

ITEM 2

Case Officer: Chris Wright
Tel. No: 01246 345787

File No: CHE/19/00297/FUL
Plot No: 2/308

Ground floor rear extension at 4 The Dell, Ashgate, Chesterfield for Mr and Mrs Renshaw

1.0 CONSULTATIONS

Ward Members No comments received.

Highways Authority No objection.

Neighbours 5 No representations received from 6 neighbours

2.0 THE SITE

2.1 This application relates to a detached two storey dwelling to the eastern side of a cul-de-sac called The Dell. It is a residential area and is surrounded by housing to the south, west, east and north, and there is also a vacant housing plot to the north of the site.

2.2 The street is dominated by brick built two storey detached dwellings. The existing house has tile hanging at first floor level to the front and sides of the dwelling, with red brick on the ground floor and to the entirety of the rear elevation. The dwelling also has a detached double garage to the side.

3.0 SITE HISTORY

3.1 No relevant applications.

4.0 PROPOSAL

4.1 Planning approval is sought for a flat roof single storey side/rear extension. This would be sited at the south-east corner of the

dwelling and would project to the rear by 6m and to the side by 1.3m. The extension would be 4.2m in width and would project to within 1 metre of the boundary with No 6 The Dell. There would be patio doors to the rear and side and there would be a lantern-style roof light.

4.2 The proposal has been amended on several occasions. The initial proposal was for the rear extension to be constructed in matching materials to the house (brick) however this was amended after the applicant requested a change of the proposal to render along with rendering of the brick areas of the existing dwelling. This was the subject of additional neighbour consultation however after further consideration the applicants reverted the proposal back to use of matching materials.

4.3 The proposal extension would be used as a living room.

5.0 OFFICER ASSESSMENT

5.1 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).

5.1.2 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

- CS6 Sustainable Design and Construction
- CS18 Design

5.1.3 **Other Relevant Policy and Documents**

The Sections of the National Planning Policy Framework (NPPF) considered relevant to the decision are:

- Chapter 12: Achieving well-designed places

Other relevant documents include:

- SPD 'Sustainable Design' (adopted Oct 2008)
- SPD 'Successful Places' (adopted July 2013)
- Planning Practice Guidance

5.2 **Key Issues**

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Highways Safety and Parking Provision

5.3 **1. Principle of Development**

5.3.1 The application site is located within a residential area. The proposed development would be ancillary to the residential use of the host dwelling which is considered to be appropriate and acceptable in principle.

5.3.2 The proposed extension is considered acceptable in principle against policies CS1, CS2 and CS3 of the Core Strategy and the wider objectives of the revised NPPF.

5.4 **Design and Visual Amenity**

5.4.1 In accordance with Core Strategy Policy CS18 all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local

distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale and massing.

5.4.2 The rear extension will not be visible from the streetscene and is designed to fit in with the existing scale and design of the existing house. The proposal is not considered to have a detrimental visual impact on the area especially now that the applicant proposes matching materials to the existing dwelling for its construction. On this basis the proposal is acceptable in terms of design under policies CS2 and CS18.

5.5 Residential Amenity

5.5.1 Core Strategy Policy CS2 comments that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

5.5.2 The proposal would be positioned to the rear of the dwelling immediately to the north of the nearest neighbour at 6 The Dell such that there would be no overshadowing impact. Whereas the extension projects to the rear by 6 metres and is closer to the boundary with No 6 it will not have a detrimental impact on the neighbour because of the orientation, the presence of a mature boundary separating the properties and on the basis of the fact that no windows are positioned facing towards No 6. The proposal will have no adverse impact in terms of overlooking, overshadowing or massing and it is noted that objections received from neighbours do not raise these matters as issues. It is considered that the proposal is acceptable in terms of design under policies CS2 of the Core Strategy.

6.0 Highways

6.1 In terms of highway safety the proposal is not considered to have any detrimental impact upon highway safety.

7.0 REPRESENTATIONS

7.1 5 comments received from 6 different neighbours as follows:

7.2 1 The Dell – The resident has commented about the lack of a site notice being sited on the street and that not all neighbours received notification letters of the proposal. They also consider that the proposed change is not sustainable and would have significant negative impact on the streetscene

7.3 11 The Dell – The resident objects to the proposed change from brick to render.

7.4 15 The Dell – Considers that there is an inconsistency in how the application is described and what is intended, that they have already began some works on site and the proposal will negatively impact the streetscene. They also consider that the hanging tiles would lead to the staining of the render, that adding render unnecessarily is not sustainable and that this render would need to be re-painted regularly.

7.5 6 The Dell – The residents commented that the proposal may impact the foundations of their garage and fence, that there are inconsistencies in the description of the scheme on the website and how the agent has described it, that the bricks on the house have weathered well and that rendering a house that doesn't need to be rendered is not environmentally friendly. They object to the change of the dwelling from brick to render.

7.6 5 and 7 The Dell – The residents have commented that the proposal was not advertised appropriately, that there is confusion between what is advertised/described and what appears to be actually intended, that they already appear to have completed

some works on site and that the proposed works would lead to a negative impact on the streetscene. They also consider that the hanging tiles would lead to the staining of the render, that adding render unnecessarily is not sustainable and that this would render would need to be re-painted regularly.

7.7 *Officer comment - The proposal has been amended to remove the render from the extension and house with matching materials now being proposed. There are no objections to the rear extension which would not be generally visible on the streetscene and therefore would be difficult to argue has an adverse impact on the streetscene. Regarding the impact on foundations this is a private matter between the respective property owners and any damage to the neighbour's property is not a planning matter.*

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.

8.3 The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application.

- 8.4 The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary.
- 8.5 The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.
- 8.6 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest.

9.0 Statement of Positive and Proactive Working With Applicants

- 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 February 2019 National Planning Policy Framework (NPPF).
- 9.2 Given that the proposed development subject to conditions would not conflict with the revised NPPF (February 2019) and 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 been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

10.0 CONCLUSIONS

- 10.1 The proposed development is considered to sufficiently reflect the architectural characteristics and form of the existing dwelling and local context. Furthermore, it is not considered that the development would result in significant injury to the amenity of nearby residential properties or lead to a negative impact upon highway safety. As such, this application is considered to comply with the requirements of policies CS2 and CS18 of the Chesterfield

Local Plan: Core Strategy 2011 – 2031 and Chapter 12 of the revised National Planning Policy Framework.

11.0 **RECOMMENDATION**

11.1 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 plans 01; 02A and 03A 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. The external walling materials for the extension shall match the existing dwelling unless otherwise agreed by the Local Planning Authority in writing.

Reason – In the interests of visual amenity.

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.