

Item **A02**

3/9/96

Reg.No. 9/0796/0272/F

Applicant:

Frederick Robert Eyre,
2 Shirley Park,
Aston on Trent,
Derbyshire.

Proposal The retention of a store on the southern flank of the outbuildings and a relocated access to Shardlow Road at 2 Shirley Park Aston on Trent

Dated 10th July, 1996

Ward : Aston

Site Description

The property is a corner plot. The garden contains a static caravan, in two parts, used for storage, and a range of outbuildings in blockwork and timber. There are also two touring caravans one of which the applicant has stated will be sold.

Proposal

The extension is attached to the range of outbuildings and is of timber construction, with a felted flat roof. The relocated access is some 5 m. to the ~~west~~^{east} of the pre-existing access onto Shardlow Road.

Applicant's Supporting Information

The applicant provides the following supporting information:

- a. A temporary extension to the workshop garage was constructed in 1994 with scaffold, plywood and covered with blue plastic sheet.
- b. In June 1995 it was decided to make the structure more presentable by the use of more substantial materials.
- c. The roadside wall was built in 1984/85.
- d. The original access was positioned so as to avoid trees.
- e. The trees were removed in 1991 because they were causing damage to the wall, a section of which subsequently collapsed.
- f. In May 1996 rebuilding of three sections of the wall commenced.
- g. The revised access position makes use of an existing dropped kerb.
- h. The width of the road outside the house (i.e. Shirley Park) is only 4.61 m which makes turning in difficult if vehicles are parked in the highway.
- i. The trees give off a resinous deposit which is difficult to remove from car windows and coachwork, necessitating all vehicles to be under cover, hence the reason for additional garage space.
- j. The removable panel to the access enables the mower to be taken out to maintain the grass verge.
- k. The applicant is 69 years old and is only trying to make maintenance tasks easier as age restricts work capacity.
- l. The revised access would obviate the need to uncouple the touring caravan, a procedure with which the applicant can no longer cope.
- m. The resiting of the access also enables the use of the existing dropped kerb rather than the slippery grass outer verge.

Responses to Consultations

The Parish Council objects on the grounds that the materials used are not in keeping with the property. A site visit should be made.

The Highways Authority has no objection on the basis of a pre-existing access onto Shardlow Road.

Responses to Publicity

A neighbour objects for the following reasons:

- a. The applicant has four caravans (two derelict), derelict cars and a workshop operating at night.
- b. The back garden is very untidy.
- c. A site inspection should be made prior to making any decision.

Structure/Local Plan Policies

None relevant.

Relevant Planning Considerations

The main issue in respect of the extension is visual amenity. The principal view of the building from the road is of the doors which are of makeshift appearance. The applicant has indicated that he would be willing to change these in order to improve the appearance of the building. In the context of the existing buildings on the site it is felt that the extension does not produce a demonstrably more harmful situation. It is considered that enforcement action would yield little or no environmental benefit. The rebuilt wall has been poorly executed but it is permitted development, being lower than 1 metre in height. It is the formation of the access which requires permission and reversion to its former position would not produce a more visually satisfactory result.

Notwithstanding the above considerations it is felt that the appearance of the extension would be substantially improved by more appropriately detailed doors. Furthermore the nature of the materials involved would make a permanent permission inappropriate. These issues could be dealt with by conditions.

Recommendation

GRANT Planning permission subject to the following conditions:

1. Insofar as the store extension is concerned, this permission shall be for a limited period only expiring on 30th September 2001 on or before which date the structure shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made for an extended period.
2. The garage doors shall be replaced with vertically boarded timber doors, the detail of which shall have previously been agreed in writing by the Local Planning Authority, within 3 months of the date of this permission.

Reason(s) for Condition(s):

1. The materials used in the extension are such that it is inappropriate to grant a permanent permission.
2. In the interests of the appearance of the area.

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Informative(s):

You are advised:

1. I2 - Supervision of access construction (Area Surveyor).
2. With regard to condition no. 2 above an appropriate detail is attached for information.

27/11/2001

APPEAL DISMISSED

Appeal by Mrs Renwick regarding the erection of a 40 bed residential care home on land forming part of O S Field 4732 Burton Road Repton Derby (9/2000/0918)

The application was refused permission for the following reason(s):

1. The application is considered unacceptable as the site lies outside the confines of Repton and Newton Solney, the nearest settlements, and the Council considers that the proposed development is not of a kind essential to a rural based activity, or unavoidable in the countryside. The development would therefore be contrary to the following policies: South Derbyshire Local Plan Environment Policy 1; Derbyshire Structure Plan General Development Strategy Policy 4; and Derby and Derbyshire Joint Structure Plan (Deposit Version) General Development Strategy Policy 5.

2. The development would result in an unwarranted and prominent intrusion into open countryside to the detriment of the rural character and appearance of the area.

The inspector considered the main issue to be the effect of the proposal on the character and appearance of the area.

She noted that the site was some 565 metres from the edge of the defined village confine and concluded that it was therefore not well related to the settlement of Repton and the development would not respect patterns of open land between settlements. The site clearly formed part of the open countryside in the inspector's opinion.

The inspector noted existing screening from trees and hedgerows but referred to the fact that the cover would diminish in the winter months by loss of leaf. In any event the large building would be very prominent and hard surfaces would add to the urbanising effect.

Referring to the appellant's contention that there was a local demand for the development the inspector held the view that this did not demonstrate that a local need would be satisfied. She felt that the catchment chosen by the appellant was an artificial construct, and the wards of Newton Solney, Hartshorne and Ticknall would likely to be provided for in the urban area. In any event the inspector felt that there was no substantive evidence to support the contention that demand would best be satisfied in the location where it arises.

Because of the remoteness of the site and limited bus services the proposal would likely generate more car journeys and would have substantial disadvantages in terms of sustainability.

Accordingly, the appeal was dismissed.

27/11/2001

APPEAL DISMISSED

Appeal by Mr Chapman regarding an outline application (all matters except access to be reserved) for the erection of a detached dwelling and garage on land forming part of the garden of Willow Farm Cottage Main Street Rosliston Swadlincote (9/2001/0075)

The application was refused permission for the following reason:

1. The proposed application site access is via an unmade track off a private drive. The County Highways Authority's policy document 'Roads in Housing' recommends that no more than five dwellings be served off a private drive. At this location the number has already been exceeded and any further increase in the number of dwellings served by the private access would be unacceptable in terms of highway safety. Furthermore, acceptance of the proposal could establish a precedent for further development served by this unsuitable means of access.

The Inspector considered the main issue to be whether or not the proposed access arrangements would be satisfactory.

The inspector considered that the appeal site lay within the confines of Rosliston and Housing Policy 5 supported infill development, subject to other considerations such as access.

The Highway Authority at the appeal took the view that the proposed access would not be satisfactory for a number of reasons. These included that a tarmac unadopted section of road narrows to a pinch point with a width of some 3 metres, and that a gravel track, particularly where it passes between houses, also has a restricted width of a little over 3 metres.

The appellant accepted that the widths were below that at which two cars could pass one another. However, he argued that the pinch point on the tarmac section is a sufficient distance, at some 13 metres, from the junction with Main Street, to ensure that no vehicles would need to wait on or reverse onto the main carriageway. As for the gravel track, it was argued that speeds would be expected to be so low that there would not in practice be any real danger.

In the Inspector's view there were a number of considerations concerning the particular part of the access, where the gravel track meets the tarmac road, that combine to make it unsatisfactory and unsuitable to serve an additional dwelling. Vehicles entering or leaving the gravel track pass between buildings little more than 3 metres apart with extremely limited visibility to see vehicles approaching the opposite way beyond the junction of the track with the tarmac road. At this same point, there are doors to the houses and garages to either side that open onto the track with very limited forecourt space. There is no pavement or protection for pedestrians along the track or on the tarmac road. The junction of the track and the tarmac road is only a few metres from the narrowest part of the tarmac road, and so any vehicle seeking to enter the track that needs to back away to allow another vehicle out would be reversing into this narrow pinch point. Although the inspector agreed that vehicle speeds would generally be expected to be low, he concluded that the existing situation is dangerous, and that the traffic movements from an additional dwelling here would unacceptably add to that danger.

A further concern for the Highway Authority was that it would not be possible to provide turning facilities along the gravel track for service vehicles and refuse collection vehicles.

The inspector did not accept that this was so fundamental an objection to withhold permission on its own.

The Highway Authority's concerns at the lack of turning facilities and whether or not the lighting and drainage in the unadopted road would stay maintained to an acceptable standard were not matters which the Inspector considered the decision should turn on.

The Highway Authority also placed great importance on its guidance document, "Roads in Housing", seeking to reflect the advice in DB32 that no more than 5 dwellings should be served by a shared driveway. It was argued that this limit should be applied as a matter of principle, and that failure to do so would set a precedent for other instances where more than 5 dwelling may be proposed on a shared private drive. However, the Inspector considered that each case must be judged on its own merits and should be applied alongside a consideration of whether or not there would be harm in any particular proposal, and he considered that the harm from this proposal is clear.

With regard to sustainability, reference was made to an appeal decision for a proposed development of 5 houses on a site at the northern edge of Rosliston, where the Inspector concluded that residential development on this site would not be sustainable.

The Inspector considered Rosliston to be a sizeable village, with a Church, a primary school, a village hall, a doctor's surgery, a shop and post office, a garage and two public houses. There is a bus service through the village, although this would provide limited commuter facilities for people to reach nearby employment centres by a means other than the car. Nevertheless, he considered that the facilities in Rosliston are reasonable to meet local community needs, and that it would be difficult to justify the refusal of one single dwelling within the deemed confines of the village on the grounds that it would run seriously counter to sustainability objectives.

In conclusion, the Inspector considered that the access deficiencies were sufficient to outweigh other considerations in this particular case and therefore dismissed the appeal.

27/11/2001

APPEAL DISMISSED

Appeal by Primelight Advertising Ltd concerning the display of two single sided free standing illuminated advertising display units at The Cottage Filling Station Swarkestone Road Swarkestone Derby (9/2001/0581)

The application was refused permission for the following reason:

1. The site is located in open countryside and there are no similar signs in the locality. The signs would be detrimental to the visual and public amenity of the locality, because of their siting, design and size, and being unrelated to the premises at which they would be displayed.

The inspector considered the main issue to be the visual impact of the signs on the character of the area.

He noted the wholly rural setting of the premises and that the adverts would be seen against a background of open fields within the conservation area. Whilst the signs would be seen in the context of a commercial activity within the petrol filling station site they would considerably increase the commercial profile of the premises. Therefore, the inspector concluded that their presence would be to the detriment of the rural setting in general and the character of the conservation area in particular, especially in hours of darkness when the illuminated units would be strident features in this unlit setting.

The appeal was dismissed.