

AMBER VALLEY BOROUGH COUNCIL

PLANNING AND REGENERATION DEVELOPMENT MANAGEMENT

PLANNING APPLICATION RECOMMENDATION



Date: 29 July 2021

Code No. : AVA/2021/0505 (LSP)
File No. : PP-09799009
Valid Date : 6 May 2021

Parish : Kirk Langley CP
Ward : South West Parishes

Proposal First floor rear extension, dormer windows to front elevation, extension to existing garage and proposed new garage structure and cladding of central porch
Location Twenty Acres Farm Riddings Lane Dalbury Lees
Applicant Mr Shepard
Agent Mr Richard Giles-Grant A&I Designs 3 Thompson Close Mickleover

RECOMMENDATION

APPROVE subject to the conditions set out in Appendix 1:

REASON FOR RECOMMENDATION

"In making this recommendation account has been taken of all material planning considerations arising from the views of statutory and other consultees and public representations about the application, the Council's Strategic Objectives, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006. The Kirk Langley Neighbourhood Plan applies:"

H12 - Design and amenity considerations - Adopted Amber Valley Local Plan 2006

LS3 - Design - Adopted Amber Valley Local Plan 2006

H5 - Housing development outside settlements - Adopted Amber Valley Local Plan 2006

TP1 - Impact on the Transport Network - Adopted Amber Valley Local Plan 2006

TP6 - Parking - Adopted Amber Valley Local Plan 2006

Justifications In detail:

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to privacy, amenity, sunlight/daylight, character and design, landscape or heritage features and highway safety.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

ANALYSIS

DELEGATED REPORT

Valid Date: 06.05.2021

Expiry Date: 09.08.2021

Planning Application Ref.	AVA/2021/0505
Proposal description	First floor rear extension, dormer windows to front elevation, extension to existing garage and proposed new garage structure and cladding of central porch
Location	Twenty Acres Farm Riddings Lane Dalbury Lees
Recommendation	Approval
Policy Considerations	Having regard to Section 38(6) Planning and Compulsory Purchase Act 2004. The main policy considerations are as follows: <u>Adopted Amber Valley Borough Local Plan</u> (Saved policies) H12 – Design and amenity considerations LS3 – Design H5 – Housing outside settlement TP1 – Transport TP6 – Parking <u>National Planning Policy Framework</u> Part 9 - Transport Part 12 – Design <u>Supplementary Planning Documents</u> SPD – Residential Development <u>Kirk Langley Neighbourhood Plan</u> HOUS5 – Housing Design ENV2 – Landscape and Views
Relevant Planning History	None
Summary of Consultation Responses and Public Representations	Parish Council – Objections as the proposal is contrary for the Neighbourhood Plan HOUS 5. It is not subservient in height, it is not in scale and character with the existing, inappropriate use of materials. The proposal does not recognise the landscape of the area as per policy ENV2 of the

	neighbourhood Plan. DCC Highways – No objections subject to all remaining private and ancillary Neighbouring properties have been consulted but no representations have been made.
EIA Screening	The proposal is not 'Schedule 2 development' within the meaning of that term set out by Schedule 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, because it is not an urban development project that exceeds 5 hectares in area. Consequently, the selection criteria set out by Schedule 3 to the aforementioned regulations do not apply in this case.
Summary	Principle of Development The application site is located within a small group of dwellings within the area of Dalbury Lees and comprises of a detached 2 storey dwelling house. This application has been amended since its submission and now seeks permission for a first-floor rear extension, roof lights to front elevation, cladding of the front central porch, and an extension to existing garage to be used as an office, study and gym and a proposed new garage structure. The site is located in the countryside outside the built framework and therefore saved policy H5 of the Adopted Amber Valley Borough Local Plan is applicable. The NPPF para 219 states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies to the plan to the policies in the Framework, the greater the weight that may be given.). <u>Principle of Development</u> Saved policy H5 of the Amber Valley Local Plan 2006 states that outside the built framework of settlements, planning permission will be granted for extensions to existing dwellings, provided this would not result in a significant change to the scale or character of the dwelling and its surroundings. A recent planning appeal decision notice, Appeal Ref: APP/M1005/D/19/3238201 refers, the Planning Inspector concluded that H5 of Amber Valley Local Plan 2006 is not consistent with the NPPF and on this basis limited weight can be given to H5. On this basis the tilted balance in favour of sustainable development is engaged. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development where there is an up-to-date development plan. In this case it is considered that the policies are out of date and therefore part d of paragraph 11 is applicable. d) where there is no relevant development plan policies, or the policies

	which are most important for determining the application are out of date, granting permission unless i. the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole. Twenty Acres Farm is an existing residential property with a domestic curtilage covering a significant area. The proposal shows extensions to the main house and garage, out buildings and a new garage building all of which are within the existing domestic curtilage of the dwelling, therefore on brownfield land. The proposals are considered to be in scale and character and with the existing dwelling in terms of matching design and materials, and although would create significant additional accommodation, the main extension which is now amended showing a reduction in height of 20 cm and additional windows to the sides to break up the elevations would not detract from the dwelling. Extensions proposed within the curtilage are single storey and given the spacious site would not appear dominant from outside of the site, nor would they constitute overdevelopment. The proposal therefore on balance complies with saved policy H5 of the Adopted Local Plan. However, having regard to the Inspector's decision, the policy is out of date. The Kirk Langley Neighbourhood Plan with the Adopted Amber Valley Borough Local Plan 2006, makes up the development plan. In this case policies HOUS5 and ENV2 in the made Kirk Langley Neighbourhood Plan are relevant which seek high design quality in new developments and to recognise, protect and enhance the historic landscape and local character. enhancement and protection of the landscapes. Full weight is given to the neighbourhood policies. Policy HOUS 5 (2) of the Neighbourhood Plan states that to be supported extensions to dwellings must be subservient to the existing building in scale and proportion and must complement its design". "Proposals should demonstrate how they have retained existing landscape features and access and parking arrangements must reflect the rural setting and the landscape quality surrounding the site." Policy ENV2 of the Neighbourhood Plan states to be supported development proposals must demonstrate how they recognise, protect and enhance the historic landscape and local character. The open rural "feel" and those vistas identified on Figure 33, and described in Appendix 8, must be protected." The size, height and materials proposed for the extension do not recognise, protect and enhance the historic landscape and local character.
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The proposal which has been amended shows a design which is subservient in height the overall height has been reduced and the detailing of the bargeboards has been replicated, and additional windows have been placed in the side and end elevations to break up the form and bulk of the extension. The amended scheme is considered in scale and proportion to the main dwelling and its siting. It is therefore considered that the proposal is compliant to the neighbourhood plan policy HOUS 5.

The design of the proposal shows consideration for its setting and rural location by using timber cladding which is natural in appearance set against existing mature hedgerows and trees which are to be retained. The reduction in height is subservient in appearance with other structures single storey in height screened by the existing vegetation on site. Additional landscaping has been considered but as the main proposal is for a 2 storey element it is considered that any such additional landscaping would not effectively screen the 2 storey element. The use of natural timber cladding is proposed which is considered to be appropriate for the setting of the site and with the backdrop of the rural landscape. Overall it is considered over all that the proposal meets the requirements of policy ENV2 of the Kirk Langley Neighbourhood Plan.

The Kirk Langley Neighbourhood Plan is recent and up to date this forms only part of the development plan and on the basis that one of the most important policies of the Amber Valley Borough Local Plan 2006 for determining the application is out of date and therefore a presumption of sustainable development is engaged as per para 11 d above

Visual Amenity

Saved policy LS3 and H12 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. This is consistent with part 12 of the NPPF in terms of its emphasis for good design and therefore can be afforded full weight in the decision-making process in accordance with paragraph 219 of the NPPF.

The proposal shows the cladding of the entrance area to the front elevation. The existing canopy porch is to be removed.

The front elevation also shows 2 roof lights in the main roof plane allowing additional light into the second-floor bedrooms.

The proposal also shows the construction of a first-floor extension to the rear of the site which has been designed to show subordination in height using modern timber cladding which separates the original dwelling from the new. The rear extension measures 6.5 metres wide by 10.4 metres in length, the eaves height is 6.8 metres, and the ridge height is 7.5 metres.

The proposal also shows an extension to join the 2 existing detached garages to make an office, study and gym. The garages are single storey and are proposed to be joined together with cladding to match the main house. The garage proposal extension measures 4.7 metres wide by 4.75 metres in length, the eaves height is 2.4 metres, and the ridge height is 3.5 metres to match the existing garages.

A new garage is to be constructed further into the site in the corner of the west boundary. The new garage construction is to be 6.5 metres wide by 5.8 metres in length, with an eaves height of 2.95 and a ridge height of 3.9 metres. The garage is to be constructed from cladding and slate tiles. The design of the garage shows a main enclosed parking area and an open area to the side forming a carport.

The proposal also shows cladding of the rear entrance porch area to match the main cladding proposed on the house.

The shed structure is to have a front entrance door and roof light and the child's playhouse is to have a front entrance door and window also to the front. There are no side windows proposed.

The 2 structures are to be constructed from block with smooth render with Marley concrete tiles and UPVC windows and doors.

Given that the main house is set back from the road by 46 metres and is well screened with existing trees and hedge rows, it is considered that there will be no significant visual impact on the existing street scene.

Given the positioning of the dwelling, it is considered the proposal will not raise any issues in terms of visual amenity therefore complies with saved policy LS3 of the Amber Valley Borough Local Plan 2006.

Residential Amenity

Consideration has been given to the impact upon residential amenity in accordance with one of the planning principles of the NPPF, which seeks to secure a high standard of amenity for all existing and future occupiers of land buildings.

Saved policy H12 of the Amber Valley Borough Local Plan 2006 states that when considering applications for housing development, the Borough Council will require that the proposals, amongst others, are in scale and character with their surroundings and do not unduly affect the amenities or privacy of adjoining or adjacent properties, including through loss of light, overshadowing or overlooking. This is consistent with part 12 of the NPPF in terms of its emphasis for good design and protecting residential amenity and therefore can be afforded full weight in the decision-making process in accordance with paragraph 219 of the NPPF.

The proposals sit in the main domestic curtilage of the dwelling house

approximately 45 metres away from the main highway.

The nearest neighbours are Nuns Clough, Stable Barn and Long barn all of which sit to the north of the site.

Nuns Clough is the nearest sharing the north boundary of the site. On the north boundary is where the existing garages are and to the north west corner is where the new single storey garage is to be erected.

Given the location of the proposals and that the extensions to the existing garages and proposed new garage will be single storey in height with no windows facing Nuns Clough, it is considered that there will be no residential impact in terms of loss of light, privacy or amenity to the neighbouring properties.

The main alterations and extensions to the main farmhouse are 23 metres away from the northern boundary and will therefore have no impact on the neighbouring properties in terms of loss of light, overlooking loss of privacy or amenity.

As the proposal will not raise any issues in terms of loss of light or privacy for the neighbouring properties it is considered the proposal complies with the SPD for Residential Development and complies with saved policy H12 of the Amber Valley Borough Local Plan 2006.

Highways

Consideration has been given to the impact upon highway safety.

Saved policy TP1 states that when considering development proposals, the Borough Council will require that satisfactory access can be obtained to the transport network and any additional traffic movements that are likely to be generated by the development can be satisfactory accommodated on the transport network. This policy is considered consistent with policies contained in Part 9 of the NPPF and therefore can be given weight in the determination of this application in accordance with paragraph 219 of the NPPF.

Derbyshire County Council have raised no objections to the proposal subject to the uses remaining private and ancillary to the main house.

It is considered that the proposal meets the requirements of the highway authority and is therefore in accordance to saved policies TP1 and TP6 of the Adopted Local Plan and part 9 of the NPPF.

Other

The parish council have raised objections to the original scheme stating that the proposals are not in keeping with the dwelling or its surroundings, and

	that the proposals were not subordinate in height and materials were not appropriate in the countryside. Consideration has been given to the points raised and amended plans have been sought to address some of the issues raised. The Parish council made no further representations on the amended scheme. The construction material of cladding in this case is considered appropriate as the cladding to be left untreated giving a natural appearance which is considered appropriate in the countryside adding to the natural appearance. Conclusion It is concluded that the proposal meets the objectives of sustainable development in social, environmental and economic terms. iii. This proposal complies with paragraph 11 d) ii of the NPPF, Since there are no adverse impacts of approving the development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole. A recommendation of approval is therefore put forward with conditions.
Recommendation	Approval

Reason If Out of Time
N/A

	Signed	Dated
Case Officer		29.07.2021
Principal Officer		

Planning Manager		30/07/21
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Appendix 1

Conditions/Reasons:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out only in accordance with the details and specifications shown on drawings 2179-006 x and 2179-005 received 06.05.2021, amended drawings 2179-007 B, door details and 2179-004 C received on 06.07.2021 and amended layout plan 2179-003 C received 28.07.2021.

Reason : To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

- 3 The garage/carport hereby permitted shall not be used for the storage of vehicles other than private motor vehicles, and no trade or business shall be carried out therefrom (i.e. to be used for domestic purposes only).

Reason : To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

- 4 The hereby permitted garage extension to form a studio, office and gym shall remain private and ancillary to the main dwelling house, and no trade or business shall be carried out therefrom (i.e. to be used for domestic purposes only).

Reason : To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes :

Electronic File/Back Office Disclaimer:

I confirm as case officer that the Uniform back office reflects accurately all data that has been used/processed/analysed during the lifespan of the case now a planning recommendation has been made.

I confirm as case officer that all associated case documentation has been scanned and indexed to Civica and the paper file can be destroyed

Officer Signature:



Date: 29.07.2021

I confirm as case administrator that the Officer's recommendation and Manager's sign-off, and decision notice will be scanned and indexed into Civica.

Admin Officer Signature:

Date: 30.07.21

