

29/05/2001

Item **B1****Reg. No.** **9 2001 0170 F****Applicant:**

Mr & Mrs Preston
1, Willow Drive
Newhall
Swadlincote
Derbyshire
DE110NW

Agent:

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Advanced Conservatories
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Proposal: **The erection of a conservatory at 1 Willow Drive Newhall
Swadlincote****Ward:** **Newhall****Valid Date:** **26/03/2001****Site Description**

This semi-detached house is on the south east corner of the junction of Willow Road and Larch Road, Newhall. There is an approximately 1.9m high rear boundary fence between this and the neighbouring property.

Proposal

It is proposed to erect a single storey rear extension, a conservatory, alongside the boundary with the neighbouring property, which would be 2.5m wide by 2.2m to the eaves and 3.2m to the ridge. The extension would be 3.6m long. The wall on the boundary to support the conservatory would be 2.3 metres high

The majority of the construction would be of glass contained within a UPVC frame apart from the boundary elevation which would be brick.

Planning History

A single storey rear extension exists from a planning permission granted in May 1987, which also abuts the boundary and extends some 2.3m from the rear of the dwelling.

Responses to Publicity

The neighbour objects to the proposal on the following grounds:

- a. Loss of light to dining room window.
- b. Not in character with nearby properties.

- c. Would be sited over foul drainage. [This is not a matter material to the determination of this application]
- d. Would be like a "Berlin Wall" outside the dining room window.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13: Residential Extensions.

Planning Considerations

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

- The overbearing effect and visual impact when viewed from the neighbouring property.
- Potential loss of light to the neighbour's dining room window.

Planning Assessment

The site is located within the built up area of Newhall. Therefore, the proposal is, in principle, acceptable.

The combined length of the existing and proposed extension along the common rear garden boundary would be some 5.7m. The neighbour's dining room window, the most affected window is approximately 0.5m from this side elevation.

The Council's supplementary planning guidance for house extensions advises that extensions should not overbear on neighbouring units and that single storey extensions on a semi-detached property projecting along a common boundary by a distance of up to 3 metres will be permissible. It also states that any additional length in single storey projections may be permitted where the extension is positioned away from a property boundary or where neighbours' habitable room windows are set significantly away from the boundary.

In this case, the extension is set on the boundary and would present a wall of at least 2.3 metres high for a distance of 5.7 metres from the rear of the house. The most affected neighbour's windows are set only marginally away from the boundary. Whilst it is acknowledged that the applicant could erect a boundary wall/fence up to 2 metres under permitted development the extension is on balance unacceptable as it would have an adverse impact on the amenity of the neighbour.

Recommendation

REFUSE permission on the following grounds:

1. The extension due to the extent of its rear projection in close proximity to the boundary would have an overbearing effect on the neighbours' dining room window resulting in an unacceptable loss of outlook for the occupiers of this property contrary to Housing Policy 13 of the Local Plan and the Supplementary Planning Guidance on House Extensions.

29/05/2001

Item B2**Reg. No.** 9 2001 0333 F**Applicant:**

Mr & Mrs G Harrison
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Agent:

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Proposal: The erection of a two storey front extension at 65 Park Road
Newhall Swadlincote**Ward:** Newhall**Valid Date:** 05/04/2001**Site Description**

This two storey detached dwelling is located on the east side of Park Road, Newhall. It is located between detached dwellings and is set back some 9m rear of the highway. The dwelling on its south western side is a bungalow.

Proposal

It is proposed to erect a two storey front extension, which would be 4m wide and have a height of 5.1m to the eaves and 7.1m to the ridge. It would extend 4.3m from the main front elevation. It would project 1.4m forward of an existing two storey bay fronted gable. A central lean-to porch would link the proposed extension to the bay fronted gable.

Responses to Publicity

The neighbour occupying the bungalow objects on the following grounds:

- a) The extension would overshadow their dining room and bedroom windows and in their view would contravene the 45 degree rule.
- b) The extension would have an overbearing effect on their property.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13.

Planning Considerations

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

- The impact on the living conditions of the neighbouring dwelling in terms of overshadowing and overbearance.
- The impact on the appearance of the dwelling and the character of the area

Planning Assessment

The property is located within the built up area of Newhall. Therefore, in principle an extension to the property is acceptable.

- The extension would project forward of the neighbours' main dining room window by 4.2m and would be some 3m from the centre of the window. The supplementary planning guidance on extensions advises that such a window is classed as a primary light source and that, where houses are staggered in relation to each other, it is important that one does not overbear on the other with primary windows being afforded particular protection. Thus an extension should not cross a 45 degree line drawn from the nearest habitable room window. In this case the extension would not comply with that guidance and the extension is therefore unacceptable.

In addition a main bedroom window would directly face the side elevation of the extension with a separation distance of some 8m. Whilst side facing windows are not generally afforded as much weight as other windows this relationship adds to the concerns there are over the relationship of the extension to the neighbouring property.

Supplementary guidance is also provided with respect to the appearance of extensions, which should be in keeping with the house and surroundings. Front elevations are generally considered to be the most sensitive to alteration and only small additions are generally acceptable. This is an unspoilt 1940s/50s property bearing many of the characteristics typical of that era, principally the tile hung projecting bay and gable. The extension reflects some of the design elements of the elevation but its overall scale, forward projection and unsympathetic detailing would unacceptably detract from the appearance and character of the house and thereby diminish the overall visual quality of the streetscene.

Recommendation

REFUSE permission for the following reasons:

1. The overall size and forward projection of the extension and its close proximity to the dining room window and bedroom window of the neighbouring bungalow would result in an overbearing effect which would unacceptably detract from the outlook presently enjoyed by the occupants of this property and would be contrary to Housing Policy 13 of the Local Plan and the Supplementary Planning Guidance on House Extensions.
2. The overall scale, forward projection and unsympathetic detailing of the extension would unacceptably detract from the appearance of the dwelling and thereby diminish the overall visual quality of the streetscene contrary to Housing Policy 13 of the Local Plan and the Supplementary Planning Guidance on House Extensions.

29/05/2001

Item B3**Reg. No.** 9 2001 0341 F**Applicant:**

Mr & Mrs R Dear
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Agent:

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Proposal: The conversion of garage to part of dwelling and erection of new garage at Elmtree House Duck Street Egginton Derby**Ward:** Hilton**Valid Date:** 06/04/2001**Site Description**

The site is located within the village confines of Egginton. The site is surrounded by dwelling houses with a bungalow immediately to the south of the proposed garage building and the garden to Ivy House Farm immediately north of the proposed garage.

The existing integral garage, for which consent is sought to convert it to part of the dwelling, occupies a location immediately to the rear of the roadside.

Land that is retained in the local plan for a replacement school lies to the east.

Proposal

The applicants seek consent to convert the existing garage at the front of the plot to additional living accommodation. The garage would be converted by the provision of forward projecting gables on each door opening. It is also proposed to erect a porch over the front door of the house.

A new triple garage would be erected at the rear (east boundary) of the site. There would be a projecting gable at first floor level. A brick shed would be attached to the southern end of the building. A personnel door at the north end of the garages would give access to a first floor where there would be a loft, workshop and store.

The overall height of the new garage would be 6 metres.

Applicants' supporting information

In response to concerns expressed by neighbours, the application has been amended to remove windows that were proposed in the end gables of the building. Light to the upper floor rooms

would now be from a window in the centre of the garage and from rooflights in the rear roof slope. Additionally, the building has been brought one metre forward away from the rear boundary of the property.

Planning History

The dwelling was first permitted in 1988. Permission for a garage extension and wall was approved in 1994.

Responses to Consultations

Egginton Parish Council has no objection.

The County Highways Authority has no comment.

Responses to Publicity

Two letters have been received objecting on the following grounds: -

- a) The structure has the potential to overlook adjoining dwellings in particular the side and front windows. It is also too close to the boundaries.
- b) The building is not in keeping with the area. It is too big and would overshadow gardens
- c) This building is intended to be used as a dwelling – it is contrary to the development plan

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Planning Considerations

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

- The impact on the character and appearance of the area
- The impact on neighbours
- Controls on the use of the building

Planning Assessment

The site is located within the confines of the village. Therefore, the principle of the proposal is acceptable.

As the garage, the subject of the conversion, currently exists, its conversion would have no detrimental impact either on the area or the amenity of adjoining residents.

The new garage building would be set close to the nearby bungalow on Old Forge Close and its associated garden. An amendment has been made to the application deleting the proposed windows from each end of the building. This would remove the potential for the overlooking of private amenity space next to the adjacent dwellings. Additionally, the gable window in the front

of the proposed garage building is at such an angle that any person in the workshop area would have no direct view into 1 Old Forge Close.

The new garage building is located to the rear of the applicants' property and lies in close proximity to the site boundary with an adjoining bungalow. There is no specific advice on this situation in the Council's Supplementary Planning Guidance, each case being determined on its own merits.

The garage is six metres in height to the apex of the roof. Whilst located to the north of the adjoining bungalow, thereby not affecting direct sunlight to the bungalow or its garden, it would occupy a location directly adjacent to the boundary. This would result in a high building being directly adjacent to the garden boundary and this would result in an overbearing impact on its neighbour. The case is, therefore, finely balanced. However, in this situation the relationship is not acceptable and the level of harm is sufficiently great to justify refusal of the application.

Ivy House Farm house would not suffer any overbearing or overlooking of habitable room windows arising from this proposal.

Recommendation

REFUSE permission for the following reasons:

1. The application is considered to be unacceptable as, by reason of its height and massing, the proposed garage would unacceptably overbear on the adjoining property and its garden area such that it would unacceptably affect the amenity of the occupiers of the property. It would, therefore, be contrary to the Housing Policy 13 of the South Derbyshire Local Plan.

