

Case Officer: Paul Staniforth
Tel. No: (01246) 345781
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File No: CHE/17/00661/FUL
Plot No: 2/1090

ITEM 2

Two semi-detached houses at 51 Chesterfield Road, Staveley, Chesterfield, Derbyshire, S43 3QG For Mr Michael Bellfield of Bellfield Construction.

1.0 **CONSULTATIONS**

DCC Highways	Recommends refusal – see report.
Design Services	No objections.
The Coal Authority	No objection.
Environmental Services	No objection.
Urban Design Officer	The scheme is an over-development of the site and requires revisions – See report.
Ward Members	No comments received
Neighbours/Site Notice	No comments received.

2.0 **THE SITE**

2.1 The site which extends to 209 square metres in area is a triangular area of garden land located to the north east side of No. 51 Chesterfield Road and which marks the north western edge of the plot. To the northeast a shared drive affords access to a small area of parking and garaging to the rear of and opposite the site. A footpath connection through this space links to West View which is elevated above the site to the south. The existing garden is mainly enclosed by a tall timber picket fence to the front, side and rear together with some small trees and shrubs.

2.2 To the north east of the site are two pairs of Council bungalows. Nos 49 and 51 Chesterfield Road is a pair of early C20 double fronted two storey houses positioned close to the back edge of footway and angled to address the Middlecroft Road junction with Chesterfield Road. Further to the south and west are terraced houses fronting Chesterfield Road, Middlecroft Road and West View. The opposite side of Chesterfield Road are individual detached houses which add to the mix of property types and styles in the vicinity.

3.0 **RELEVANT SITE HISTORY**

3.1 There have been no relevant applications affecting the site however before the four bungalows were built on the land to the north east, the site was occupied by two additional double fronted early C20 dwellings which matched 49 and 51 which were demolished to make way for the cul de sac access.

4.0 **THE PROPOSAL**

4.1 The application seeks permission for a small pair of two bedroom semi-detached houses within the side garden of the existing house. Each dwelling would have a kitchen and living room downstairs and two small bedrooms and a bathroom upstairs. Each dwelling would have one parking space each to the rear and would have a small rear garden. They would have access to Chesterfield Road via the private road to the side of the house.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.1.1 The site is situated within the Middlecroft and Poolsbrook ward of Chesterfield. This area is predominantly residential in nature. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Council's Supplementary Planning Document

on Housing Layout and Design 'Successful Places' is also a material consideration.

- 5.1.2 Policy CS2 (Principles for Location of Development) 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.

- 5.1.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, 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.'

- 5.1.4 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.

- 5.1.5 A review of the application against the relevant policies and previous applications in the local area, the principle of a residential development is considered to be acceptable. It is within a mainly residential area and a development in this location would support the council's spatial strategy of 'concentration and regeneration' in a location well served by a range of facilities and methods of transport. The site is within 5 minutes walk of Staveley Town Centre and all the services and facilities which it has to offer. There are also bus stops positioned close to the site which provide access to regular services to and from Chesterfield. The site is considered to be a sustainable location where development can be accepted and the proposal accords therefore with policies CS1 and CS2 of the Core Strategy and the principles advocated within the National Planning Policy Framework.

5.2 **Design and Appearance (Inc. Neighbour Effect)**

- 5.2.1 The Urban Design Officer has commented on the scheme and has expressed the following concerns.
- a proposed density of 95 dwellings per hectare which is a very high density.
 - both houses have small back gardens with an area of parking immediately behind. Plot 1 also has a larger area of garden between the flank wall of Plot 1 and the side access drive however plot 2 has 27 square metres. The minimum garden area normally required for a two-bed house is 50sqm. As such the main private garden for this plot is significantly undersized for the dwelling it would serve which is an indicator that the proposal represents an overdevelopment of the site.
 - Plot 1 presents its side gable wall towards the junction with the access road and this is shown as a blank wall and provides for a weak elevation in views along Chesterfield Road from the northeast, albeit partially obscured by the presence of a nearby neighbouring tree. A 'cranked' design could relate better to this position. Alternatively the side elevation could be

fenestrated to present a secondary elevation towards the road

- The internal layout of Plot 1 does not have regard to its relationship with the side garden of this dwelling. The primary external space available to this house is the side garden, with a small secondary area to the rear. However, the internal layout provides no direct access or visual relationship between the living spaces or the side garden area.

If the internal layout could be handed, the staircase would be located against the internal party wall. The external walls of the living room would then be adjacent to the side garden. This would enable the additional windows or French/patio doors to be introduced between the habitable rooms and the primary garden area.

- The application proposes to introduce low brick walls along part of the frontage and a close board fence along the remainder of the front, side and rear boundary. Taller fencing on frontages is generally unsightly and inappropriate. It is recommended that the front boundary should consist of a low brick wall with railings to echo the adjoining properties. Any taller fencing on the frontage with Chesterfield Road required to provide privacy to the side garden of Plot 1 should be set back with hedge planting provided between the wall and the fence in order to provide an appropriate and visually acceptable edge against this public frontage.
- The dwellings include brick elevations with stone heads and cills under a concrete tile roof. The appearance and proportions of the dwellings resemble a pair of workers cottages which are associated with this area. The roof tiles would benefit from the use of a thinner profile tile (Marley Modern proposed), such as a Forticrete SL8 (Slate Grey) or similar suitable alternative, which has a more convincing mock slate appearance and less heavy profile. This would be more reflective of the locally distinctive materials associated with the area and workers housing in particular.

5.2.2 In conclusion, the Urban Design Officer considers the proposal to be an overdevelopment of the site, by virtue of the significantly undersized rear garden available to Plot 2. He considers the proposed design does not take into account its relationship with the immediate local townscape and fails to take the opportunity to relate the living spaces of Plot 1 to its primary garden area. Proposed boundary treatments and an absence of landscaping would also result in an unsightly appearance to the site and he advises that the application should be refused on the basis that it is contrary to Policy CS18 and guidance contained within the Council's SPD Successful Places (2013).

5.2.3 It is accepted that development of the site is tight and limited by its triangular shape and which results in a relatively small garden for plot 2. The opportunity to revise the scheme to a single dwelling was explored but rejected by the applicant. The reference to 50 square metres of garden area is set out in the Council's "Successful Places" SPD however this is guidance rather than mandatory since each scheme needs to be judged and assessed on its own individual planning merits. There will be those property occupiers who do not desire garden areas and seek small external spaces such as that proposed. The area is characterised by similar properties with small gardens typical of the terraced housing from the late C19/early C20 and whereas small gardens to other properties does not mean that is the correct approach now, the committee will be aware that new dwellings (conversion) were agreed recently at Middlecroft Road which also have very small external amenity spaces. The rear and side gardens together for plot 1 provides a combined 50 square metres garden, which is acceptable. It is not considered that a refusal of planning permission based on a substandard garden size for plot 2 alone could be sustained at appeal given the local context and what has recently been accepted in the vicinity.

5.2.4 In terms of overlooking or overshadowing there is not considered to be any specific issue. No objections have been received from any neighbouring residents. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not

significantly impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.

- 5.2.5 In terms of design, the scheme responds to the prevailing character of the local area. The two houses are positioned on the same building line as No 51 but are to be stepped at a lower level reflecting the falling gradients towards the north east. The dwellings incorporate stone heads and cills to the main front elevation with an lbstock red brick. Whilst precise material samples can be reserved by condition on any approval it is considered that the scheme generally reflects the local context. Furthermore the absence of any fenestration to the side gable is not considered to be crucial with many examples locally of blank two storey gable walls. Overall the proposed development is not considered to be inappropriately sited, scaled and designed and which responds to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

5.3 **Highways Issues**

5.3.1 Highways Authority officer comments:

Access to the proposed off-street parking would be via a 'stub' off Chesterfield Road that is not adopted as part of the publicly maintainable highway. In addition, it is not included within the red line boundary or shown as being in the applicant's ownership/control. It would appear, therefore, as though access could be an issue.

Visibility from the 'stub' onto Chesterfield Road is restricted due to the width of the fronting footway and boundary treatments and the Highway Authority would not wish to see any intensification in use of the access.

The proposal would only provide one off-street parking space for each dwelling whereas the Highway Authority would look for the provision of two spaces. Whilst parking is restricted on Chesterfield Road the Highway Authority would not wish to see a situation arise where parked vehicles restricted access/manoeuvring potentially leading to vehicles having to reverse to or from Chesterfield Road, a busy major route. It

is noted that off-street parking for the existing dwelling would not be affected.

In view of the above, the Highway Authority recommends refusal of the proposal for the following reasons.

- 1. Vehicular access to the proposed off-street parking is not demonstrated. In addition, only one space per property is proposed which is likely to lead to parking on the 'stub' potentially restricting passage/manoeuvring which could result in vehicles reversing to or from the public highway against the best interests of highway safety.*
- 2. The proposed development, if permitted, would be likely to lead to the intensification in use of an existing substandard access to Chesterfield Road where visibility in the non-critical direction is restricted due to the width of the fronting footway on Chesterfield Road and boundary treatments, thereby leading to potential danger and inconvenience to other highway users. There is, therefore, inadequate provision for off-street parking.*
- 3. The provision of a vehicular access with adequate visibility splays to the Highway Authority's minimum standards would involve the use of land, which as far as can be ascertained from the application drawings, lies outside the applicants control.*

5.3.2 The concerns of the Highway Authority are accepted however it is considered that the reasons for refusal suggested are not defensible on appeal. It is accepted that each of the new dwellings has a parking space which is accessed from the side cul de sac. This is considered to be perfectly appropriate given the sustainable location of the site and the proximity to public transport. In terms of the 'stub' road; ownership of this land and rights over it are unclear at present. It is not adopted and is not Council owned however the garages to the Council bungalows and the access to 49 and 51 all use it for access. There are turning opportunities on the cul de sac such that no reversing out onto Chesterfield Road is necessary. The development could lead to up to 4 dwellings using this road, as well residents/visitors of the neighbouring bungalows and other

surrounding houses and which may result in an – intensification in the use of the access however it is considered that visibility at the access to Chesterfield Road is sufficient for a user to be able to make a safe manoeuvre.

5.3.3 Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety it is considered that the development proposals do not pose an adverse risk to highway safety.

5.4 **Flood Risk/Drainage**

5.4.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is not at risk of flooding.

5.5 **Land Condition/Contamination**

5.5.1 The site the subject of the application is currently used as a garden for 51 Chesterfield Road. No objections have been received from the Environmental Services Officer.

5.5.2 In respect of potential Coal Mining Risk, the site lies within the High Risk Area. The Coal Authority was consulted on the application and they agreed with the Coal Mining Report findings that site investigation works had taken place and were acceptable to not require further investigations.

6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification, no comments have been received from residents.

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 highway authority, the development affects highway safety, 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 fundamentally 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. The applicant also took advantage of pre application discussions in this case.

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 **CIL LIABILITY**

9.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

9.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

plot	New GIF sqm	calculation	total
1	58	58 x £20	£1,160
2	58	58 x £20	£1,160
Total	116		£2,320

10.0 **CONCLUSION**

10.1 The proposals are considered to be appropriately designed such that they are considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is appropriate, is well served by public transport, and is in close proximity to amenities. As such, the proposal accords with the requirements of policies CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

10.2 Whilst the scheme is substandard in respect of one of the garden sizes and in so far as the highway authority concerns are concerned, it is considered that the scheme is not so harmful to such interests of acknowledged importance that planning permission, on balance should not be refused. Subject to the imposition of appropriate planning conditions the proposal is considered to demonstrate wider compliance with policies CS7, CS8 and CS18 of the Core Strategy and the wider NPPF in respect of Highways, the Coal Authority, drainage, and materials.

11.0 **RECOMMENDATION**

11.1 That a CIL Liability Notice be served in line with paragraph 9 above.

11.2 It is therefore recommended that the application **GRANTED** subject to the following:

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 plans:

- Streetview rev A
- Parking Provision and Amenity Plan rev A
- Site Location rev A
- Existing Site layout/levels rev A
- Proposed Site levels rev A
- Proposed and existing floor plans rev A
- Cross section rev A
- Landscaping plan rev A
- Drainage layout rev A

with the exception of any approved non material amendment.

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 for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods, vehicles, parking and manoeuvring of employees and visitors' vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by

the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designed use throughout the construction period.

Reason – in the interests of highway safety

04. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawings for vehicles to be parked.

Reason – in the interests of highway safety

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the properties without the grant of further specific planning permission from the Local Planning Authority.

Reason – in the interests of highway safety

06. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the cladding materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

07. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm 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 amenities.

08. 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.

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels; means of enclosure; gates; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and bin storage areas. The agreed details shall be implemented as part of the development and be retained thereafter.

Reason: The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

Notes

01. 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.
02. 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.