

Item 3

Case Officer: Paul Staniforth
Tel. No: (01246) 345781
Planning committee: 23rd April 2019

File No: CHE/18/00872/FUL
Plot No: 2/3389

Full application for conversion and extension of dwelling to form two separate dwellings at 220A Manor Road, Brimington, Chesterfield for Mr K Yarnold.

Local Plan - Unallocated
Ward - Brimington South

1.0 **CONSULTATIONS**

Ward Members	No representations received
Environmental Services	No adverse comments to make.
Design Services	No Flood Risk. soakaway infiltration tests will be required.
Parish Council	No comments received.
Yorkshire Water Services	No comments received.
DCC Highways	Comments received – see report.
Neighbours/Site Notice	2 representations received – see report

2.0 **THE SITE**

2.1 The application site concerns 220a Manor Road which is a large bungalow with accommodation in the roof space. At ground floor the dwelling comprises a hallway, dining room, kitchen, utility, lounge, garden room, study, sitting room, snug, bathroom and bedroom 3 and the first floor includes bedrooms 1 and 2 each with dressing room and en-suite

bathroom. There is also a first floor sitting room. The majority of first floor rooms have dormer windows.

- 2.2 A number of outbuildings are present at the site.
- 2.3 The property is situated behind the main run of dwellings fronting Manor Road and is served by a private drive which is situated between 220 and 222 Manor Road. The plot is rectangular and stretches across the rear of 222 – 228 Manor Road extending to an area of 1791 square metres.
- 2.4 To the west of the site is open countryside, to the south is a playing field and to the north is the long rear garden of 220 Manor Road, The opposite side of Manor Road are dwellings continuing the ribbon development along Manor Road.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/05/00832/FUL – Two storey extension with loft conversion over existing bungalow was approved 11/01/06
- 3.2 CHE/05/00191/FUL – Two storey extension to side of bungalow was approved 10/05/05
- 3.3 CHE/05/00190/FUL – Detached garage / small workshop/store was approved 10/05/05
- 3.4 CHE/0303/0191 – Outline for detached bungalow at the site was refused on 29/4/03 for access/highways reasons.
- 3.5 CHE/190/13 – Outline for detached bungalow at the site was refused on 14/3/90 for access reasons.
A subsequent appeal was dismissed on 19th December 1990 on the basis of the highway reason but also on the basis of the potential adverse impact on the amenity of 220, 220A and 222 Manor Road.
- 3.6 CHE/284/94 – Outline planning permission was refused on highway safety grounds in April 1984. This was due to the parking or manoeuvring of commercial or service vehicles that would result from the development in the vicinity of the access that was considered to be harmful to highway safety

conditions. A subsequent appeal was dismissed, upholding the Council's reason for refusal.

4.0 **THE PROPOSAL**

- 4.1 The proposal is for full planning application for alteration and extension of the property as part of its conversion to two dwelling units. An extension is proposed to the north west corner of the building to create a living room for one of the units and a new garage unit is proposed for this unit.
- 4.2 The proposed northern most half of the existing building is to be converted to a dwelling comprising of a ground floor kitchen/dining area, utility, lounge, bedroom 2 and a living room extension and at first floor a bedroom with dressing room and bathroom are proposed. The southern most half of the existing building is to be converted to a dwelling comprising of a ground floor hallway, kitchen, utility, dining room, study and garden room and at first floor 2 bedrooms and a bathroom are proposed.
- 4.3 The lounge extension to the northern most unit is to be flat roofed with 2 No lantern roof lights and be constructed of matching red rustic brickwork. The extension would be 7.6 metres by 4.3 metres.
- 4.4 The plot is to be split east / west with a proposed 2 metre high brick screen wall closest to the building and a 1.5 metre high panel fence for the garden boundary. A detached double pitched roof garage is proposed in the north west corner of the site for the northern most dwelling. The garage would be 6 metre by 6 metre and would be accompanied by a parking and turning area in advance. The access to the new garage would involve the demolition of the existing garden store. The southern most dwelling would utilise the existing 3 car garage and the existing parking and turning area in advance of the garage building. The scheme involves a designated turning area at the end of the access drive and which is suitable for delivery vehicles and visitors. The scheme also includes the provision of a 2.4 metre by 4.7 metre visibility splay across the frontages of the neighbouring properties.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

- 5.2 The site is situated within the built settlement of Brimington Common within a predominantly ribbon form of residential properties radiating out from the south of Brimington centre. The site is situated within reasonable walking and cycling distance to the Brimington Centre.
- 5.3 Having regard to the nature of the application, policies CS1, CS2 and CS18 of the Core Strategy and the wider revised 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.
- 5.4 Policy CS1 (Spatial Strategy) states that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating.
- 5.5 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
- 5.6 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.
- 5.7 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.

- 5.8 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 promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.” (para131)

“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, taking into account any local design standards or style guides in plans or supplementary planning documents” (para 130).

- 5.9 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.

- 5.10 The proposed development site is situated within reasonable walking and cycling distance from Brimington Centre and is therefore located to take advantage of all services and facilities available within the centre including frequent public transport links in and out of the town centre area. The site is located within a built-up residential area where new housing development exists however, in so far as the planning policy position, the application site is a residential garden site and is therefore considered to be a greenfield site and would not meet the definition of previously developed land set out in the NPPF. The NPPF specifically excludes private residential gardens within built-up areas from the definition of previously developed land (annex 2: Glossary). The Chesterfield Borough Core Strategy does not include specific policies on the development of residential gardens; instead the primary considerations are policies CS10 in terms of the principle of

development, CS1 and CS2 in terms of the location and CS18 in terms of design and impact upon the environment and amenity.

- 5.11 Policy CS10 states that “planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites.” As the council is currently able to demonstrate a five year supply of deliverable housing sites, a strict interpretation of policy CS10 would indicate that planning permission should not be granted for the development of residential gardens or small scale greenfield urban infill plots. However the NPPF is also clear that “Local planning authorities should approach decision-taking in a positive and creative way to foster the delivery of sustainable development” (NPPF para 38). Decisions should be plan-led unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals. Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres. Whilst the site is approximately 1000m from the nearest designated centre at Brimington there are local facilities including a primary school, pub and convenience store on Brimington Common and the site therefore generally meets the requirement of policy CS1.
- 5.12 Whereas the proposal is contrary to CS10 the location of the site does accord with CS1, and it is considered there is scope to consider an additional dwelling on the plot on the basis that the proposal is considered to be a logical infill plot and on the basis that the proposal is largely a conversion of existing accommodation it is considered that the site is appropriate for a modest development of one additional dwelling.
- 5.13 Policy CS2 sets criteria for assessing proposals for development on unallocated sites and which sets criteria for assessing proposals for such development. In relation to criteria (a), as mentioned above, the site can be considered a good walking and cycling distance from a centre, and

therefore such a scheme contributes to delivering the spatial strategy. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would also make a contribution to delivering that, albeit small. The site is within the existing built up area however the site is considered not to be on previously developed land (criteria b). The site is also not on the best or most versatile agricultural land (criteria c). Although sustainably located reasonably close to Brimington and other community facilities in the area, the proposal does not however, offer wider regeneration benefits to the area (criteria d). Provided contributions are made if appropriate to providing additional infrastructure capacity through Community Infrastructure Levy (CIL) payments the proposal would also accord with criteria (e). Whilst it is not necessary for a development to meet all of the requirements set out in policy CS2 in order for a proposal to be acceptable, weight should be given to the extent that they are able to. As such, this proposed site is considered to be sufficiently sustainable for a development of an additional dwelling and which accords generally with the policies CS1 and CS2 of the Core Strategy.

Design and Appearance (Including Neighbour Effect)

- 5.14 The site does not occupy a prominent position within the street scene and is located in a back land area between the existing ribbon development of Manor Road and the open countryside area. Apart from the garage and extension the main bulk of the building is already in existence and it is suggested that the proposal will therefore be similar to the existing having regard to the impacts of the proposal on its appearance in the area. The plot remains a continuation of the built form along Manor Road and does not encroach into the open countryside area. The design of the proposal reflects the existing with a continuation of its design.
- 5.15 The main change is with the extension and double garage at the north of the plot. These additions are closest to 220 Manor Road which runs along the complete length of the northern boundary of the site. The lounge extension is behind the existing building and is positioned a drive width away from the boundary. Furthermore the extension has a flat roof at 2.7 metres high and no windows on its north

elevation and it is considered there would be no significant impact on the amenity of 220. The garage is however closer to the boundary but is situated in the far back corner of the plot at the end of 220s garden area. The garage would be 62 metres away from the dwelling at 220 and whilst there will be a shading impact on the very end of the neighbours garden, such an impact is not considered to be so serious that planning permission should be withheld.

5.16 In so far as the impact on the dwellings and rear gardens of 220 and 222 from the potential increase in use of the access to serve an additional dwelling it is clear that the side along 222 is already a panel fence and hedgerow which exceeds 2.0 metres in height and there are no gable windows in the dwelling such that the amenity of the neighbours should be safeguarded.

No 220 is however more open with a low (1.1 metre high) fence along the boundary and the presence of 4 No ground floor windows and 1 No first floor window in the side gable. These windows are obscured hall and pantry, and two kitchen windows and a landing window at first floor. It is considered necessary to require a 1.8 metre high boundary wall or fence to safeguard the amenity of the neighbouring dwelling and garden. This can be secured by condition of any approval.

5.17 Overall the principle of the development of the plot of land is considered to be of an appropriate size to accommodate an additional dwelling with sufficient space standards and which responds to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

Environmental Services

5.18 Environmental Services were consulted on this application and they have confirmed that they have no adverse comments to make.

Drainage

5.19 Design Services confirm that the site is not the subject of a flood risk however on the basis that the application proposes

disposal of surface water to soakaways infiltration tests would be needed with calculations.

5.20 It is the case however that the existing building already exists and the scheme does not change the way surface water is drained from the site.

Highways Issues

5.21 The Highway Authority commented that they have consistently refused permission unless improvements could be made to the access to allow two vehicles to pass and visibility splays of 2.4 metres by 47 metres in both directions. They also require an appropriate level of parking on site to be provided with sufficient manoeuvring area to allow vehicles to be able to enter and exit the site in a forwards gear. The Highway Authority recommended refusal of the proposal setting out 3 reasons:

- Intensification of a substandard access with restricted emerging visibility
- Inadequate parking and turning provision on site
- That adequate visibility splays would involve land outside the applicants control.

5.22 The applicant submitted a revised plan which shows the introduction of a widened driveway to 5.0 metre width together with on site parking and turning facilities for each dwelling proposed. The Highway Authority has subsequently accepted that such access width is sufficient to allow two vehicles to pass. Furthermore the scheme shows parking on site at more than the required level for each respective dwelling and a turning area in front of each garage. Furthermore the plan now shows a designated turning area at the end of the driveway where service vehicles can turn.

5.23 The main discussion has concerned the provision of appropriate visibility splays and the latest revised plan shows 2.4 metre by 47 metre splays in both directions. The revised plan shows the splay over the frontage of 222 to be within the red line application site with notice served on the respective owners however the frontage of 220 is not within the red line area. In this respect the owners of 222 Manor Road have confirmed in an agreement that they are happy

for their land to be made permanently available for visibility in the critical direction. They have signed a letter of agreement confirming the issue can be incorporated into the deeds of their property and this allows the local planning authority to have certainty that there is reasonable hope that this can be secured and therefore planning conditions can be imposed. Visibility in the none critical direction is however not guaranteed and could not therefore be relied upon.

5.24 In the location of the site there are no parking restrictions in place along Manor Road however no vehicles park on the nearside carriageway in the critical direction because the kerb is continually dropped providing the access arrangements to 222 and 224 Manor Road. There is no boundary wall, fence or hedge to the frontage of 222 Manor Road and the complete frontage of the property is hardsurfaced parking area. The side boundary between 222 and 220A is also removed for a distance of 2.16 metres from the back edge of pavement such that visibility from the access to 220A is physically available in the critical direction.

In the none critical direction the frontage of 220 Manor Road is a hawthorn hedge which provides the frontage boundary to the property. This hedge limits visibility to the north however because this is the none critical direction then a vehicle emerging from the access at 220A can move forwards if no vehicles are approaching from the critical direction and then see adequately to be able to make a safe vehicle manoeuvre. The highway authority accepts that whilst this is not ideal, they could not substantiate a refusal on highway grounds for this reason alone.

5.25 Having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is considered that the development proposals can adequately address the highway concerns and which can be safeguarded by use of conditions.

6.0 **Community Infrastructure Levy (CIL)**

6.1 Having regard to the nature of the application proposals whilst the additional floorspace proposed to be created is less than 100 square metres CIL would still be liable on the basis that the development comprises the creation of 1 no.

new dwelling. There is however an exception in the CIL Regulations for conversion of single dwelling houses to two or more separate dwelling houses where CIL will not be charged. (Regulation 6(1)(d)). The following table is therefore of relevance.

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in m2)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
29m2 extension 49m2 new garage	387m2 existing dwelling 10m2 garage to be demolished	Minus 319m2	£50 (Medium Zone)	317	288	£0

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

7.0 **REPRESENTATIONS**

7.1 As a result of neighbour consultation two letters of representation have been received from 218 and 228 Manor Road raising the following issues.

7.1.1 228 Manor Road

1. Substandard access width and radii.
2. Visibility splays are over land not owned by the applicant. The hedges and walls would obstruct vision of drivers exiting onto the main road.
3. The existing access will not allow 2 vehicles to pass which could result in vehicles waiting on the highway obstructing others on the busy road.
4. Manor Road already experiences exceedingly high levels of traffic and is a main bus route and route to hospital. Additional traffic will push the infrastructure to its limits.
5. Uncertainty about impact on pedestrian safety.

6. The site plan shows an incorrect boundary for 224 and 226 Manor Road. They don't step back away from the visibility splay and run along the back of the pavement line.

7.1.2 218 Manor Road

- 1 Existing busy road which has become busier over recent years.
- 2 Garden has already been hemmed in with surrounding buildings since 1990s. Another building would create lack of light and an unpleasant environment.
- 3 Privacy would be affected as windows face their property and would give the feeling of being watched.
- 4 Spoil feeling of space.

7.2

Comments:

See section 5.21 – 5.26 above regarding the highways issue. The revised plan ensures that the access width is appropriate for two vehicles to pass with adequate parking and turning/manoeuvring space being provided on site. The issue of the accuracy of the boundary for 224 and 226 Manor Road stems from the old Ordnance Survey plans however this is of no relevance to the determination of the current application. It is clear from the site visit that the front boundaries of 224 and 226 Manor Road now abut the pavement. No 218 does not share a boundary with the application site and the long rear garden of 220 intervenes. Furthermore the proposal subdivides the existing building and will not result in any significant changes in massing terms as perceived by 218. The rear extension to create the lounge is to the rear of the building and is unlikely to have any significant impacts when perceived by 218 Manor Road. No additional windows are proposed to the frontage or side facing 218 Manor Road so it is unclear as to which windows the objector is referring.

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

8.3 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.

8.4 Whilst in the opinion of the objectors, the development could affect 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

9.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

9.1 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).

9.2 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.

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

10.0 **CONCLUSION**

10.1 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'. In this context the application has been considered against all up to date development plan policies and the wider national planning policy framework as detailed in the report above. In this respect there were a number of concerns concerning regarding highway safety arising from the development proposals however revised proposals have overcome the concerns to the point that the Local Planning Authority can conclude that the application should be approved. This relies on the agreement from the neighbour to permit visibility over their land in perpetuity. The proposal is considered to accord with policy CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework.

11.0 **RECOMMENDATION**

11.1 That the application be **APPROVED** 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.
2. All external dimensions and elevational treatments shall be as shown on the approved plans as listed below with the exception of any approved non material amendment.
17-167C; 17-167-03; 17-167-04; 17-167-05; 17-167-06;
17-167-07; 17-167-09; 17-167-10A; 17-167-11
3. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface

water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

4. 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.
5. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.
6. Prior to commencement of the development hereby approved evidence shall have been provided to and approved in writing by the local planning authority demonstrating the inclusion in the property deeds of 222 Manor Road a 2.4 metre by 47 metre visibility splay across the frontage of the property. The development shall thereafter proceed in accordance with the application drawing and the land in advance of the visibility sightline shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
7. Prior to occupation of the additional dwelling hereby approved the access driveway shall be widened in accordance with the approved drawing 17-167-10A and which shall be retained as such thereafter.
8. The proposed additional dwelling shall not be occupied until space has been laid out within the site in accordance with the

application drawing 17-167-10A for vehicles to be parked and manoeuvred. Thereafter, the parking and associated manoeuvring areas shall be maintained free from any impediment to their designated use for the life of the development.

9. Details of a 1.8 metre high screen fence or wall to be installed along the boundary of the site with 220 Manor Road, between points A and B shown on the attached plan, shall be submitted to the local planning authority for consideration. The details subsequently agreed in writing by the local planning authority shall have been installed on site prior to occupation of the additional dwelling and which shall be retained thereafter for the life of the development.

Reasons

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. 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. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
4. In the interests of residential amenities.
5. In the interests of air quality.
6. In the interests of highway safety.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. In the interests of the amenity of the residential neighbour at 220 Manor Road

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.

