Simon Gladwin
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Development Management

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TOWN AND COUNTRY PLANNING ACT 1990

(PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) 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/2023/0197**) which was valid on the 30 May 2023 for permission for **Listed building consent for a single storey rear extension, re-roof existing dwelling, replacement lead work and rain water goods, replacement windows and internal works including plastering at 46 Short Row Belper Derbyshire.**

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 **GRANTED subject to the following conditions:**

Conditions/Reasons

1. The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.

   Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the details contained in the submitted plans and documents listed below:

   Amended Layout Plans and Elevations (drawing number 0923/23/49-1 Rev C) received on 6th October 2023
   Location Plan (Drawing number 2587) received on 6th October 2023

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Reason: In order to define the permission.

3. The coping to the roof parapet shall be natural sandstone or Millstone Grit. Prior to the installation a sample shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to works commencing to the roof of the proposal, full details of the lead flashing to the Soil Vent Pipe at the junction with the slate roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

5. Prior to the commencement of works to the roof, full details of the new lead roof to the extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

6. The decking which supports the lead sheet roof shall have a minimum of a 50mm through-ventilated void underneath the decking and the ventilated pathway shall have no stagnant air pockets. If exterior grade plywood or blockboard is used (a min. of 18mm thick) a building paper to BS1521 Class A shall be used.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to the installation of any windows or doors, full details of the proposed ground floor windows and doors to the extension shall be submitted to and approved in writing

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by the Local Planning Authority. The details shall include details of the materials, the finish, the colour, a section through the joinery, a section showing the relationship of the new joinery to the walls, which shall be set within a rebate of a minimum of 100mm, and the threshold, including the provision of any stone step. The development shall be carried out in accordance with the agreed details.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building and Conservation Area in accordance with policies LS3, EN24, EN29 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

8. Notwithstanding the submitted drawings, a sectional construction drawing shall be submitted to and approved in writing by the Local Planning Authority through the rear wall of the listed building, showing the relationship with the extension, the size and dimensions of the new structural supporting beams to the new opening, any cladding and fire protection, and the finished floor levels. The development shall then be carried out in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

9. All new windows and doors shall be painted timber. Details of the colour shall be submitted to and agreed in writing with the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

10. Notwithstanding the submitted drawings, the floor of the extension shall not be lower than the level of the existing kitchen floor and the walls of the existing building shall not be underpinned, unless otherwise agreed in writing with the Local Planning Authority.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

11. Notwithstanding the submitted drawings, all replacement and new rainwater goods, including those to the rear extension and porch, shall be cast-iron, painted black, with all gutters fixed on rise-and-fall brackets, unless otherwise agreed in writing by the

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Local Planning Authority. Full details of the guttering and the hopper to the extension, which shall be cast-iron, including the profile and dimensions, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

12. Notwithstanding the submitted drawings, prior to any works to the roof, a full specification for the repair and reinstatement of the slate roofs shall be submitted to and approved in writing by the Local Planning Authority. This shall include the retention of the existing natural riven slate on the rear roof slope and the restoration of Welsh slate to the front roof slope to the same course depths and laps. The works shall then be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

13. Prior to the replacement of any slate to the roof, samples of all newly imported slate to be used in re-roofing both front and rear roofs and the porch shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

14. Notwithstanding the submitted drawings and prior to commencement, full details of the repair and / or replacement of sash windows to the front elevation shall be submitted to and approved in writing by the Local Planning Authority. Drawings shall be provided at a scale of 1:10, with full-size sectional details and elevations of meeting rails, sections through glazing, and horns. The development shall then be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

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15. Notwithstanding the submitted drawings and prior to commencement, full details of the replacement casement window to the rear elevation and the proposed casement to the porch shall be submitted to and approved in writing by the Local Planning Authority. Drawings shall be provided at a scale of 1:10, with full-size sectional details through the window frame and casement, head, cill, subcill, including any lead flashing. The works shall then be carried out in accordance with the agreed details

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

16. Notwithstanding the submitted drawings, the proposed replacement casement window to both the rear elevation and the porch shall be set within a rebated opening of no less than 50mm.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

17. Prior to commencement of works, samples of all new brick to be used for the porch and rear extension, which shall be handmade, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

18. Notwithstanding the submitted drawings, the new roof to the porch shall be finished in Penrhyn Welsh slate, with blue clay ridge tiles.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

19. Prior to commencement and notwithstanding the submitted drawings, details of all new doors and door frames, including the entrance door to the porch, the principal front door to the cottage, and the door to the rear bedroom, shall be provided at a scale of 1:10 with full-size sections through all mouldings, and shall be approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the agreed details.

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Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

20. Notwithstanding the submitted drawings, the proposed brick porch shall have an eaves of a single row of corbelled brickwork, and a plain close verge, with mortared slates to the verge, and a stepped Code 4 lead flashing where it meets the front wall of the cottage.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

21. Notwithstanding the submitted drawings, a full schedule of all doors to be repaired, the method of repair, and details of all ironmongery, shall be prepared and submitted to the Local Planning Authority and approved in writing. The works shall then be carried out in accordance with the agreed details

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

22. All lathe-and-plaster shall be replaced like-with-like, unless otherwise agreed with the Local Planning Authority.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

23. Notwithstanding the submitted drawings, all stone paving slabs shall be lifted for re-use on the site, and details of all new and replacement external paving slabs, including a plan showing the location of new slabs, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

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24. Any re-pointing shall be carried out using a lime mortar, the specification of which shall be agreed in writing with the Local Planning Authority. The re-pointing shall then be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 In relation to condition 3, the coping to the roof parapet shall be finished with a weathering to the upper face to shed water, a throating to the overhang, which shall be a minimum of 20mm, and the coping shall be finished with tooled, broached face and a minimum height to the face of 75mm.
2 In relation to condition 5, the detail shall show Code 6 lead, laid to fall of a minimum of 1:50, with lead-clad, traditional, solid core timber rolls and a lead-lined gutter and a minimum of Code 4 lead flashings to both the parapet and copings and the upstand against the brick of the existing building. The drawings shall show all flashings, falls, fixings and clips.
3 In relation to condition 5, all leadwork details shall be laid in accordance with the Lead Sheet Association guidelines, or Lead Sheet Training Academy guidelines - the Lead Sheet Manual, applicable to Rolled Lead Sheet, as set out under BS EN 12588: 2006, and shall comply with BS6915 Code of Practice).

Reasons for Permission

In granting permission for this development, the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and relevant Neighbourhood Plans, and saved policies of the Adopted Amber Valley Borough Local Plan 2006;

EN24 - Listed Buildings

In detail:

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the protection and enhancement of features at the site of architectural and historic importance.

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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.

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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.