AMBER VALLEY BOROUGH COUNCIL

PLANNING AND REGENERATION
DEVELOPMENT MANAGEMENT

PLANNING APPLICATION RECOMMENDATION

Date: 27 October 2022

Code No.	**: AVA/2022/0669 (HEATHW)**	**Parish**	**: Duffield CP**
File No.	**: PP-11423570**	**Ward**	**: Duffield**
Valid Date	**: 26 July 2022**		

Proposal	**Remodelling and extension work to existing house. Front/side extension to create garage with accommodation over, and additional GF ancillary space and FF bedroom extension. Rear GF extension to create garden room. Demolition of existing garage to side.**
Location	**60 Broadway Duffield Belper**
Applicant	**Mr and Mrs Bowyer**
Agent	**Mrs Elizabeth Rhodes Swain Architecture Ltd Mohan Business Centre Tamworth Road**

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.

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

LS3 - Design - Amber Valley Borough Council Local Plan - Adopted Amber Valley Local Plan 2006

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

TP6 - Parking - Amber Valley Borough Council Local Plan - Adopted Amber Valley Local Plan 2006

EN18 - Derelict, Unstable And Contaminated Land - Amber Valley Borough Council Local Plan - 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: 26th July 2022 Expiry Date: 4th November 2022

Planning Application Ref.	AVA/2022/0669
Proposal description	Remodelling and extension work to existing house. Front/side extension to create garage with accommodation over, and additional GF ancillary space and FF bedroom extension. Rear GF extension to create garden room. Demolition of existing garage to side.
Location	60 Broadway Duffield Belper
Recommendation	Approval
Policy Considerations	Having regard to Section 38(6) Planning and Compulsory Purchase Act 2004. The main policy considerations are as follows: **Adopted Amber Valley Borough Local Plan** (Saved policies) H12 – Design and amenity considerations LS3 – Design TP1- Impact on the Transport Network TP6- Parking EN18- Derelict, Unstable and Contaminated Land **National Planning Policy Framework** Part 9- Promoting Sustainable Transport Part 12 – Design Part 15- Conserving and Enhancing the Natural Environment **Supplementary Planning Documents** SPD – Residential Development
Relevant Planning History	No relevant planning history
Summary of Consultation Responses and Public Representations	**Parish Council –** No comments received **DCC Highways-** No objections subject to applicant formally closing redundant vehicular access including reinstatement of the footway/kerb and

	advisory note: Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. Email- highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement **Peak and Northern Footpaths Society-** No objections **Public Representation-** No comments received.
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 in the built framework of Duffield and comprises a detached two-storey dwelling situated in a substantial plot. This application seeks permission for the re-modelling of the existing dwelling and extension work to the existing dwelling. This includes a front and side extension to create a garage and accommodation above and an additional ground single storey rear extension. A porch is proposed along with bay windows to the front of the dwelling and the attached garage to the side is to be demolished. The issues to be determined are does the proposal have any impact on the residential amenity of the neighbouring dwellings and is it in scale and character with the area. **Visual Amenity** 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. 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 proposed extension to the rear has a flat roof however is to be constructed of brick and is not visible within the street scene. It is considered that this element of the proposal will not raise any issues in terms of visual amenity.

	The proposed porch, bay windows and dormer above the proposed garage all have flat roofs. The garage to the front and accommodation above is contrary to the SPD for Residential Development given this is a two-storey front extension. Concerns were raised with the agent regarding the design, however the agent has submitted a supporting statement with examples of similar designs within the vicinity of the application site. The neighbouring property has also had a two-storey front extension similar to the approved which is similar to the design proposed. On balance it is considered a refusal could not be sustained on this basis. The materials proposed include rendering the existing dwelling with brick proposed to parts of the proposed extensions. Full details of the type of brick and colour and type of render have not been included within the application details and therefore a condition is attached to any consent given for full details to be submitted and agreed in writing. Subject to the details being acceptable, it is considered on balance given the mix in the designs of dwellings within the street scene that the proposal will not raise any issues in terms of design and therefore complies with saved policy LS3 of the Amber Valley Borough Local Plan 2006. **Residential Amenity** Careful 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 and 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 proposed single storey extension given the location and width of the plot will not raise any issues in terms of loss of loss of light or privacy for either of the neighbouring properties. The proposed bay window will not raise any issues in terms of loss of light or privacy for any of the neighbouring properties. The proposed extension to the front of the dwelling would cross through the 45-degree code line when measured from the neighbouring property at number 58 Broadway. However, this site has an extant permission for a front extension adjacent to where this front extension is proposed under this application and the works have started. Number 58 is also set in front of the application site. Due to the existing relationship with the properties and as only a small part of the proposed front extension crosses through the 45-degree code line, it is considered on balance that a refusal could not be sustained on this basis.

	The proposed extension to the side attached to the proposed front extension will not raise any issues in terms of loss of light or privacy for number 58 due to the location of the existing dwelling. 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. In accordance with part 9 of the NPPF 'promoting sustainable transport' which seeks to minimise the conflicts between traffic and pedestrians and create safe and secure layouts. 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 full weight in the determination of this application in accordance with paragraph 219 of the NPPF. The Highway Authority have been consulted on the application and have raised no objections to the proposal subject to the access which is to be blocked by the front extension being reinstated prior to the extensions being taken into use due to the unnecessary changes in gradient that a lowered kerb has and can potentially represent a risk to pedestrians. An advisory note has also been suggested to be attached to any consent given. The condition and advisory note will be attached to any consent given and subject to the applicant complying with the condition, it is considered the proposal will not raise any issues in terms of highway safety and therefore complies with saved policy TP1 of the Amber Valley Borough Local Plan 2006. **Ground Stability** Saved policy EN18 states that planning permission will be granted for the reclamation and re-use of derelict, unstable and contaminated land, providing that where it is suspected or known that land is contaminated, a detailed and independent assessment is undertaken to identify the nature and extent of contamination and any remedial or mitigating measures which need to be undertaken. This policy is consistent with part 15 of the NPPF, paragraph 183 in terms of ensuring a site is suitable for its proposed use, taking account of ground conditions and any risk arising from land instability and contamination, including risks arising from natural hazards or former activities such as mining and therefore policy EN18 can be given full weight in the decision-making process in accordance with paragraph 219 of the NPPF.

	As the site is in an off-coal area in terms of former coal mining activity, it is considered appropriate to attach a footnote to any decision advising of the potential risk. **Conclusion** The proposal is considered to meet the objectives of sustainability in terms of the social, economic and environmental considerations as set out in paragraph 8 of the NPPF. As the proposal accords with the up to date policies of the local plan in accordance with paragraph 11 c) planning permission should be granted without delay. The proposal is therefore recommended for approval.
Recommendation	Approval

Reason If Out of Time
N/A

	Signed	Dated
Case Officer		27.10.2022
Principal Officer		
Planning Manager		27/10/22

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 the information and drawings listed below:

- Application Form received on 26th July 2022
- Supporting Statement received on 5th October 2022
- Proposed Elevations (drawing number 22.369.S03.03) received on 26th July 2022
- Proposed Floor Plans (drawing number 22.369.S03.02) received on 26th July 2022
- Proposed Site Plan (drawing number 22.369.S03.01) received on 26th July 2022
- Location Plan received on 26th July 2022

Reason: In order to define the permission

3 No development shall take place to the elevations of the hereby approved development until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations of the proposal, and the development shall be carried out with those materials.

Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4 The vehicular access to the site shall be via the western access and the eastern access shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as a footway. The redundant vehicular access shall be formally closed and the footway/kerb shall be fully reinstated prior to the works subject of the application being taken into use in a scheme to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

2 "The applicant is strongly urged to help meet the Government's commitments to achieve net-zero carbon emissions by 2050, and to meeting the NPPF's environmental objective of mitigating and adapting to meet climate change, including moving to a low carbon economy. Therefore, the applicant is strongly urged to include on-site renewable energy generation (e.g. solar panels), the de-carbonising of heating systems (e.g. air-/ground-source heat pumps) and enhanced levels of insulation beyond those required by present building standards."

Advice in relation to sustainable energy measures and any need for planning permission can be found at

https://www.planningportal.co.uk/info/200125/do_you_need_permission

3 Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. Email- highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement

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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:27.10.2022**

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:27.10.2022**