

Case Officer: E Casper  
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Application No: CHE/18/00757/FUL  
Committee date: 7<sup>th</sup> January 2019

### **ITEM 3**

## **PROPOSED TWO STOREY AND ONE STOREY REAR EXTENSION (AMENDED DRAWING RECEIVED 18.12.2018 CORRECTING MINOR OVERHANG) AT 20 FRANKLYN DRIVE, STAVELEY, S43 3YA FOR MR S BARNES**

Local Plan: Unallocated  
Ward: Lowgates and Woodthorpe

Date: 19.12.2018

### **1.0 CONSULTATIONS**

DCC Highways	No objection – see report
Ward Members	No representations received
Neighbours and Site Notice	5 representations received

### **2.0 THE SITE**

2.1 The property subject of the application is a two storey, semi-detached dwelling faced in brick with white u-PVC windows. The dwelling is served by off-street driveway parking for two vehicles. The application site is located in a residential area and the surrounding streetscene is formed of semi-detached dwellings of the same age and character.

### **3.0 APPLICATION SITE HISTORY**

3.1 None relevant

### **4.0 THE PROPOSAL**

4.1 The application proposes the erection of a single storey and two storey rear extension. The proposal has a maximum rearwards projection of 2.8m overall. The proposal will create additional living space at ground floor level and an enlarged third bedroom at first floor.

4.2 The extension consists of a single storey extension adjacent to the shared boundary with No 18 Franklyn Drive – formed of a mono-pitch ‘lean-to’ style roof measuring 2.9m to the eaves and 3.8m overall. The two storey element of the extension is situated to the east away from the shared boundary with No 18 – formed of an intersecting gable measuring 5.5m to the eaves and 6.5m to the ridge overall.

## **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
- CS18 Design

### **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)
- SPD ‘Successful Places’ (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**

- 5.5.1 The application site is positioned within a residential area wherein the principle of development, in particular works to a domestic property, is considered to be generally acceptable subject to policies CS2 and CS18 of the Core Strategy, as well as the wider objectives of the NPPF.

## **5.6 Design and Appearance of the Proposal**

- 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 The application proposes the erection of a single storey and two storey rear extension.

### Single Storey extension

- 5.6.3 The proposed single storey extension will infill the gap between the existing kitchen extension and the shared boundary with No 18 Franklyn Drive. The single storey extension measures 2.8m x 2.8m in footprint and is formed of a 'lean-to' style mono-pitch roof measuring 2.9m to the eaves and 3.8m overall. The proposal incorporates french doors within the rear (south) elevation facing towards the rear garden and a single roof light is proposed within the roof plane.

### Two Storey Extension

- 5.6.4 The proposed two storey extension will be situated above the existing single storey kitchen extension and measures 2.7m x 2.65m in footprint. The proposal is formed of an intersecting gable measuring 5.5m to the eaves and 6.5m to the ridge overall. The proposal is set down considerably from the ridge of the host dwelling, this is considered to lessen the overall massing and scale of the extension. A single window is proposed within the south elevation of the extension serving the bedroom and facing the rear garden of the application site.
- 5.6.5 The application form and associated plans state that the proposed extension will be faced in brick to match the existing dwelling with matching roof tiles. This is considered to be acceptable.

5.6.6 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 directly adjoined by No 18 Franklyn Drive to the west and No 22 Franklyn Drive adjoins the site to the east. No's 13, 15 and 17 Franklyn Drive face the application site to the north, situated on the opposite side of Franklyn Drive highway.

### **Impact on No 18 Franklyn Drive**

5.7.3 No 18 Franklyn Drive is the adjoining two storey, semi-detached dwelling situated to the west of the application site. The dwelling appears to have been previously extended by way of a single storey rear extension.

5.7.4 Due to the orientation of the site and location of proposed development it is accepted that the single storey infill extension will impact the outlook achieved by the existing patio/french doors serving No 18 and will result in a degree of overshadowing as the sun rises in the east.

5.7.5 It is therefore considered necessary to note that under permitted development legislation a householder can build a single storey rear extension with a maximum rearwards projection of 3m (within 2m of the boundary the maximum eaves height of 3m and maximum overall height 4m) without planning permission (subject to other stipulations and conditions). Taking into account permitted development legislation as the 'fall-back position', the scale of the proposed extension is considered to be acceptable and potential adverse impacts of overshadowing are not considered to be significant enough to warrant a refusal due to the single storey nature of the extension.

5.7.6 The two storey extension is situated away from the shared boundary with No 18 and as such potential adverse overbearing and overshadowing impacts are considered to be minimal.

5.7.7 No windows are proposed in the side (west) elevations of the single storey or two storey extension facing towards No 18, therefore potential adverse impacts of overlooking arising as a result of the development are considered to be negligible.

### **Impact on No 22 Franklyn Drive**

5.7.8 No 22 Franklyn Drive is a two storey, semi-detached dwelling situated to the north east of the application site. A separation distance of approximately 4m exists between No 20 and No 22 due to the existing parallel driveways adjacent to the shared boundary.

5.7.9 Due to the siting of the proposal and existing separation distance between the dwellings potential adverse impacts of overlooking and overshadowing are considered to be minimal.

### **Impact on all other boundary sharing neighbours**

5.7.10 Due to the scale and orientation 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.

5.7.11 Having consideration for the observations above the proposal is considered to be appropriately designed and is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

## **5.8 Highways Safety and Parking Provision**

5.8.1 DCC Highways consultation raised no objections to the proposal

**5.8.2 Officer Comments –The comments from the Highways Officer have been noted. Overall, no adverse highway safety concerns arise as a result of the development.**

## 6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters sent to the boundary sharing neighbours on 22.11.2018, deadline for responses 13.12.2018. A site notice was displayed on 27.11.2018, deadline for responses 18.12.2018. As a result of the process five letters of representation have been received with the main points summarised below.

### 6.2 Resident (C/O 18 Franklyn Drive), 13.12.2018

- Proposal will cause significant disruption and adversely impact the occupier of No 18.
- Proposal will cause significant loss of sunlight/light to existing disabled access patio and rear exit
- Proposal will cause a 'tunnelling in' effect, overshadowing and impairing the visual outlook/amenity of the occupier of No 18
- Rain, snow and debris would fall forwards and sideways off the sloping roof onto No 18 and the added lack of sunlight would cause danger of ice forming for longer periods on the disabled – access/exit
- Existing nuisance/danger from cigarettes thrown over the boundary
- The plan for the extension appear to encroach on the land of No 18 and guttering, drainage would need to be set back from the boundary with No 18.
- Concerns about the building and future maintenance of the extension due to proximity to No 18.
- No permission will be given for access from No 18
- The extension will cause substantial structural damage to no 18.
- The occupier of No 18 is in poor health and would suffer due to works taking place in close proximity.

### 6.3 20 Franklyn Drive (16.12.2018)

- Concern that increase in floorspace will result in more people and more cars
- Existing problems with parking and limited parking space resulting in congestion on the public highway
- The building of the extension will be detrimental to the health of the occupant of No 18 due to the stress, dirt and dust which will exacerbate existing health conditions

6.4 Fox Cottage, Manley (16.12.2018)

- *Concern about the proposal will impact and compromise the patio and garden of a disabled person with limited mobility. Disturbance to the patio may result in a trip hazard*
- *BRE Guidance states we should object to a loss of sunlight to No 18. Concern about overshadowing to the patio area which is used extensively*
- *Proposed extension will overshadow the windows in the dining area which is the main living space of the occupant*
- *Proposal will create a degree of tunnelling at the back of No 18 and will have a detrimental impact on the quality of life of the occupant*
- *Extension will result in a loss of outlook and loss of privacy*
- *Existing issues with anti-social behaviour and loss of privacy will exacerbate the situation creating further stress for the occupant, impacting her quality of life.*
- *Concern about the physical integrity of the structure and proximity to sewer pipes and potential issues with long standing active subsistence of Franklyn Drive*
- *No objection to the extension proposed on the far side of the neighbours house*

6.5 7 Franklyn Drive (17.12.2018) - comments attached to the letter from Resident (C/O 18 Franklyn Drive), 13.12.2018 (see above)

- Would not want this development put up next to me
- The dust and noise will impact the poor health of the occupant of No 18
- The development will make the back room dark with loss of sunlight and view

6.6 7 Hartington View (17.12.2018) – comments attached to the letter from Resident (C/O 18 Franklyn Drive), 13.12.2018 (see above)

- The proposed building works will impact the poor health of the occupant of No 18,
- Supports the comments made in letter from Resident (C/O 18 Franklyn Drive), 13.12.2018 (see above)

6.7 **Officer comments in response to the main points raised, see below.**

- **Overshadowing, loss of light and tunnelling in – see section 5.7. Due to the single storey nature of the proposal and taking into account the permitted development ‘fall-back’ position, potential adverse impacts of overshadowing, loss of light/tunnelling in are not considered to be significant enough to warrant a refusal.**
- **Rain and snow falling from roof of extension – the proposed single storey extension is formed of a mono-pitch ‘lean-to’ roof, the sloping pitch of the roof will direct run-off to guttering within the curtilage of No 20.**
- **Disruption and dirt during building works – disruption during the construction period is classified as a ‘non-material’ planning consideration and cannot be given any weight in the determination of a planning application.**
- **Encroachment on boundary/building in proximity to boundary – the Planning Agent submitted a revised drawing on the 18.12.2018, to correct the small overhang over the boundary onto No 18. This was a drawing error and the agent confirmed that no part of the development will encroach over the boundary.**
- **Future maintenance of the extension and structural damage/party wall – the construction of the extension will be covered by building regulations and as such will be required to comply with any structural requirements. The developer/builder will be required to consult with the adjoining neighbour prior to the commencement of the development in accordance with The Party Wall Act. The planning agent provided extracts of the technical specification and highlighted sections relating to the boundary works.**
- **Parking – the development will retain the existing number of bedrooms and as such there is no requirement for the applicant to provide additional parking.**
- **Loss of privacy – no windows are proposed within the side elevation of the extension therefore it is considered that opportunity for overlooking will be minimal.**
- **Building over sewer - building over a sewer/drain is not a material consideration covered by planning legislation and is covered by Building Regulations under Approved Document H (part H4). The regulations require the developer to consult the owner of the drain or sewer or if a public sewer to contact the sewerage undertaker. Building within 3m of a public sewer will require consent from the statutory undertaker (Yorkshire Water).**



## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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.

## **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 paragraph 38 of the July 2018 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 acceptable in design and appearance. It is not considered that that the proposal would result in an unacceptable impact on neighbouring properties in terms of overshadowing and overlooking. The proposal would not compromise parking arrangements or highway safety. Therefore, the proposal complies with CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## 10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

### **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 No 03 Revision 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.*

### **Informative 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. *The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:*

*[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)*