevation, which overlooks the land behind No. 38, has one 1200mm wide window with obscure glass and top opening lights only so that the land is not overlooked. The proposed extension on the west elevation faces the trees and hedging on the boundary of No. 40 and should have no impact.

Overall, the character and key features of the house have been retained to hopefully present an acceptable design which will not change the character and appearance of the Conservation Area.

The details of the proposal follow discussions with the Area Planning Officer and advice from the Conservation Officer.

Planning History

Outline planning permission (9/1190/0798/O) was granted in December 1990 for the residential development of the redundant vehicle workshop on the site – it was considered that a dwelling could be suitably sited between the existing properties without detriment to their amenities.

A reserved matters application (9/1091/0640/D) was granted approval in January 1992 with a condition that the approved dwelling should not be extended or enlarged without the prior approval of the Local Planning Authority (LPA) as having regard to the house type proposed, the space for the building and the overall layout, the future extension or enlargement could cause difficulties in terms of appearance, loss of neighbour's

amenity and over development of the plot and that it was therefore desirable for the LPA to retain control.

Responses to Consultations

None received.

Responses to Publicity

One neighbour objection received:

- The proposed extension and alterations will reduce/affect daylight entering the objector's property and affect the privacy of the occupants.
- The objector therefore request that the proposal is reviewed to determine the above concerns are not affected.

Development Plan Policies

The relevant policies are:

Adopted Local Plan: Saved Environment Policy 12 and Saved Housing Policy 13 (and Supplementary Planning Guidance – Extending Your Home (SPG)).

National Guidance

National Planning Policy Framework: Section 7 Requiring good design and Section 12 Conserving and enhancing the historic environment.

Planning Considerations

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

- The impact of the proposal on the character and appearance of the conservation area; and
- The impact of the proposal on the amenities of the neighbouring properties.

Planning Assessment

Impact of proposal on the character and appearance of the conservation area

The proposal was subject to pre-application advice. The preferred scheme suggested by the Conservation Officer at this stage did not meet the applicant's requirements with regard to space above the existing garage and given the property's set back position behind No 38 and its modern form and detailing, the Conservation Officer advised that he would not object to the original pre-application design as the impact on the character and appearance of the conservation area would be negligible.

The proposed extensions are sympathetic to and in scale with the host property and would not lead to the overdevelopment of the plot. Due to its modern form and detailing and its position behind the current building line of the street and the oblique views afforded it, the proposal is considered to have a negligible impact on the character and appearance of the conservation area. The proposal therefore conforms to Saved Environment Policy 12 of the Adopted Local Plan.

Impact of the proposal on the amenities of the neighbouring properties

The current distance between the existing garage range of the application property and the rear habitable room window of 38 Main Street is 11.4 metres. There is no minimum distance required with the existing arrangements on site, as the garage range is single storey. The erection of a 1st floor extension to the garage range, however, under the SPG would normally require a minimum distance of 12 metres between the blank elevation of the proposed extension and the rear habitable room window of 38 Main Street. However, the primary aspect of No 38 is the south elevation, which fronts Main Street, and its primary habitable room window is located on this side. This room has 2 further windows, one on the west side and one to the rear (north), both of which can be considered secondary. As such it is not considered appropriate to protect the secondary window on the rear as if it were the room's primary source of light.

Given the position and orientation of No's 38 and 40 in relation to each other and the path of the sun during daylight hours, No. 38 is more likely to overshadow the application property. As such, the raising of the existing single storey garage range of the application property to full 2 storey height is considered to have a negligible increase in impact on the neighbour at No. 38 in this regard.

In view of the reasoning given above, it can be judged that the proposal would have a negligible increase in impact on the amenity of the neighbour at No 38 to the extent that the SPG would be undermined.

The proposal therefore conforms to Saved Housing Policy 13 of the Adopted Local Plan SPG and would not unduly affect the amenities of the occupiers of neighbouring properties.

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 three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
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.
3. Notwithstanding the submitted details and prior to the first occupation of the extensions hereby permitted, the first floor bedroom window in the side (east) gable elevation shall be permanently glazed in obscure glass and be non-opening and retained as such thereafter. A sample of the obscure glazing shall

previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid overlooking of the properties to the south-east side of the application site in the interest of protecting privacy.

Informatives:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

11/12/2012

Item 1.4

Reg. No. 9/2012/0964/FH

Applicant:
MISS AMY PEARCE
66 HILLSIDE ROAD
LINTON
SWADLINCOTE
DE12 6QW

Agent:
MISS AMY PEARCE
66 HILLSIDE ROAD
LINTON
SWADLINCOTE
DE12 6QW

Proposal: **AMENDED SCHEME TO PREVIOUSLY APPROVED
(9/2011/0997) FOR THE ERECTION OF EXTENSIONS AT
17 HEREFORD CRESCENT MIDWAY SWADLINCOTE**

Ward: **MIDWAY**

Valid Date: **15/11/2012**

Reason for committee determination

The applicant is the daughter of a member of staff.

Site Description

The property is a two storey detached dwelling with an attached garage. It is situated near the head of a residential cul de sac and alongside a footpath. It affords front and rear garden space and some off road car parking provision. Housing types / styles in the street are mixed with a number of them featuring extensions.

Proposal

As part of some working amendments to an already approved scheme, the applicant wishes to insert a new window. That window would be at first floor, in a side wall and would provide light to a hallway/landing.

Applicants' supporting information

None.

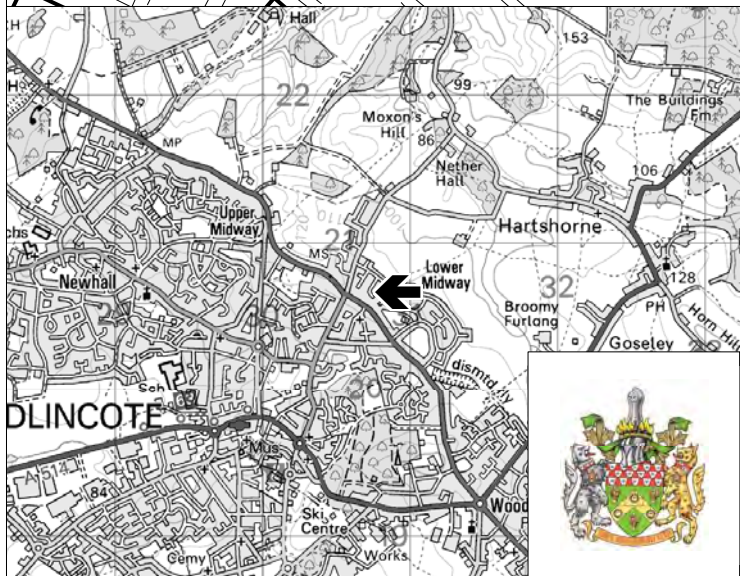
Planning History

The Planning Committee approved the earlier application here, reference 9/2011/0997.

Responses to Consultations

No objections have been received.

9/2012/0964 - 17 Hereford Crescent, Midway, Swadlincote DE11 7PT



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South Derbyshire District Council. LA 100019461. 2010

Development Plan Policies

The relevant policies are: Local Plan Housing Policy 13, Supplementary Planning Guidance (SPG): Extending your Home.

Planning Considerations

The issue central to the determination of this application is the impact on residential amenity.

Planning Assessment

The built 'framework' here has previously been approved and works are underway.

The 'new' light is to a landing/hallway area at first floor. It is set some 9m away from a shared boundary with No15 Hereford Crescent and some 15m away from a conservatory at the same address. SPG states new windows that could overlook a large percentage of the adjacent garden space should be set back at least 5-6m from the boundary. The window proposed here is both on the side and secondary. The distances involved (over 15m) and the fact that the window only overlooks part of the conservatory (due to its positioning) means privacy would be maintained at a reasonable level.

Recommendation

GRANT permission subject to the following conditions:

1. 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.
2. 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 two parking spaces, each space measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the dwelling unless as may otherwise be approved in writing by the Local Planning Authority.
Reason: To ensure that adequate parking provision is available.

Informatives:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

2. PLANNING AND OTHER APPEALS

(References beginning with a 9 are planning appeal and references beginning with an E are an enforcement appeal)

Reference	Place	Ward	Result	Cttee/Delegated
9/2012/0402	Melbourne	Melbourne	Allowed	Delegated
9/2012/0596	Hatton	Hatton	Dismissed	Delegated



Appeal Decision

Site visit made on 7 November 2012

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 November 2012

Appeal Ref: APP/F1040/D/12/2182693

73 Castle Street, Melbourne, DERBY, DE73 8DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Banks against the decision of South Derbyshire District Council.
 - The application Ref 9/2012/0402/FH was refused by notice dated 6 July 2012.
 - The development proposed is the conversion of the loft to a bedroom with a single dormer.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of the loft to a bedroom with a single dormer at 73 Castle Street, Melbourne, Derby in accordance with the terms of the application, Ref 9/2012/0402/FH, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 08/05/12/1&2.
 - 3) No development shall take place until full details of the joinery and the materials to be used in the construction of the dormer window; the replacement and additional windows; and any gutters and downpipes, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. Melbourne Conservation Area includes Melbourne Hall, its gardens and parkland and the historic centre of the settlement. This part of Castle Street is characterised by the red brick and slate terraced houses and the converted outbuildings that front directly onto the pavement. The single, two and three storey buildings provide considerable verity to the street scene and although generally of simple traditional forms, they exhibit distinctive period detailing.
4. This proposal would result in a dormer window within the rear facing roof slope of this end terrace. It would not be visible within the street scene but it would

be clearly apparent from the rear of these and other closely related properties. It would break up the currently unaltered form of the roof and given the narrowness of these dwellings, it would be a prominent feature within this area of roof.

5. The Council is concerned that this addition would damage the uniformity of this group and disturb the balance of these properties. However, the proposed dormer would be small in size and well proportioned. It would be positioned centrally with substantial areas of roof retained to all sides. To some extent, this part of the roof is separated visually from that of the neighbouring property by the presence of the chimney, which is situated well below the ridge. Although it would introduce a new element to the original form of the dwelling, I am satisfied that it would sit comfortably within this roof slope without significantly altering the important characteristics of the overall design or character of this terrace.
6. Although the character of this terrace is important to the historic heritage of this area, I do not find that this modest addition would undermine the contribution that these properties make. It would preserve the character and appearance of the conservation area and it would not result in harm to the character or appearance of the property.
7. The Council have made reference to two saved policies in the South Derbyshire Local Plan. Housing Policy 13 accepts extensions if they are of a scale and character in keeping with the property and the character of the area. Environment Policy 12 seeks to prevent development that would have an adverse effect on the character or appearance of the conservation area. Given my findings, I do not find conflict with the objectives of these policies. Reference has been made to supplementary design guidance entitled Historic South Derbyshire: Design Advice. I am not clear as to the status of this document but in any event, I do not find conflict with its content.
8. I acknowledge that the neighbouring property has achieved a loft conversion with the use of roof lights. This reduces the weight in favour of the proposal resulting from the improved accommodation that would be achieved. The proposal includes revised window details which would enhance the appearance of the property. I note the lack of objection from the Parish Council and the Melbourne Civic Society. I have also had regard to the previous appeal decision but find the two schemes to differ significantly.
9. The National Planning Policy Framework requires that account be taken of the desirability of sustaining and enhancing heritage assets such as conservation areas. It requires that great weight should be given to the assets conservation. It requires that any harm be weighed against the public benefit of the development. As I am satisfied that the proposal would generally sustain and conserve the conservation areas character and appearance and would not result in any significant harm, I do not find conflict with these requirements.
10. I have not found there to be any matters that weigh significantly against this proposal. As it would preserve the character and appearance of the conservation area, I allow the appeal.
11. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the

interests of proper planning. The Council have requested greater detail of the dormer and window joinery. I find the specific requirements of the Council to be too onerous but given the scale of the plans and the detail provided, I consider that further details would be necessary to ensure that the works would have a satisfactory appearance and character. I have imposed a condition requiring these details and details of any gutters and downpipes, for the same reason.

Peter Eggleton
INSPECTOR



Appeal Decision

Site visit made on 19 November 2012

by C Frost BSc(Hons) DipLD FLI CBIol MSB MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 November 2012

Appeal Ref: APP/F1040/D/12/2183012

145 Scropton Road, Hatton, DERBY, DE65 5DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Norris against the decision of South Derbyshire District Council.
 - The application Ref 9/2012/0596/FH was refused by notice dated 23 August 2012.
 - The development proposed is the formation of a vehicular access and driveway area.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect the development would have on the safety of highway users, including pedestrians and cyclists.

Reasons

3. The proposal would enable a front garden that is currently paved, to be used to park a car. However, the depth of the garden is shown as 4m with a width of 4.3m. As many cars are likely to exceed 4m in length, the use of this space for parking could well lead to obstruction of the footway, which would result in inconvenience and danger of pedestrians were forced out into the road. This seems likely as a car would only realistically be able to park at right angles to the highway, as shown on the submitted photograph. While a shorter car, such as that shown in the photograph, may be able to park clear of the footway, such a limitation on car ownership cannot be assumed.
4. In addition, the use of this space would necessitate reversing manoeuvres either into or out of the parking area and across the footway. Bearing in mind that this part of Scropton Road is used for parking, this limitation on visibility would heighten the dangers associated with this movement and this would be of concern for both pedestrians, cyclists and motorists.
5. The dangers that would be associated with this proposal suggest that planning permission should be withheld in the interests of highway safety. This is consistent with the National Planning Policy Framework (the Framework) which seeks to achieve safe and suitable access to sites. In coming to this conclusion, I am aware that some front gardens along Scropton Road are used for parking, although it is not clear whether any of these are authorised. In any event, the dangers that have been identified do not support the view that

this further access would adequately respect the need to protect the safety of highway users along this stretch of Scropton Road.

Chris Frost

Inspector