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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/0676**) which was valid on the 18 September 2020 for permission for **Replacement of existing windows and doors at The Stables Lane End Farm Jarveys Lane**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **REFUSED for the following reasons:**

Reasons

1. Policy EN27 of the Local Plan states planning permission will only be granted for development proposals within and adjacent to Conservation Areas, as shown on the Proposals Map, if they would contribute to the preservation or enhancement of the Conservation Area. Special consideration will also be given to proposals for development adjacent to and affecting the setting of a Conservation Area.

   Saved policy LS3 of the Amber Valley Borough Local Plan 2006 states that development will only be permitted where proposals respect the character of the locality in terms of the scale and nature of development, its layout, density, height, massing, architectural style, materials and landscaping.

Date : 22 February 2021

Signed

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The Supplementary Planning Document for Listed Buildings in Conservation Areas states that if the windows and doors are original or are long established and appropriate type, any replacement will only be accepted in these cases where the window or door is beyond repair. In those cases where replacement is justified, the repairs must match the original in all respects. It continues that the use of double-glazed windows is not acceptable, as this requires features such as inappropriate thick glazing bars and frames can be created to accommodate the units. Although using double glazed windows may remove visible signs of condensation, it does not remove it.

The Supplementary Planning Document for New Residential Development, at para. 11.4 requires that All new and replacement windows and doors shall match the existing type as far as possible. If the window or door to be replaced is not of the original type installed in the building, then every effort should be made to reinstate the original type.

The proposal seeks to replace all the existing windows, some with wooden boards below, all the doors including the existing French doors from single glaze wooden windows and doors to double glazed uPVC in clotted cream colour.

The proposed materials are inappropriate and there are significant deficiencies of information to enable the Local Planning Authority to make an informed judgement.

The harm identified would fail to meet the environmental objective of sustainability contrary to paragraph 8 of the NPPF and this harm provides a clear reason to refuse the proposal in accordance with paragraph 11 d) i of the NPPF. As such the application is recommended for refusal

The proposal fails to comply with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF, EN27 and LS3 of Amber Valley Local Plan 2006 and the SPD for Residential Development and Listed Buildings and Conservation Areas and consequently is unacceptable.

Date : 22 February 2021 Signed



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Notes
Attention is drawn to the attached notes:

In detail:

The processing of this planning application has been undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF). Dialogue between the applicant and Local Planning Authority has been undertaken to try and address the issues associated with the proposal. This includes the request for amended plans/additional information and allowing a delay in the determination of the application to give the applicant the opportunity to address the concerns, however, the issues have failed to be resolved.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within twelve weeks of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
3. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
4. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
5. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House,
   2 The Square
   Temple Quay
   Bristol
   BS1 6PN
   (Tel. No. 0117 372 8000)
   www.planning-inspectorate.gov.uk

6. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
7. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
8. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
9. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
10. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.**