

Item 3

PROPOSAL: Two storey rear extension, single storey front extension to garage and increase of existing pitched roof height

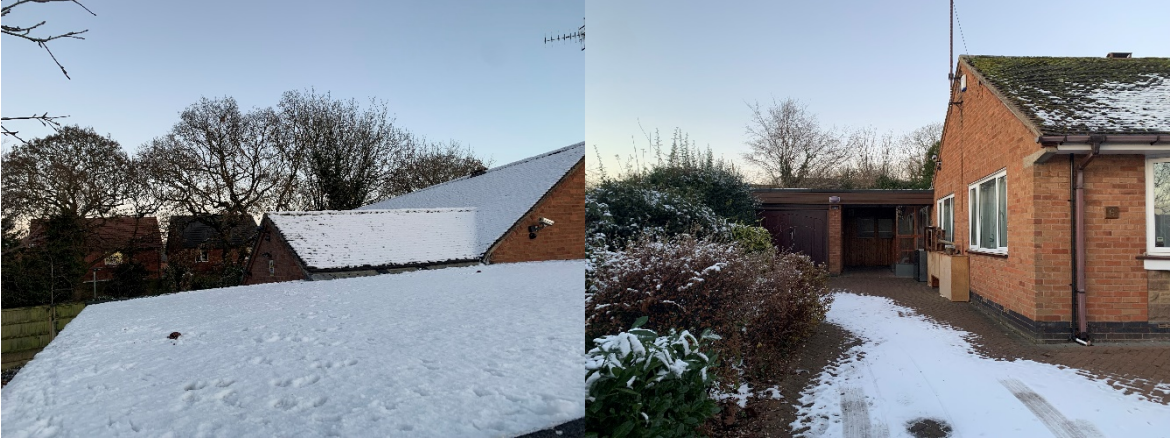
LOCATION: 6 Hartside Close, Loundsley Green, Chesterfield, S40 4LB for Mr Paul Wilson

1.0 CONSULTATION RESPONSES

- Derbyshire Wildlife Trust No objections, subject to conditions
- Highways No comments to make
- Tree Officer No objections, noted that a TPO is close to the gable of the property and a formal application would be required for any work
- Ward Councillors No reps raised - request application to be determined at planning committee from Cllr Davenport
- Representations Two objections received and comment from Toby Perkins MP.

2.0 SITE DESCRIPTION

- 2.1. The application relates to a detached single storey bungalow located in the northeast corner of Hartside Close. The dwelling is of a buff brick construction with a tiled, gable pitched roof. To the front is a driveway which leads to an attached flat roof garage.
- 2.2. To the rear, orientated NW, is a moderately sized garden bordered on three sides by a timber fence and soft landscaping in the form of trees and hedges.
- 2.3. The surrounding area is solely residential, characterised by a mixture of detached bungalows and larger two-storey dwellings. Some of the bungalows have had dormer windows installed in the roof plane. To the Northeast of the site is a public footpath known as Newbold Back Lane.



3.0 PLANNING HISTORY

3.1. There is no previous planning history on the site.

4.0 PROPOSAL

4.1. The applicant is seeking permission for the erection of a two storey rear extension, with an associated raising of the ridge height, and a single storey front & side extension to the garage. It was originally proposed to render the external walls however, matching brickwork is now proposed to be used.

4.2. The two-storey extension will have a rearward projection of 4m and project along the rear elevation by 12.4m, joining with the existing flat roofed garage. The extension will have a flat roof, with an overall height of 5.16m.

4.3. The ridge height of the dwelling will increase by 0.5m, from 5m to 5.5m.

4.4. The garage extension will have a sideways projection of 5.8m and forward projection of 2m. The extension will have a flat roof, with an overall height of 2.9m

4.5 At ground floor the extension will be bedroom with ensuite and kitchen /dining room with separate utility. At first floor 3 bedrooms and a bathroom will be provided.

5.0 PLANNING POLICY

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 Chesterfield Borough Local Plan 2018 – 2035.

1.2. Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

1.3. National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 8. Promoting healthy and safe communities
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

1.4. Supplementary Planning Documents

- Successful Places Residential Design Guide

6.0 CONSIDERATION

6.1. Principle of Development

6.1.1. The application site is located within an established residential area where works to a domestic property are considered to be generally acceptable subject to compliance with policies CLP1, CLP2 and CLP20 of the Local Plan, as well as the wider objectives of the NPPF and Successful Places Residential Design Guide

6.2. Design and Appearance of the Proposal

6.2.1. Local Plan Policy CLP20 states in part that all development should identify and respond positively to the character of the site and surroundings and

respect the local distinctiveness of its context 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.

6.2.2. The proposal would include the use of matching the existing materials, and from the frontage the appearance of the dwelling will not be significantly different to the existing.

6.2.3. The extension to the rear is effectively an elongated dormer across the rear and which gives the appearance of a two-storey extension with a flat roof. This is different to the existing dwelling and what exists locally however, it would not be highly visible from any public vantage point, including Newbold Back Lane and which would not project beyond the side elevations.

6.2.4. It is acknowledged that the proposal results in the changing of a bungalow to a larger 1 ½ storey two level dwelling however there are examples of larger houses in the local area, including in prominent corner plots. Reference is made to Nos 1, 3 and 5 Hartside Close which all have more than one living level. The design and scale of buildings in the vicinity of the site is sufficiently varied such that the proposal is not considered to be at odds with the prevailing character of the area.

6.2.3. The proposal is therefore not considered to have a detrimental impact on the area and the proposal therefore accords with the provisions of policy Local Plan policy CLP20.

6.3. Residential Amenity

6.3.1 Local Plan Policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

6.3.2 The proposed extension will increase the footprint of the dwelling and result in the rear elevation being closer to the shared boundary with the properties on Cambrian Close to the Northwest.

6.2.3. SPD guidance states that a distance between habitable room windows of 21m should be maintained and that at least 10.5m should be retained to the rear boundary – whilst this applies to new dwellings, the principles are applicable to domestic extensions. A distance of 13m is retained to the rear boundary and 24m to the rear windows of 5 Cambrian Close; exceeding the recommended minimum distances set out in the SPD.

6.2.4. It is acknowledged that there will be some increase in overlooking from the first floor of the extension, and there will always be a detrimental impact from new development, however, the rear boundary benefits from both hard and soft landscaping to mitigate some of the effect and keep any loss of privacy to a minimum.

6.2.5. Overall, the massing of the proposed new extension is in proportion to the dwelling and site as a whole and will not have a significantly detrimental impact in terms of overshadowing, overbearing and loss of privacy.

6.3.3 On this basis the proposal is considered to accord with the provisions of policies CLP14 and CLP20, as well as the revised NPPF.

6.4. Highways Safety

6.4.1. Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

6.4.2. The proposal does not result in the loss of off-street parking or requires further parking to be provided within the site.

6.4.3. On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5. Ecology

6.5.1. Derbyshire Wildlife Trust's (DWT) biological records indicate that there is a badger sett close to the development site.

6.5.2. A Badger Mitigation Report, provided by Peak Ecology, has been submitted which identified the badger sett and provides a mitigation strategy. DWT is satisfied with the findings of the report and recommend an appropriate condition be included with any permission granted.

6.6. Biodiversity

6.6.1. Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.6.2. The proposal is considered to be a minor development and does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition will be attached to any decision issued to ensure the application provides biodiversity net gain measures, as a result of the proposed development.

6.6.3. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

7.0 REPRESENTATIONS

7.1. Notification letters were sent to neighbouring properties and two representations have been received (3 and 5 Cambrian Close). Correspondence is also received from Toby Perkins MP referring to contact he has received from No 5 Cambrian Close. The objections relate to the loss of privacy to dwellings on Cambrian Close as a result of overlooking and the consequential impact on health. Reference is also made to the loss of a bungalow in the area which are in short demand.

7.2. ***The effect of the development on privacy has been addressed in section 6.3 above.***

- 7.3. ***In terms of the loss of a bungalow, the Council has no specific policy regarding the conversion of bungalows to two-storey dwellings. As such all applications are determined on their individual merits the degree of compliance with policies CLP14 and CLP20 of the adopted Chesterfield Local Plan 2018-35 which requires that all development will be expected to have an acceptable impact on the amenity of both users and neighbours.***

8.0 HUMAN RIGHTS ACT 1998

- 8.1. 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

- 8.2. The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF ENGAGEMENT

- 9.1. In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered 'sustainable development' to which the presumption in favour of the development applies.
- 9.2. The Local Planning Authority has considered this application in a positive and proactive way to achieve a positive outcome for the application.

10.0 CONCLUSION

10.1. Overall the proposal is considered to be acceptable in accordance with the above identified policies of the Local Plan. The proposal would not harm the character of the street scene, would not have a harmful impact on the amenity of the occupiers or surrounding residents, does not raise any highway safety concerns and a scheme of biodiversity net gain has been submitted and will be secured by condition. It is therefore considered that the application is acceptable from a design, amenity, highways, biodiversity perspective.

11.0 RECOMMENDATION

11.1. It is therefore recommended that the application be **GRANTED** subject to the following conditions:

Conditions

1. 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 Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Drawing No. DWG2 – Proposed Plans & Elevations
- Badger Mitigation Statement – Project No. Wils01, Dated 13/02/2023

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.

3. Unless otherwise agreed in writing by the Local Planning Authority, new materials to be used externally shall match those of the existing building.

Reason - In the interests of the appearance of the development and in the interests of the amenities of nearby residents, in accordance with policy CLP20 of the adopted Chesterfield Borough Local Plan

4. All works shall proceed in accordance with the Badger Mitigation Method Statement (Peak Ecology, 13/02/2023). This shall specifically include no use of machinery within 15m of the sett and the retention of access to the garden for badgers upon completion of works. Should a badger or badger cubs be seen at any time during works, an ecologist shall be contacted immediately for a review of the approach. A short statement of compliance shall be submitted to the LPA upon completion of works to discharge this condition.

Reason – To minimise the impact of the development on a protected species, in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

5. Within 3 months of the completion of the development hereby approved, a scheme for biodiversity and ecological enhancement measures shall be installed into the development on site. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

Reason – In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

Informative Notes

1. The Local Planning Authority have, during the consideration of this application, engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

2. 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.
3. Coal Authority Informative 01/01/2023 – 31/12/2024

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for

court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

4. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. You must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter.

These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.

5. In accordance with condition no. 5 of this permission, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - Bird/Owl/Bat Boxes

Locating your nestbox:

Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk

(remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.

Locating your bat box:

Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.