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File No: CHE/17/00188/FUL
Plot No: 2/391

ITEM 1

PROPOSED INTERNAL GROUND FLOOR ALTERATIONS TO IMPROVE EXISTING LIVING ACCOMMODATION. INCREASE ROOF HEIGHT TO PROVIDE SPACE FOR GAMES ROOM AND BEDROOM WITH EN-SUITE FACILITIES AT 8 RODGE CROFT, OLD WHITTINGTON, CHESTERFIELD, DERBYSHIRE, S41 9RE FOR MR BILL HEARD

Local Plan: Unallocated
Ward: Old Whittington

1.0 CONSULTATIONS

Ward Members	No Comments
Site Notice/Neighbours	Representations received – see report
DCC Highways	6 representations received – see report

2.0 THE SITE

- 2.1 The application site is located on the east side of Rodge Croft cul-de-sac, a private un-adopted road, accessed from Church Street North highway. The site consists of an existing self-contained annexe (referred to as No 8 Rodge Croft) linked to No 6 Rodge Croft (application reference CHE/1187/0645).
- 2.2 The internal accommodation in the existing annexe comprises of a bedroom, kitchen, lounge, study and bathroom. The annexe is located adjacent to the southern and eastern boundary of No 6 Rodge Croft. The site is bound by the rear gardens of No 94, No 92 and No 90 Church Street North and the front garden of No 86 Church Street North to the east.

- 2.3 The surrounding streetscene is exclusively residential in character. Rodge Croft is a private cul-de-sac and is formed of detached properties including single storey bungalows to the west (No 2 and No 4) and a 1.5 storey detached dwelling to the north (No 6). Church Street North is mixed in character, No 96 Church Street North is located directly south of the application site and is a two storey end of terrace.

3.0 RELEVANT SITE HISTORY

- 3.1 CHE/13/00148/CLUD - Use of land for vehicle parking at 6 Rodge Croft – **CLUD GRANTED (28.06.2013)**
- 3.2 CHE/1103/0768 - Certificate of Lawfulness for use of land within residential curtilage at 4 Rodge Croft – **CONDITIONAL PERMISSION (12.01.2004)**
- 3.3 CHE/0902/0536 - Extension at 6 Rodge Croft
CONDITIONAL PERMISSION (05.11.2002)
- 3.4 CHE/0199/0006 – Erection of a car port at 6 Rodge Croft –
CONDITIONAL PERMISSION (25.03.1999)
- 3.5 CHE/1098/0561 – Granny flat at 6 Rodge Croft –
CONDITIONAL PERMISSION (17.12.1998)
- 3.6 CHE/0994/0505 - Erection of a conservatory at 6 Rodge Croft – **CONDITIONAL PERMISSION (12.10.1994)**
- 3.7 CHE/0494/0209 - Erection of a garage at 6 Rodge Croft –
CONDITIONAL PERMISSION (14.07.1994)
- 3.8 CHE/1187/0645 - Permission for conversion of double garage and store to granny flat erection of garage workshop and conservatory to rear of house at 6 Rodge Croft Old Whittington, Chesterfield for Mr. W. Heard –
CONDITIONAL PERMISSION (24.12.1987)
- 3.9 CHE/0587/0282 - Permission for bungalow on land adjacent to 6 Rodge Croft, Old Whittington, Chesterfield for J. Towns –
REFUSED (31.07.1987)

- 3.10 Pre-application advice was requested regarding the principle of extending the existing annexe and separating the annexe from No 6 to form a separate dwelling. Concerns were raised regarding the amount of amenity space provided, proposed trees located to the rear of the dwelling and the overall impact on the amenity of the boundary sharing neighbours. A number of alterations and amendments have subsequently been made to the proposal prior to the submission.

4.0 **THE PROPOSAL**

- 4.1 The application proposes alterations to the existing annexe to create a 1.5 storey dwelling. The ground floor of the proposal features a lounge with separate kitchen/diner, downstairs w.c, study and integral garage. The first floor of the dwelling features a bedroom, en-suite bathroom, reading area and games room.
- 4.2 The main footprint of the proposed dwelling measures 11m in width and 6.1m in depth. The proposal incorporates a second storey extension above the existing projecting extension to the principle elevation, measuring 3.9m x 2.1m in footprint.
- 4.3 The existing annexe is stepped in design (see image below). The existing building measures a maximum of 5.3m in height overall, the southern section of the annexe incorporates a hipped roof and measures 4.2m to the ridge.



- 4.4 The proposed alterations to the building will infill the stepped design and create an additional storey across the full width of the building. The main increase to the mass of the building

will be predominately above the southern section of the dwelling. Due to the gradual slope of the site (from north to south) measurements have been taken from the corner of the principle (west) elevation and the side (south) elevation to provide a maximum measurement. The proposal therefore measures a maximum of 3.5m to the fascia board and 5.6m to the ridge.

- 4.5 The design of the proposal features a half hip style roof with flat ridge, as a result the accommodation at first floor level will be predominately contained within the roof space. The roof incorporates an intersecting open gable features to the principle elevation. Two small dormers are proposed within the rear (east) roof plane, referenced within the drawings as 'eyebrow dormers'.
- 4.6 The proposal incorporates a large glazed window within the principle elevation, serving the reading area. Two low level roof lights are featured within the principle (west) roof plane, serving the bedroom and games room. Two roof lights are sited within the east (rear) roof plane serving the bathroom and stairs.
- 4.7 The proposal also incorporates extending the front garden of the site and demolishing existing brick/stone built pillars at No 6 Rodge Croft to provide additional amenity space and off-street parking (see images below). The block plans submitted illustrate the boundary of the site (outlined in red) and the additional land owned by the applicant (outlined in blue)



- 4.8 The proposal also details pleached hedge boundary screening to be located at the rear of the building along the eastern boundary of the site. Concerns have been raised about the suitability of introducing hedging in this location. The applicant has provided information from Pople Garden Centre Ltd to support the proposal. The provision of hedging in this location is not considered to be a necessary requirement to make the scheme acceptable.

5.0 CONSIDERATIONS

5.1 Planning Policy

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

5.2 Chesterfield Local Plan: Core Strategy 2011 – 2031 ('Core Strategy')

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS7 Managing the Water Cycle
- CS9 Green Infrastructure and Biodiversity
- CS18 Design

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
- SPD 'Successful Places: A Guide to Sustainable Housing Layout and Design' (adopted July 2013)

5.4 **Key Issues**

- Principle of development;
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;

5.5 **Principle of Development**

Relevant Policies

5.5.1 The application site is situated within the built settlement of Old Whittington. The area is predominantly residential in character therefore policies CS1, CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.5.2 Policy CS1 states that *'The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.'*

5.5.3 Policy CS2 states that when *'assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:*

- a) adhere to policy CS1*
- b) are on previously developed land*
- c) are not on agricultural land*
- d) deliver wider regeneration and sustainability benefits*
- e) utilise existing capacity in social infrastructure*
- f) maximise walking / cycling and the use of public transport*
- g) meet sequential test requirements of other national / local policies'*

'All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'

5.5.4 Policy CS18 (Design) states that *‘all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context’* and development should have *‘an acceptable impact on the amenity of users and neighbours.’*

5.5.5 The NPPF places emphasis on the importance of good design stating:

‘In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.’

5.5.6 In addition to the above, in July 2013 the Council adopted ‘Successful Places’ which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

Principle of Development

5.5.7 The site is located within a reasonable walking distance of a centre, approximately 550m from Old Whittington Local Centre and approximately 1600m from Whittington Moor District Centre. The proposal is therefore considered to accord with the Local Plan and policy CS1 and is acceptable in principle.

5.5.8 Consideration of the principle of development in respect of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7)

5.6 Design, Appearance and Residential Amenity

Relevant Policies

- 5.6.1 Core Strategy Policy CS18 states that *‘all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.’*
- 5.6.2 Core Strategy Policy CS2 states that *‘all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts’*

Design and Appearance

- 5.6.3 It is accepted that the proposed development will increase the overall mass and scale of the existing dwelling. Viewed within the context of the surrounding properties, the introduction of a 1.5 storey building is considered to be acceptable. The design of the proposal is therefore considered to be acceptable in respect of the architectural style and appearance of the surrounding properties
- 5.6.5 The application form and associated plans states that the proposed dwelling will be faced in stone with concrete roof tiles to match the existing property. The dwellings on Rodge Croft cul-de-sac are predominately faced in stone and there is a mix of materials within the streetscene on Church Street North. The proposed materials are therefore considered to be acceptable.

Residential Amenity

- 5.6.6 The block/layout plan shows outdoor amenity space measuring 82m² in area will be provided. The ‘Successful Place’ SPD details the minimum size outdoor amenity space required for a new dwelling. It is also necessary to note that the proposal has been submitted as a one bed dwelling with a games room. The gross internal floor area of the dwelling is approximately 125m² in area, under technical minimum

space standards this development could be classified as a 2 - 3 bed home. Given that the additional accommodation will be located within the roof space, this will limit the amount of useable floor space. The recommended standards as defined by the SPD require a minimum of 50m² for a 1 – 2 bed dwelling and 70m² for a 3 bed dwelling. The new dwelling would therefore have outdoor space which meets the requirements of the ‘Successful Places’ SPD in terms of size. In addition the proposal incorporates hard standing for two vehicles measuring 5.4m x 4.8m in area.

- 5.6.7 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

5.7 Impact on Neighbouring Residential Amenity

- 5.7.1 Core Strategy Policy CS18 states that all development will be expected to *‘have an acceptable impact on the amenity of users and neighbours’*

- 5.7.2 The application site is adjoined No 6 Rodge Croft to the North and No 96 Church Street North to the south. No 2 and No 4 Rodge Croft face the application site to the west on the opposite side of Rodge Croft cul-de-sac. The eastern boundary of the site is bound by the rear garden of No 94 to No 88 Church Street North to the east. No 86 Church Street North is located to the north east of the site and the front garden of the dwelling is located to the east of the application site.

Impact on No 96 Church Street North

- 5.7.3 No 96 Church Street North is located to the south of the application site and currently benefits from a degree of screening due to an existing boundary hedge and timber fence panels (see images below). The dwelling is orientated towards Church Street North to the south and the outdoor amenity space for the property is located at the front, adjacent to Church Street North highway. Potential impacts

of overshadowing and overlooking arising from the development are therefore considered to be minimal.



Impact on No 94 to No 88 Church Street North

- 5.7.4 No 94 to No 88 Church Street North consist of a row of terraced properties orientated towards Church Street North. The dwellings have relatively large front gardens with separate rear gardens. The properties are located approximately 12m to the south of the site (see images below).



- 5.7.5 Due to the orientation of the development and existing separation distance between the application site and the rear windows of the dwellings, potential adverse impacts of overshadowing are not considered to be minimal. The application proposes the installation of a second window at ground floor within the east elevation. It is important to note that current planning legislation allows householders to install non-obscurely glazed windows on the ground floor without planning permission. It is generally accepted that the installation of non-obscurely glazed windows at ground floor level can potentially be screened by the erection of a fence to maintain privacy. It is therefore not considered necessary

or reasonable to incorporate a condition to enforce obscure glazing.

Impact on No 86 Church Street North

- 5.7.6 No 86 Church Street North is a two storey detached dwelling located to the north east of the application site. The application site is considered to be sufficiently screened from the main dwellinghouse due to existing hedging and landscaping (see images below). Potential impacts of overshadowing and overlooking are therefore considered to be minimal.



Impact on No 2 Rodge Croft

- 5.7.7 No 2 Rodge Croft is a detached single storey dwelling located to the west of the application site. A separation distance of 20m exists between the principle elevation of No 2 and the application site. Potential adverse impacts of overshadowing are considered to be minimal in respect of the separation distance between the dwellings. The application proposes the installation of a window at first floor level, it is therefore acknowledged that the proposal may result in a degree of overlooking.
- 5.7.8 The 'Successful Places' SPD defines recommended separation distances required between dwellings. No 2 and the application site are orientated at an angle and on the basis of this the required separation distance is 19m. The proposal meets the minimum separation distance standards and is therefore considered to be acceptable.

Impact on all other boundary sharing neighbours

5.7.9 Due to the orientation and positioning of the proposed development relative to the adjoining dwellings, it is not considered that the development would cause any significant injury to the residential amenity of the neighbours.

5.7.10 Overall the proposal is considered to be appropriately designed and therefore accords with the provisions of policy CS2 and CS18 of the Core Strategy and the wider SPD.

5.8 Highways Safety and Parking Provision

5.8.1 DCC Highways consultation raised no objections to the proposal and made the following comments;

5.8.2 *‘No objection subject to applicant maintaining 3 no off-street parking spaces and no loss of any existing areas dedicated to manoeuvring’*

5.8.3 The comments from the Highways Officer have been noted. The application has been submitted as a one bedroom property, however the site incorporates off-street parking for 2 vehicles (measuring 5.4m x 4.8m in area). The application also incorporates an integral garage measuring 2.6m x 5.7m in area. The garage does not meet the minimum standards as defined within the ‘Successful Place’ SPD to be classified as an additional parking space. The maximum number of spaces required is contained within appendix G of the Core Strategy (p146). Appendix G states that for a 2/3 bedroom dwelling a maximum of 2 spaces are required. The development will provide 2 off-street parking spaces. The proposed spaces therefore meet the requirements of the ‘Successful Places’ SPD and Core Strategy.

5.8.4 The application does not propose any alterations to the existing highway and involves re-configuration of land within the ownership of No 6. It is also necessary to note that the road has not been formally adopted by DCC highways and is within the ownership of the applicant.

5.8.5 Based on the observations listed above the proposal is considered to accord with policies CS2 and CS18 of the Core Strategy. Overall, no adverse highway safety concerns arise as a result of the development.

5.9 **Community Infrastructure Levy (CIL)**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and the development is therefore CIL Liable.

5.9.2 The site the subject of the application lies within the medium CIL zone (£50/sqm) and therefore the CIL Liability would be calculated using calculations of gross internal floor space on this basis.

Plot	Existing GIF sqm	New GIF sqm	Increase in GIF sqm	Calculation	Total
1	49	118	69	69 x £50	£3,450.00

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters sent on 28.03.2017, deadline for responses 18.04.2017. As a result of the notification period the following 6 representations have been received.

Representation received from 92 Church Street North on 08.04.2017 and 18.04.2017

6.2 'My representations in respect of the application continue (in addition to the 100 characters of my online comments) below:

1. The topography of the site and the surrounding land is not represented at all on any of the drawings provided in the application information. The land on which 94 to 88 Church St North are built sits some 2m below the land of Rodge croft. This makes the existing building dominant over our rear elevations and gardens. Any further increase in height – or extension to the high roof line over the garage – would exacerbate the problem, increase the massing and be out of scale with the surrounding development.
2. The existing building replaced a much lower garage structure some years ago and is already higher and nearer the boundary than that structure was. The

massing of the building in a rural location is inappropriate and dominates the locale. Any further growth in size would be wholly inappropriate.

3. In order to accommodate the existing structure on the site a long length of dry stone wall was removed. This habitat destruction severely reduced the available accommodation for the local lizard population. Any further disturbance and/or reduction in this habitat will further affect the colony. How and why you permitted this destruction last time is inexplicable but you must not allow further adverse effect to be imposed on this protected species.
4. The plans show a reduction in the area of Rodge Croft roadway in order to provide amenity space for the proposed extended building. This is a traffic safety issue and the removal of an effective turning circle within Rodge Croft seriously compromises the ability to safely use the access. Rodge Croft serves multiple dwellings and over recent months has been reduced in area to enable development of two houses at the entrance. The net effect of all of this is to remove from the inhabitants of the properties an effective turning circle by which they can drive into the road, turn round and drive out. Church St North itself is a busy access road that has farms and 2 schools on it. There are many occasions when large agricultural vehicles travel on it at speed. If cars cannot drive in and out safely the curvature of Church St North means they are vulnerable to collisions due to poor visibility. Access for emergency vehicles is also compromised.
5. In point 3 above I noted the previous removal of the dry stone boundary wall by the applicant. If they had not been allowed to do this they would not have had the land to build the currently existing structure – they took down a wall that was circa 750mm wide and replaced it with a fence – consequently there is a very narrow gap (I would estimate 350mm at the narrowest) between the existing building and the boundary fence. The application shows a row of trees in that gap. This is unrealistic as the ground is formed of the top of the remaining dry stone wall so has

no soil, and it is impractical to consider pots of a sufficient size to sustain trees – even with irrigation the root ball diameter will be too limited.

6. As a point for Building control I would suggest full structural calculations need to be provided to check the capacity of the remaining stone wall to adequately support the surcharge it is to face.
7. Overall this application represents gross overdevelopment of the site and should be rejected. Notwithstanding this statement should the council be minded to move to a resolution to grant approval conditions should be applied to limit the use of the rooms to those descriptions provided in the application and thus limit the number of occupants, to tie the ownership of this structure to the ownership of the main property that it forms part of – to prevent separation of title in due course

Comments – The comments received above have been noted. It is acknowledged that the proposal will increase the overall mass and scale of the building. The proposed increase is considered to be acceptable. The building currently operates a self-contained residential unit therefore extensions to the proposal are considered. Derbyshire Wildlife Trust has been consulted and do not have a record of common lizards on the site or in close proximity, however they acknowledge that there could be potential habitat within the wall. The wall itself is not protected but reptiles are protected under the Wildlife and Countryside Act 1981. Derbyshire wildlife Trust has recommended that a method of works be conditioned. Due to the scale of the site a reptile survey is not required. DCC Highways has commented on the proposal and referenced the retention of maneuvering space. A small turning head will be retained as part of the proposal. This is considered to be acceptable.

2 Rodge Croft (12.04.2017)

- 6.3 We wish to bring to the attention of the council/sub committee that the original planning app :- REF

587/282/CHE bungalow and land adjacent to No 6 Rodge Croft, dated 31st July 1987, was refused consent and trust you will study the objection letters by the residents and the planning department, reasons for the refusal given at that time. Various planning apps have been granted in the past including double garage/workshop/granny flat/single garage/extension – carport and a small bungalow, all under the same roof. We know feel that this new app along with the previous ones are all joined together in one building, complete with 2 floors, 4 extra windows looking directing over our single floor bungalow, directly imposing upon our privacy, the extreme roof height even though reduced by the planning department on the latest plan will still block out our natural light, as the entire building would be overdeveloped on this small site, we conclude therefore, there are more reasons for this latest app to be refused rather than the original bungalow dated 31st July 1987.'

2 Rodge Croft (08.04.2017)

- 6.4
1. Our loss of privacy such as being overlooked by 2 extra windows and 2 skylight windows in close proximity to our property, this is a main concern to us as our grandchildren regularly visit us and love to play on our front garden and we do not want them to be overlooked. We have recently had plenty of disruption approx. a year ago when we also lost our privacy, views and natural light to our patio area facing the south from the applicants last development so this latest plan will impose upon our lounge, kitchen and front bedroom.
 2. We are worried about the proposed roofs extra height blocking more of our natural skylight by changing from a small bungalow into a large house, concerned its 1 bedroom and fear for future extra development of the same property, obviously the council is aware of many planning app for the same building over the last 30 years i.e. bungalow, workshop, double garage, granny flat, another single garage, bungalow extension and a car port now the large house which we think this is excessive.

3. Once again on the new plans we see the hammerhead reversing and turning area at the top of ridge croft has been reduced by approx. 50% and the rest of the 50% has been replaced by a new garden area, making it more awkward for myself and other road users to reverse and maneuver. Since we moved here in 1982 the turning area has been reduced many times from the original road plan to gain more land for developments etc, despite writing objection letters to the council in the past and im sure the emergency services would not appreciate this, also most of the long delivery vans come up the road often, cannot turn around so they have to reverse to the narrow bottom of ridge croft and into the main road Church Street North.
4. We conclude this application/proposal is obtrusive insensitive and totally out of context with the immediate surroundings of the close properties and the site and buildings has been over-developed once again.

Comments – The comments received above have been noted. See section 5.7.7 and 5.7.8 for consideration of potential impacts and separation distance. See section 5.8 for consideration of highway impacts.

86 Church Street North (11.04.2017)

6.5 'In 1998 the applicant sought and obtained permission to create a one bed "granny flat" within and beyond an existing double garage at No 6 Rodge Croft. From completion this has been occupied by his brother and partner. The applicant now wishes to reconfigure the property "for the needs of modern day living" and for occupation by himself and his wife, by enlarging it from a single storey to a two storey building. Our objections to the application are:

1. Accommodation for an older couple would be better achieved by keeping all the accommodation on the ground floor, by using the proposed single garage area as a bedroom, with storage above, thus avoiding the need for the use of stairs.

2. The site of Nos. 6 & 8 Rodge Croft is already heavily developed so the applicant proposes to go upwards to create additional space. The floor plan for the upper floor clearly shows that with the construction of two stud partition walls 1 bed could become 3 beds; a far cry from the originally approved granny flat. This is over-development of a relatively small site.
3. There is a lack of amenity space, especially if the dwelling were to be occupied, in the future, by a family. Adequate amenity space has only been achieved by adding two small plots of ground, previously parking, to the front of the property. These are not really usable as amenity space as they are immediately adjacent to the street.
4. It is noted that the proposed roof-line has been lowered in response to Mr Staniforth's advice. We are concerned that our enjoyment of our amenity space i.e. our front garden (the back garden being north facing and behind the house) will be affected by any increase in the height of the existing walls and steepness of the roof pitch. The sun paths demonstrated in the application do not show the effect of the proposals on our front garden, which currently loses sun in the early evening. The time of loss of sun will be brought forward if No 8 becomes taller.
5. We have serious misgivings about the visual impact of the east facing side of the property i.e. the back, which faces us. At present we see only the roof of the building, the walls being masked behind our 6 foot laurel hedge. The applicant seeks to build the walls higher all round, then mask them from our view by placing a series of trees at 1.2 metre intervals along the full length of the east side of the dwelling, facing us. These trees have to be allowed to grow well beyond 6 feet to provide the screening suggested, well above the height of our hedge; and Hornbeams can grow to 30 metres! We are concerned the trees would not be adequately maintained as per Pople's suggestions, causing us to regularly cut them back wherever they overhang our property. Additionally, they will undoubtedly add to our concerns about shading - see 4 above. The proposal for a screen of trees, in such a tight area, can only have an adverse environmental impact.

6. The existing site plan incorrectly suggests there is adequate access to the rear (east side) of the double garage/No8. There is no access behind the garage. The proposal is for a walkway and planters for the proposed trees, within the applicant's property but the existing garage is constructed up to the old stone boundary wall that separates No 6 Rodge Croft from us. On building the granny flat the applicant removed the stone boundary wall separating him from No 94 and replaced it with a wooden fence in the garden of No 94. This allowed him to create an access to the rear of the granny flat within the width of the original wall. To achieve access behind the existing garage part of the building he will have to remove the stone boundary wall behind our hedge. The distance between the garage wall and our side of the boundary wall is less than 600mm at its north end. He proposes also to site the hornbeams and have access on foot within this width. He will doubtless want to put a boundary fence on our land. This will not be permitted. (See attachments for four photos of the access and boundary)
7. The applicant's document entitled "Existing and Proposed Rear visuals" does not reflect the true picture. This, together with the Design & Access Statement - para 7 suggest that the gable wall of our garage wall is an intrusive red-brick structure, which issue the applicant is seeking to avoid in his plans. In fact, the lower 6 feet of the gable wall is covered by an old stone boundary wall and the garage itself is set into the surrounding ground by a metre.
8. We note that the proposed bathroom window in the roof is to be of obscure glass. This is welcomed to preserve our privacy. The existing visual impact of existing structures can only be truly established by a site visit. Therefore we recommend that the site be visited by the Planning committee before a decision is taken.'

86 Church Street North (28.04.2017)

- 6.6 'Further to your visit and our discussion regarding the proposed increase in height of the building I have to disagree

with your assessment of the lack of increase in height of the brickwork. My copy plans are only photocopies so I cannot accurately scale them up but if you compare existing and proposed elevations the height of the existing garage walls will increase by over 50% (1.4mm to 2.2mm on my photocopies). This is the increase in height that the applicant is seeking to mask with the line of trees; not the increased pitch of the roof. Thus the mass of the building will be significantly greater than the existing for ourselves at No 86 and greatly increased for Nos 92, 94 and indeed No 2 Rodge Croft. Please can I have your comments on this as it is significantly relevant to the assessment of massing.'

Comments – The comments received above have been noted. See section 4.6 and 5.7.6 for consideration of potential impacts.

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy

those concerns would go beyond that necessary to accomplish satisfactory planning control.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 CONCLUSION

9.1 Overall the proposal is considered to be acceptable in design and appearance. The location of the proposed development site is relatively sustainable, sited within a residential area with access to local services. It is not considered that the proposal would result in significant impact on the residential amenity of the neighbouring properties. The proposal would not compromise parking arrangements or highway safety. Therefore, the proposal is considered to accord with policy CS1, CS2, CS7, CS8 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. This application would be liable for payment of the Community Infrastructure Levy

10.0 RECOMMENDATION

10.1 That a CIL liability Notice be served in line with section 5.11 above.

10.2 That the application be **GRANTED** subject to the following conditions:

Conditions

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

Reason – The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004

02. All external dimensions and elevational treatments shall be as shown on the approved plan/s drawing dated September 2016, with the exception of any approved non material amendment;

- 2014-54-25 Revision E (Proposed Elevations and Sections)
- 2014-54-27 (Proposed site plan)
- 2014-54-24 Revision C (Proposed Floor Plan)
- 4195/3/17 Revision A (Landscaping Layout)
- Design and Access Statement

Reason – In order to clarify the extent of the planning permission in the light of guidance set out in “Greater Flexibility for planning permissions” by CLG November 2009

03. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

Reason – In the interests of highway safety

04. The premises, the subject of the application, shall not be occupied until 2 on-site parking spaces (each measuring a

minimum of 2.4m x 4.8m) have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

Reason – In the interests of highway safety

05. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason – In the interests of residential amenity

06. There shall be no gates or other barriers unless otherwise agreed in writing by the Local Planning Authority.

Reason – in the interests of highway safety

07. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

08. Development shall not commence (including any site clearance / preparation) until a reptile site clearance methodology and mitigation strategy has been submitted to the Local Planning Authority for written approval. Only once the report has been considered by the Local Planning Authority and written approval has been given shall any works (which may include necessary mitigation works) commence on site and the works shall be completed exclusively in accordance with the scheme receiving written approval.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. The applicant should be aware that relocation/diversion/protection of any street furniture or Statutory Undertakers apparatus will be at their expense.
4. Any foul connections must be agreed with Yorkshire Water.
5. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website (<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from www.planningportal.gov.uk/cil) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.
6. Attention is drawn to the Council's 'Minimum Standards for Drainage'.