

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

Informative:

(i) In order for the proposed road to be adopted as a public highway, you will need to enter an Agreement under Section 38 of the Highways Act. To qualify for adoption, the road should be designed and constructed in accordance with the County Council's Specification for Housing Development Roads, include street lighting proposals and a scheme for the disposal of highway surface water all for the approval of the Highway Authority.

Item **A7**

Reg. No. **9 2001 0899 F**

Applicant:
Peter Bradnam & Mary Holland
37, Valley Road
Overseal
Swadlincote
Derbyshire
DE126NL

Agent:
Peter Bradnam & Mary Holland
37, Valley Road
Overseal
Swadlincote
Derbyshire
DE126NL

Proposal: **The retention of a hay barn at 37 Valley Road Overseal
Swadlincote**

Ward: **Overseal**

Valid Date: **10/09/2001**

Site Description

The site of the building, the subject of this application, is located to the rear of the applicant's detached garage which, in turn, lies to the rear of his detached house.

The site itself is located outside the village framework for Overseal. However, the applicant's house is located within the framework.

The site is bounded on its' other three sides by open land.

Proposal

The applicant seeks consent to retain a detached timber building. It is understood that the barn is to be used for the storage of hay for the horses which occupy the adjoining paddock land to the rear.

The building is three metres in height.

Responses to Consultations

The Parish Council object to this application making the following comments:

- a. There is a history attached to this site. In 1990, a previous application was approved for a double garage, two-storey workshop and 2 stables, and members are concerned that this has still not been finished after all this time. This leads to an unattractive appearance to the site. The stables projected beyond the village envelope and strongly resemble a bungalow, which would not have been permitted. The present application is to retain a building which has been erected without planning approval in advance. The site chosen

is completely outside the village envelope, notwithstanding that there is sufficient room within the site to place it within the village envelope.

- b. The building is unattractive - an eyesore - adding to the poor appearance of the site.
- c. If, despite these objections, permission is granted, it should be for a temporary period for the submitted use only

The Environmental Health Manager and the Environment Agency have no objections.

Responses to Publicity

No neighbour letters have been received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 2.

Local Plan: Environment Policy 1 and 5.

Planning Considerations

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

- whether the application runs contrary to the provisions of the development plan, and,
- whether any harm would result from the retention of the building either to the area generally or neighbouring properties specifically.

Planning Assessment

The policies of the development plan allow for agricultural and other buildings to be erected in the countryside provided they are essential to a rural based activity, unavoidable in the countryside and sympathetic to their location. Where such buildings are allowed they should be designed and located to minimise its impact.

In this case the building is required for the storage of hay in support of a legitimate rural pursuit i.e. the stabling of horses. The fact that the stable is outside the village confines is not overriding therefore in this case. Therefore, in principle, the erection of the building is acceptable.

Additionally, the building is located in relatively close proximity to existing buildings and is adjacent to the applicants' garden. Thus the siting of the building complies with policy and ensures that the building is not unduly intrusive in the wider countryside.

There are residential properties nearby. However, they are distant from the building itself and so would not be adversely affected by it.

There are no records of an application having been received for the development referred to by the Parish Council. In any case, the buildings would now be immune from enforcement action due to the passage of time. The Council has no power to require the completion of a building. Notwithstanding these matters, the issues regarding previous developments on the site have no direct relevance to this case and cannot prejudice the determination of the application which has to be judged on its own merits.

As the building is a permanent construction a temporary permission would be inappropriate.

Recommendation

GRANT permission subject to the following conditions:

1. Notwithstanding the submitted details, the building shall be demolished unless within ninety days from the date of this permission , a scheme for the exterior decoration of the building has been submitted to the Local Planning Authority. The submitted scheme shall be approved in writing by the Local Planning Authority, if the scheme is acceptable, and within 28 days of written approval being given it shall be implemented in full and be retained as such thereafter.

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

Informative:

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

06/11/2001

Item **A8****Reg. No.** **9 2001 0906 D****Applicant:**

Mr S Butler
4 Ludgate Street
Tutbury
Staffs
DE139NG

Agent:

Darren Insley
Bi Design Architecture
First Floor Studio
79 High Street
Repton
Derbyshire
DE656GF

Proposal: **The erection of one detached house and one detached bungalow on Land Adjoining 30 Belfield Road Etwall Derby**

Ward: **Etwall**

Valid Date: **12/09/2001**

Site Description

The site is located within the village of Etwall and comprises a narrow elongated plot of irregular shape, served off Belfield Road.

The site is surrounded by other residential properties. There is a range of fence types along the western boundary, a hedge to the east and a variety of hedges around the Springfield Road dwellings that are to the rear of the site.

Access to the site would be from Belfield Road and a drive would run down the side of the dwelling on the Belfield Road frontage to the bungalow at the rear.

Proposal

The applicant seeks consent to erect two dwelling units on the land. A dwelling is proposed to the front of the site and a bungalow to the rear. The hedge on the eastern boundary is shown on the submitted drawing as being retained although half its width would be taken out to allow access to the rear plot. Details of the levels of the site and adjacent land have been submitted together with the finished floor levels of the proposed dwellings. These indicate that the dwelling would be at the same level or slightly below the adjacent dwellings. There is one exception to this, the finished floor level of the house would be about 0.6m higher than 30 Belfield Road. Precise details of the materials of construction have not been submitted nor have details of landscaping and boundary treatment.

Planning History

Planning permission for a dwelling on the Belfield Road frontage was granted some years ago. More recently, an appeal was allowed that granted outline planning permission for this type of

development. In granting the permission, the Inspector required that the dwelling at the rear of the site be single storey only and that the hedge on the eastern boundary be retained amongst other standard conditions.

Responses to Consultations

Etwall Parish Council objects because the dwelling to the rear is too close to the dwellings on Springfield Road.

The County Highways Authority has no objection subject to conditions recommended being attached or enforced under the outline planning permission.

Severn Trent Water has no objection.

Responses to Publicity

One letter has been received. The observations are as follows: -

- a) The hedge to the rear of the Elms Grove dwellings (to the east) should be retained.
- b) Provision should be made for adequate off street parking, if possible there should be a banning of on street parking because of the awkward nature of the access to the rear plot.
- c) There is concern that there should be no extension of the dwellings, in particular the upward extension of the bungalow.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

Planning Considerations

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

- Compliance with the Development Plan.
- The relation of the proposed dwelling to its surroundings and the effect on neighbouring properties.
- Highway safety.

Planning Assessment

The site is located within the confines of Etwall. Additionally, consent has been granted on appeal for the erection of two dwellings, one a house and one a bungalow, on the site. Therefore, the principle of the development has been accepted and the proposal accords with the policies of the development plan.

The relationship to adjacent original dwellings around the plot is acceptable and accords with the Council's Supplementary Planning Guidance. There is a two storey extension recently erected on one of the Springfield Road dwellings that backs onto the site. However, this faces the bungalow

and, as such, would not be adversely affected by it particularly as there is a significant hedge that would screen direct overlooking between the two units.

The access to the site was considered at appeal. It is acceptable.

Parking is to be made available within the site. It is not open to the Council to restrict on street parking by planning condition.

The boundary hedge is shown only partly to be retained. The need to provide access to the site may result in it being removed.

A condition imposed on the outline approval requiring details of boundary treatments to be agreed with the Local Planning Authority would result in an appropriate replacement should the hedge be removed.

Any extension of the bungalow upwards would require planning consent. It is not appropriate to otherwise remove permitted development rights as the site is sufficiently large to accommodate other permitted development without there being unacceptable impacts on adjoining residents.

Recommendation

GRANT permission without conditions.

Informative:

You are advised that the following details of the development remain to be submitted - materials of construction, means of enclosure, landscaping. You will also need to ensure compliance with conditions 6 - 9 of the outline planning permission. The above details should be submitted before the development is commenced.

06/11/2001

Item A9**Reg. No.** 9 2001 0919 F**Applicant:**

R & J Boddice
 2 Killwardby Mews
 Ashby De La Zouch
 Leics

Agent:

Peter Diffey & Associates
 Cotesbach Villa
 54 Woods Lane
 Stapenhill
 Burton On Trent
 DE15 9DB

Proposal: The erection of a detached dwelling on Land Off Cheviot
 Close Swadlincote

Ward: Gresley

Valid Date: 17/09/2001

Site Description

The site, the subject of this application, is adjacent to the retail premises operating off Hearthcote Road, Swadlincote. The site is located within the built up area and has residential units on its west and south sides.

The site is a strip of landscaping land which separates the bungalow to the west from the car park and neighbourhood shopping development to the east.

Proposal

The applicant seeks consent to erect a four bedroom detached house located adjoining the eastern flank of the bungalow. Vehicular access to the site would be from Cheviot Close.

An amendment recently received shows the house moved further towards Hearthcote Road in response to discussions regarding the Council's Space About Dwellings Supplementary Planning Guidance.

Applicants' supporting information

The applicants' agent states that the dwelling would not impact upon any neighbour's amenity, would not conflict with any Local Plan policies and that seven trees would be relocated on the site and that this should be possible due to their young age.

Planning History

Planning permission for the erection of two shops and two pairs of semi-detached houses was granted on this site as part of a larger area. The current application site was to incorporate the

end of a delivery turning area spur and part of the site's landscaping scheme to separate the customer car park from the bungalow to the west.

Responses to Consultations

The County Highway Authority has no objections subject to satisfactory visibility and parking provision. The County Highway Authority has also acknowledged the shortening of the turning spur on the adjoining shop development site (i.e. that it was never constructed to a length shown on the approved plans) but concedes that what has been constructed is adequate for the servicing of the site.

Severn Trent Water Limited has no objection.

Responses to Publicity

Three neighbours have objected to the scheme originally submitted for the following reasons:

- a. The house would create an overshadowing of the neighbouring bungalow.
- b. The house would overlook neighbouring properties causing a loss of privacy.
- c. The strip of land [the application site] should have been densely landscaped to obscure some of the buildings on the adjoining site but was only partially completed.
- d. Disturbances already emanate from the shop development; another property would result in more disturbance.
- e. The development would result in a loss of outlook from the dwelling opposite. The development would result in the loss of trees and shrubs recently planted.
- f. The amount of traffic would increase when the house is under construction and when the house is complete with less room to turn round and a driveway opposite may be impeded.
- g. The noise of the construction would be a problem to a neighbour who works night shifts.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3.

Local Plan: Housing Policies 4 and 11.

Supplementary Planning Guidance (SPG) Housing and Design.

Planning Considerations

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

- The acceptability of the development with regard to the provisions of the development plan.
- The impact of the development on the amenities of the occupiers of neighbouring properties

Planning Assessment

Development plan policies generally allows for new housing development of previously developed land in the urban area provided it complies with the guidelines for the separation of dwellings in the council's SPG.

In this case the site is classed as previously developed site. As such, residential development on it is acceptable in principle.

A further issue of principle is the current use of the site with regard to the development of the shops. The site was originally shown as a part of the turning area and the landscaping associated with the adjoining development. However, since the completion of the development the site has been fenced off from the car park and planted with a number of trees in accord with the approved landscaping scheme. The remainder of the land around the shop development has also been landscaped in accordance with the approved scheme and the turning area (albeit shorter than expected) completed. The County Highway Authority has confirmed that the turning area as constructed is satisfactory.

The landscaping area was required initially to provide a buffer between the customer car park and the bungalow to the west. However, the development of the site, if granted, with a house would have much the same effect and the submitted scheme shows all of the trees currently planted on the land replanted elsewhere on the site.

Therefore, the objective of the original landscaped area would be achieved and the trees planted on the site would be re-located elsewhere. Therefore, the new dwelling would not harm the objectives of conditions previously imposed on the mixed retail/residential development.

Although the bungalow that adjoins the site has a side window facing it, the nearest part of the property to the adjoining boundary is the bungalow's garage. Additionally, supplementary planning guidance does not require the protection of side windows in the same way that windows on main elevations would be protected. As such the single side window on the bungalow, which is set some 7 metres from the side of the proposed house, does not prevent the site from being developed. The rest of the main habitable rooms on the bungalow are located on the front and rear which would not be unduly affected.

The amended plans also ensure the required separation between the newer property to the south and the proposed house (which was shown too close in the original submission).

Therefore, in conclusion, the principle of development is acceptable and the reasons for the retention of the area open from development is maintained. There is no adverse impact on the amenity of neighbouring properties.

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 part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

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

3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. C422/1Rev.A.

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

4. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter three parking spaces, 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/garaging provision is available.

5. Notwithstanding the submitted details, the replanting of the trees on the site shall be carried out in the first planting season following the first occupation of the dwelling. Any of the trees that die or become diseased within five years of their relocation shall be replaced.

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

6. Before any other operations are commenced, a new vehicular access shall be created to Cheviot Close in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The area in advance of the sightlines being maintained in perpetuity clear of all obstructions greater than one metre in height relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety.

7. A hardstanding shall be surfaced with a solid bound material at a gradient no steeper than 1 in 15 and measures shall be implemented to prevent the flow of surface water onto the highway.

Reason: In the interests of highway safety.

8. 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.

9. The windows in the west wall of the building shall be permanently glazed in obscure glass.

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

10. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

Informative:

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

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

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

Item **A10**

Reg. No. **9 2001 0935 F**

Applicant:

Mr Mrs Timm
75, Burton Road
Repton
Derby
DE656FN

Agent:

Darren Insley
Bi Design Architecture
First Floor Studio
79 High Street
Repton
Derbyshire
DE656GF

Proposal: **The erection of a 2.4 metre high garden wall at Amazonica 75
Burton Road Repton Derby**

Ward: **Repton**

Valid Date: **19/09/2001**

Site Description

The site is located within countryside outside the framework of Repton. The dwelling on the site is isolated from other dwellings and set in large grounds. The gardens are heavily landscaped.

Proposal

The applicants' seek consent to enclose about a quarter of the garden with a 2.4 metre high brick wall, focussed on the main house and extending to the western boundary.

Applicant's Supporting Information

The wall will not result in the removal of the hedge on the boundary facing Newton Solney. It will be built inside the existing block wall and the hedge will be retained for screening.

Site History

Permission to extend the garden of the property was granted in 1992 (9/0292/0976/U) subject to a condition removing permitted development rights.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) There is concern about the height of the solid brick wall.
- b) A site visit should be made.
- c) The wall would spoil the open rural views to the village from Newton Solney.

- d) If permission is granted there should be suitable planting to soften the effect of the wall in places where it can be seen.

The Highway Authority has no comment.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4.

Local Plan: Environment Policy 1.

Planning Considerations

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

- The principle of development.
- The impact on the character and appearance of the countryside.
- Residential amenity.

Planning Assessment

The proposal would serve the lawful residential use of the site. As such it does not conflict with general policies for development outside settlements.

In the spacious landscape context of the site the wall would not have a harmful impact on the character of the locality. Its design would enable it to fit within the landscape of the grounds rather than to enclose its perimeters. The existing landscaping at the property would soften any views of the wall and its impact on the landscape would therefore not be substantial.

There would be no adverse impact on neighbours because they are set well way from the site.

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. A sample of the brick from which the wall would be built shall be submitted for approval in writing by the Local Planning Authority before work commences. The agreed materials shall then be used to construct the wall.

Reason: To ensure the wall is in keeping with its surrounding in the interest of the character and visual amenity of the area.