Item

1.4

Reg. No.

9/2004/1320/F

Applicant:

Mr W Granger 97 Woodville Road

Hartshome Swadlincote Derbyshire Agent:

Mr W Granger 97 Woodville Road

Hartshorne Swadlincote Derbyshire

Proposal:

The erection of a detached dwelling at Land Adjacent To 11

Heron Drive Woodville Swadlincote

Ward:

Woodville

Valid Date:

20/10/2004

This application is brought to committee on the instruction of Councillors Taylor and Isham.

## Site Description

This site forms part of the side and rear garden to 11 Heron Drive which is an end terrace house on the east side of the road.

### **Proposal**

It is proposed to erect a two bedroom detached house on the site which would be 4.4m wide by 8m deep by 5m to the eaves and 7m to the ridge. The rear garden at its longest point would be 11 metres. There would be sufficient space for the parking of one car in front of the house.

## Responses to Consultations

Woodville Parish Council objects on the following grounds;

- Filling another space with development although this is someone's garden
- Impacting on the amenity of the footpath
- It is recognised that this is a wildlife area.

The Highway Authority comments that whilst the proposal would result in a reduction in parking spaces overall, in view of current thinking on sustainable transport, including the change from minimum to maximum parking standards, refusal on such grounds would be difficult to sustain and based on the cul-de-sac location, it is not anticipated that approval of the proposal would compromise highway safety.

# Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3 and 4

Local Plan: Housing Policy 4 and 11 Emerging Local Plan: H1 and ENV21

# **Planning Considerations**

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

- Adequate space about dwellings to safeguard the amenities of neighbouring residents
- The appearance of the development within the streetscene

## Planning Assessment

This is previously developed land within the Swadlincote Development Boundary and therefore the proposal is acceptable in principle.

The proposal has been considered against the Councils supplementary planning guidance for housing layouts and is acceptable in this regard.

This is an appropriate use of surplus garden land and amounts to the infilling of a gap in an otherwise built up frontage with a dwelling that would be similar in appearance to neighbouring properties.

The land to the rear is a site on the Derbyshire Wildlife sites register, contains trees protected by a Tree Preservation Order and is the line of the former railway. However, this land is not part of the application site and it is not understood how it could impact upon it.

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:

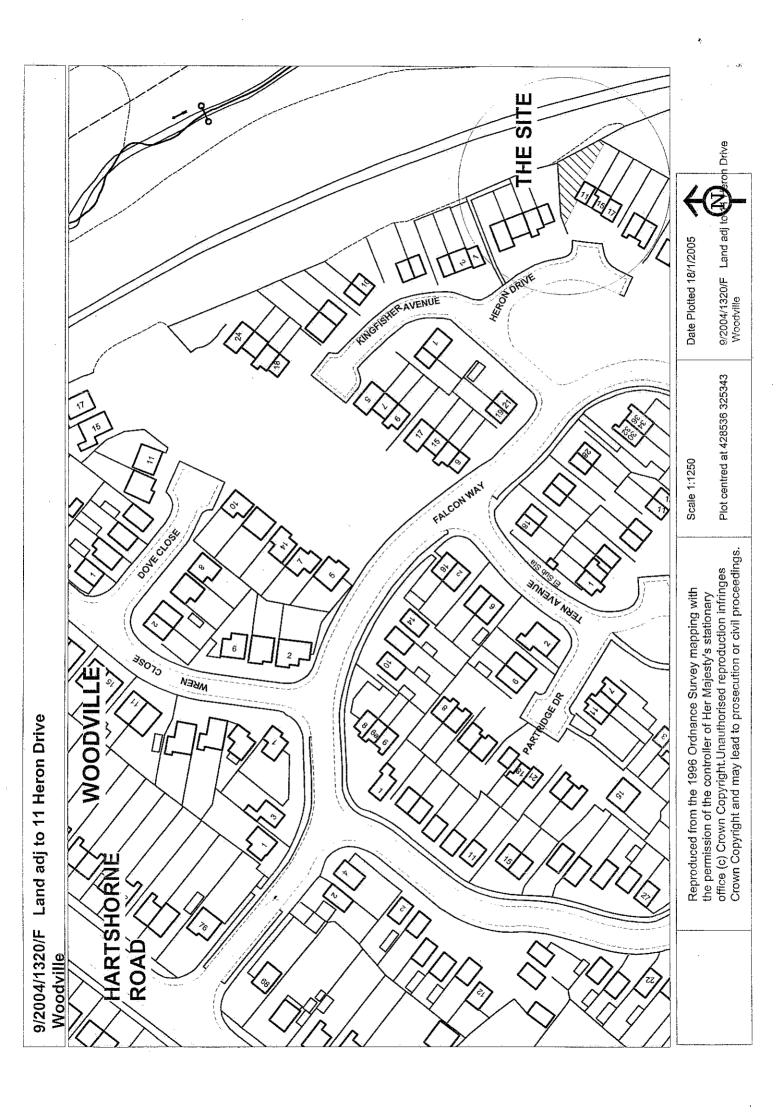
- 1. The development permitted shall be begun before the expiration of five years from the date of this permission.
  - Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
- 2. Prior to the occupation of the new dwelling, the entire site frontages of both dwellings shall be constructed as vehicle hardstanding and maintained as such in perpetuity.
  - Reason: To maximise off-street parking associated with both new and existing dwellings.
- 3. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.
  - Reason: To ensure the materials are acceptable to safeguard the appearance of the area.

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

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

### Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.



**Item** 

1.6

Reg. No.

9/2004/1450/O

Applicant:

Mr Gary Jesson

86 Commerce Street

Melbourne

Derby

**DE73 1FT** 

Agent:

Pilkington McPhee Partnership

Suite 3a North Mill

Bridgefoot

Belper

Derbyshire

**DE56 1YD** 

Proposal:

Outline application (all matters to be reserved except for

siting and means of access) for the erection of a dwelling and garage at Land Adjacent To 86 Commerce Street Melbourne

Derby

Ward:

Melbourne

Valid Date:

03/11/2004

### **Site Description**

The site lies towards the western end of Commerce Street and is part of the side garden to No 86. There are two new dwellings (82 & 84) immediately to the east of the site. The site level is approximately 800 mm lower than the ground level to No 84.

### **Proposal**

The proposal is in outline, with siting and access to be considered now. An indicative sketch shows a dwelling using the roof space to provide first floor accommodation. A low single storey wing is indicated to the front of the proposed dwelling, with the height increasing to 1 1/2 storeys at a distance of about 6 metres from the nearest habitable room window to No 84. The maximum eaves height would be 2.5 m relative to ground level at No 84.

The existing old garage/store adjacent to the frontage would be demolished. A new joint access, serving both No 86 and the proposed dwelling, would be formed at the eastern edge of the site frontage. The existing access adjacent to the Commerce Street/Cockshut Lane junction would be closed.

### Applicant's Supporting Information

The applicant confirms that the eaves to the new dwelling would be 2.5 metres high relative to the higher ground level at No 84.

## **Planning History**

The two new houses at Nos. 82 & 84 were built in the eastern half of the former side garden to No 86 (9/2000/1082/F).

# Responses to Consultations

The Parish Council has no objection.

Melbourne Civic Society objects as follows:

- a) Two new houses have already been built in the garden of the property. This proposal represents gross overdevelopment of the site and would result in the demolition of the Victorian outbuilding, which has real character and makes a positive contribution to the street scene.
- b) The development would be less than 4 metres from the neighbouring dwelling and would fail the tests set out in supplementary planning guidance.
- c) The proposed side dormer would look onto a blank wall at close quarters, contrary to supplementary planning guidance.
- d) The hard surfacing of the frontage would seriously detract from the street scene.

The Highway Authority has no objection subject to conditions.

### Responses to Publicity

A neighbour objects for the following reasons:

- a) Due to the close proximity of the proposed dwelling there would be overbearance and loss of privacy.
- b) The development would not be in keeping with the character of the area.
- c) The proposal would provide inadequate parking in an area where demand for on-street parking has exceeded availability.

### Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 3, Housing Policy 5 and

Transport Policy 15.

Local Plan: Housing Policies 5 & 11.

Emerging Local Plan: Policies H1, T9 and ENV21

## **Planning Considerations**

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

- The principle.
- Residential amenity.
- Impact on the general character of the area.
- Highway safety.

# Planning Assessment

The site lies within the boundary of a serviced settlement (as defined in the emerging local plan). As such development of the site would contribute to sustainability objectives. The principle of development would thus be in accord with the development plan.

Supplementary planning guidance seeks to ensure that two storey dwellings do not result in overlooking and overbearing to neighbours. The illustrative drawing indicates two potential sources of conflict with guidance. Firstly the lower portion of the new building would be within 4 metres of the dining room window to No 84 Commerce Street, whilst the higher part would be some 6 metres therefrom. Secondly the ground floor window to the new dwelling would be a similar distance from the dining room and bedroom windows to No 84. However the applicant's stated intention to keep the eaves level to a height of 2.5 metres relative to the ground level of No 84 would result in impact on that property comparable to a single storey building. Furthermore the existing screen wall and the difference in levels would ensure the retention of a high degree of privacy to the occupiers of No 84. The supplementary planning guidance acknowledges that differences in levels may result in appropriate adjustment to the distances. The guidance makes it clear that single storey buildings will be considered on their own merits. In the circumstances, with the proposal being akin to a single storey building relative to the habitable room windows of No 84, it is considered that the impact on the living conditions of the neighbours would be acceptable.

Whilst the existing outbuilding is of traditional design and materials it is nevertheless not a listed building, nor does it lie in a conservation area. Therefore there is no statutory protection for it. The narrow rectangular plan form of the proposed dwelling would lend itself to a traditional design approach and this could assume the character of a traditional outbuilding. A condition requiring appropriate screen walling, to restrict open views into the curtilage of the existing and proposed dwellings, would protect the character of the street frontage, although this would be secured at reserved matters stage.

On the advice of the Highway Authority there would be no demonstrable harm to highway safety interests

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

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

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

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

3. No development shall be commenced until the existing vehicular accesses have been permanently closed, including the reinstatement of footway and full kerbing, in accordance with a scheme first submitted to and approved by the Local Planning Authority, and the proposed access has been provided in accordance with the submitted plan.

Reason: In the interests of highway safety.

4. Prior to the first occupation of the dwelling the first 5m of the access shall be surfaced with a solid bound material and measures implemented as necessary to prevent the flow of surface water from the access onto the highway.

Reason: In the interests of highway safety.

5. The proposed dwelling shall not be occupied until the vehicle parking and turning space has been provided as shown on the attached plan. Thereafter the facilities shall be maintained free of any impediment to their designated use.

Reason: In the interests of highway safety.

6. The maximum height of the eaves relative to the ground level of the adjacent property No 84 Commerce Street at its rear main wall shall not exceed 2.5 metres.

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

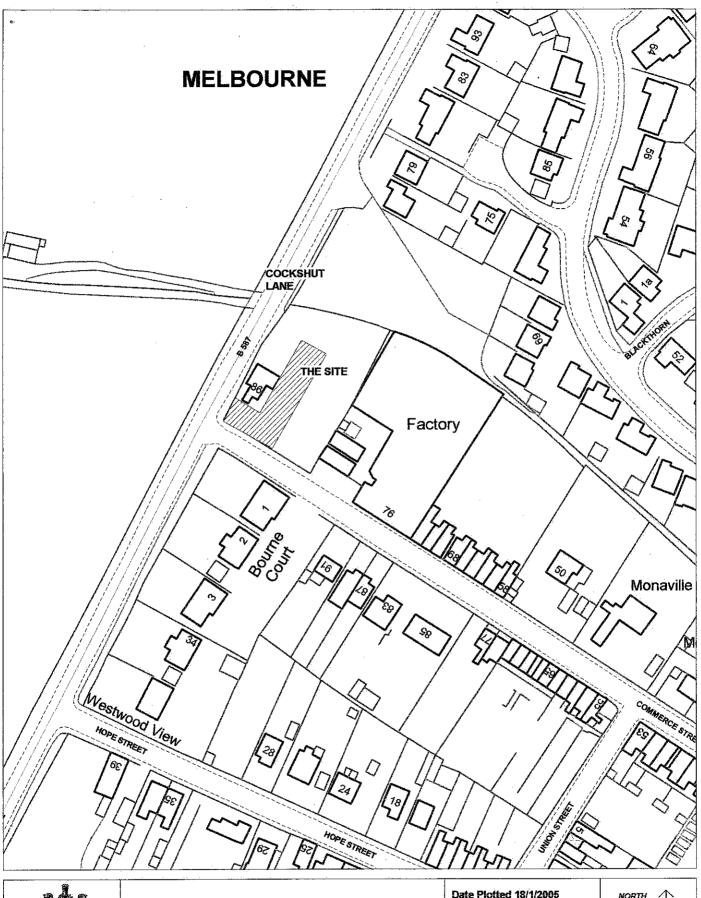
7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties.

### Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

Further to Condition 2 the Council will expect the design of the dwelling to reflect the local distinctiveness of the area in accord with Structure Plan Environment Policy 17 and Emerging Local Plan Policy ENV21.



<b>SAL</b>		Date Plotted 18/1/2005	NORTH 1
	9/2004/1450/O Land adj to 86 Commerce Street Melbourne		
South Derbyshire District Council		Plot centred at 428536 325343	Scale 1:1250
Civic Offices Civic Way			
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Item

1.7

Reg. No.

9/2004/1455/F

Applicant:

Mr H Wilkins 8 South Street Melbourne Derbyshire Agent:

Eric J Lee Pennside Penn Lane Melbourne

Derbyshire DE73 8EP

Proposal:

The conversion into two dwellings of outbuildings at 8 South

Street Melbourne Derby

Ward:

Melbourne

Valid Date:

04/11/2004

# **Site Description**

The site consists of an existing dwelling and a two-storey outbuilding, currently in use as a store for the applicant's business. Access to the site is from an existing gateway in Alma Street. The property is situated within the conservation area.

### **Proposal**

The applicant proposes to convert the outbuilding into two dwellings. The yard area would be shared with the existing house for the parking of vehicles. The access would be moved to a central position in a new boundary wall. It would be 3.2 m wide with a 2 metre high wall either side. The existing door in the side of the outbuilding would be sealed up.

### Applicants' supporting information

The applicant has supplied details of the vehicle movements associated with the existing business usage of the property.

## Responses to Consultations

The Parish Council has no objection.

Melbourne Civic Society has no objection subject to the following comments.

- a) The garage door should be replaced with a brick infill.
- b) Permitted development rights should be removed.

The Highway Authority expresses concern about the width of the proposed access and lack of driver/pedestrian intervisibility splays. It acknowledges that there would likely be an overall reduction in vehicle movements as a consequence of the cessation of commercial operations and there would be benefits in the closure of the other sub-standard accesses. However the authority is disappointed that a satisfactory and safe access would not be provided when the opportunity is available. In view of the lesser movements and closure of the other accesses it considers that highway objection to the grant of permission could not be sustained. The Highway Authority states that it should not be inferred that it regards the access arrangements as acceptable and points out that there is a clear potential for vehicle and pedestrian conflict.

#### Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 9, Housing Policy 5 and Transport Policy 15

Local Plan: Housing Policies 5 & 11 and Environment Policy 12

Emerging Local Plan: Policies ENV20 & 21, H1 and T9

# **Planning Considerations**

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

- The principle.
- Impact on the character and appearance of the conservation area.
- Highway safety.
- Residential amenity.

### Planning Assessment

This site lies within the boundary of a serviced village and the re-use of the building for residential development would be in accord with the locational policies of the development plan. As such the proposal would be in accord with sustainable development objectives.

The proposal wod involve minimal alteration to the existing building and would provide an opportunity to bring it into economic use, thereby securing investment in its restoration to the benefit of the conservation area. The retention of the door in the gable of the building, albeit sealed to prevent its use, would be an historic reference to its former use. The proposal to minimise the size of the opening in the boundary wall is highly desirable from the point of view of preserving the character of the conservation area. A larger opening would not achieve that objective.

The views of the Highway Authority are noted. However on the advice of that authority the development would not lead to a worsening of the safety issues at this site. Whilst an opportunity to improve the access would be lost it is considered that the importance of preserving the conservation area is of sufficient weight to set aside the opportunity to improve highway safety in this instance. On that basis the improvements with the applicant have not been pursued further. It remains the case that the Highway Authority feels it could not sustain a refusal on the basis of the submitted plans and supporting information.

One of the proposed bedroom windows would fail to meet supplementary planning guidance insofar as it would face a bedroom window to the neighbouring property at No 14 South Street. However that property is at a higher level and the extent of overlooking would be minimal. Supplementary planning guidance acknowledges that distances can be reduced in such circumstances, as appropriate.

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.
  - Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
- 2. No development shall be commenced until the existing vehicle accesses have been permanently closed, including the reinstatement of footway and full kerbing, in accordance with a scheme first submitted to and approved by the Local Planning Authority.
  - Reason: In the interests of highway safety.
- 3. Prior to the first occupation of the dwellling the first 5m of the access shall be surfaced with a solid bound material and measures implemented as necessary to prevent the flow of surface water onto the highway.
  - Reason: In the interests of highway safety.
- 4. Prior to the first occupation of any dwelling on the site the parking and turning areas shall be provided in accordance with the submitted plan. Thereafter the facilities shall be maintained free of any impediment to their designated use.
  - Reason: In the interests of highway safety.
- 5. No part of the development shall be carried out until samples of the facing materials to be used in the execution of the works have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the development hereby approved.
  - Reason: To safeguard the appearance of the existing building and the locality generally.
- 6. 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.
  - Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
- 7. The extent of repointing works shall be agreed in writing by the Local Planning Authority before any such works are commenced.
  - Reason: In the interests of the appearance of the building(s) and the character of the area.

Notwithstanding any details submitted the precise position, type and size of the proposed rooflight shall be submitted to and approved in writing by Local Planning Authority. The approved rooflight shall be fitted such that its outer face is flush with the plane of the roof, unless as may otherwise be agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building and the character of the area, and to prevent overlooking to neighbouring property.

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.

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.

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.

Reason: In the interests of the appearance of the building(s), and the character of the area.

Windows shall be single glazed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the locality generally.

- All works of alteration and making good of the existing fabric of the building(s) shall be carried out in matching reclaimed brick and plain clay tiles, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

  Reason: In the interests of the appearance of the building(s).
- 14. 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".

Reason: In the interests of the appearance of the building(s).

15. A sample panel of pointing 1 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.

Reason: In the interests of the appearance of the building(s) and the locality generally.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, 'the dwelling hereby permitted shall not be altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

17. The proposed access gates on to Alma Street shall be installed prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

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

18. No part of the development shall be carried out until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

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

19. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing received 2 December 2004, showing 8 pane windows, gates to the access, wall details and a rooflight.

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

20. Notwithstanding the particulars of the application, a drawing showing the west elevation of the building shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations. The development shall be implemented in accordance with the approved elevation.

Reason: For the avoidance of doubt.

21. The windows in the west wall of the building and those shown hatched on the attached plan 9/2004/1455/F shall be permanently glazed in obscure glass.

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

#### Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.



		Date Plotted 18/1/2005	NORTH 1
South Derbyshire	9/2004/1455/F 8 South Street Melbourne		
District Council		Plot centred at 428536 325343	Scale 1:1250
Civic Offices			
Civic Way			
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Item

1.5

Reg. No.

9/2004/1411/FH

Applicant:

Mr Mrs Newbold 17 Maple Drive

Aston on Trent Derby

**DE23 7QB** 

Agent:

Ian Williamson

21 Briar Gate

Long Eaton

Nottinghamshire

NG10 4BN

Proposal:

The erection of a first floor extension at 17 Maple Drive Aston

on Trent Derby

Ward:

Aston

Valid Date:

25/10/2004

## **Site Description**

The site is a detached house located within a residential area of mainly detached properties.

## Proposal

The application proposes the erection of a first floor extension over the existing attached garage.

# **Planning History**

The property lies within a residential development permitted in March 1997 on land forming part of the Aston Hall Hospital site.

There have been no previous alterations or extensions to the property.

### Responses to Consultations

None received.

### Responses to Publicity

None received.

# Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: n/a

Local Plan: HP13

Emerging Local Plan: ENV21

# **Planning Considerations**

The main issue central to the determination of this application is the impact of the proposed extension on the amenity of the occupiers of No 21 Maple Drive.

### Planning Assessment

No 19 Maple Drive is situated with the main rear aspect facing directly onto the relatively blank side elevation of No 17 where the proposed extension is to be situated. No 21 Maple drive has the same orientation but is inset towards No 17 overlooking the rear garden.

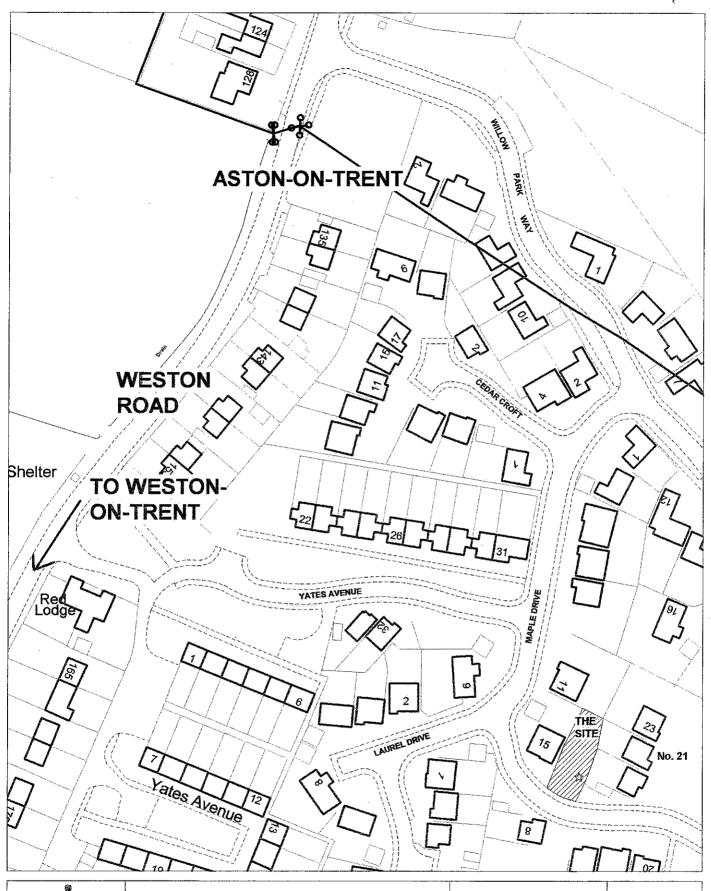
South Derbyshire Supplementary Planning Guidance – Extending your Home seeks to protect the windows in neighbouring dwellings from overshadowing by ensuring that two storey extensions do not breach the minimum distance requirement along a 45° line drawn from the centre of the nearest ground floor primary window of the neighbouring property.

The proposal meets the minimum distance requirement of 12 metres from a blank elevation to the main rear elevation of No 19. However, the rear corner of No 17 as extended would be only 10.5 metres at the nearest point when measured within a 45° radius from the centre of the rear dining room window of No 21. Technically, this constitutes a 1.5 metres shortfall in minimum standards. Notwithstanding this fact, due to the orientation of No 21 and the relationship with the remaining neighbouring properties, the affected dining room window has an otherwise uninterrupted outlook and therefore would not suffer any material loss of amenity. Accordingly, a case for refusal is considered insufficient.

#### Recommendation

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

- 1. The development permitted shall be begun before the expiration of five years from the date of this permission.
  - Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
- 2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.
  - Reason: To safeguard the appearance of the existing building and the locality generally.



		Date Plotted 18/1/2005	NORTH 1
South Derbyshire District Council Civic Offices Civic Way	9/2004/1411/FH 17 Maple Drive Aston-on-Trent	Plot centred at 428536 325343	Scale 1:1250
Swadlincote	Crown Copyright. All rights reserved. South Derbyshire District Council		License No LA 079375