

Case Officer: Rob Forrester File No: CHE/19/00418/FUL
 Tel. No: (01246) 345580 Plot No: 2/1073
 Ctte Date: 4th November 2019 U.P.R.N 000074030606

ITEM 1

Erection of log cabin for use as a separate annexe for family members at 15 Laurel Crescent, Hollingwood, Derbyshire. S43 2LA

Local Plan: Unallocated
 Ward: Hollingwood and Inkersall

1.0 **CONSULTATIONS**

Local Highways Authority	Comments received 25.09.2019 – no objection subject to development remaining ancillary to existing dwelling and with no future sub-letting or selling-off
D.C.C Lead Flood Team	Comments received 14.10.2019 - No Comment
C.B.C Tree Officer	Comments received 14.10.2019 - There are no objections to the above application. Although some trees will be felled to facilitate the development they are situated in the rear garden of the property and have little visual amenity as they can only be seen through the gaps between the houses and do not therefore meet the criteria for protection under a Tree Preservation Order.
C.B.C. Drainage	Comments received 11.10.2019 - The site is not shown to be at risk of flooding, according to the E.A Flood Maps. The developer may connect to the public section 24 sewer in the rear garden - prior consent will be required from Y.Water.

	Soakaways as a means of surface water disposal should be carried out and calculations provided in accordance with BRE Digest 365 to ensure no flooding for a 1 in 30 year rainfall event.
Ward Members	No comments received
Site Notice / Neighbours	2 letters of representation received

2.0 **THE SITE**

2.1 The site the subject of the application comprises the extensive rear garden to the applicant's dwelling. It is 'L' shaped and extends to the rear of the neighbour's garden.

Photos showing long rear garden, and area to rear of the neighbour



2.2 The site being at the rear of 15 Laurel Crescent is only accessible via the covered walkway between the applicant's dwelling and the neighbour shown below.

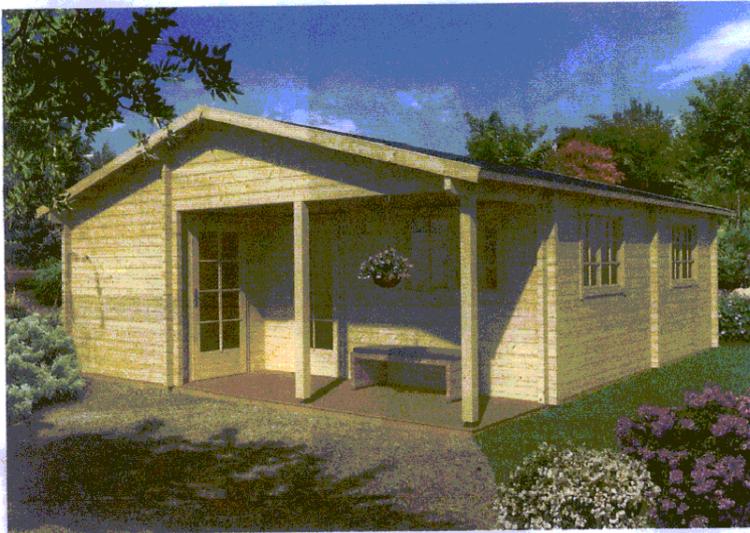
2.3 The road frontage of the site is dominated by dwarf brick-walls and roadside parking as few dwellings have in-curtilage parking

2.4 The site is situated on the north-east side of Laurel Crescent, a curving street served from 'Private Drive' close to its junction with Throughbrook Road at Hollingwood.

Photo showing existing dwelling viewed from Laurel Crescent and with the covered walkway to the rear.

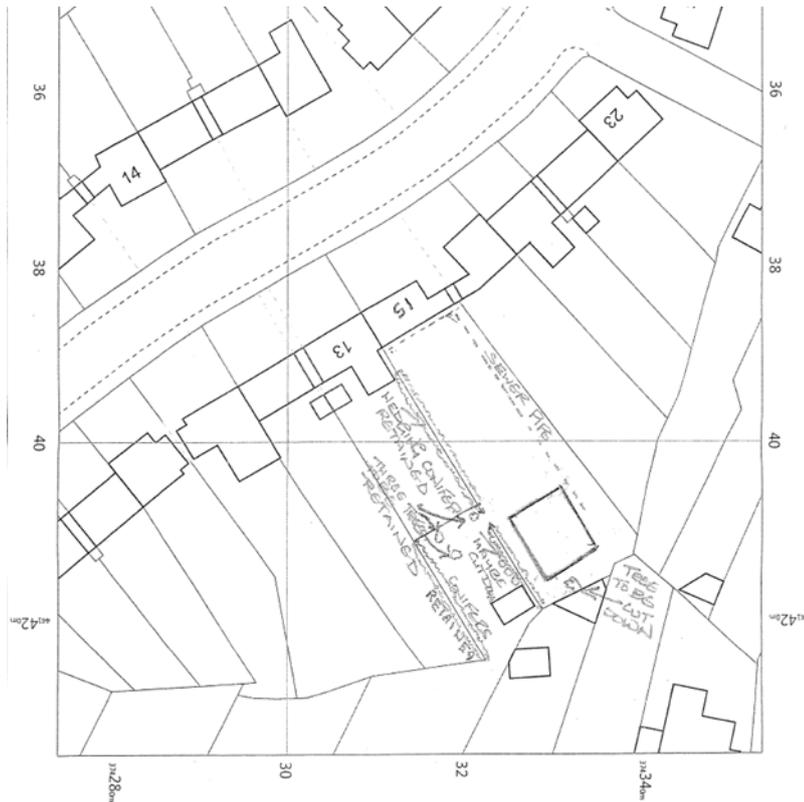


- 2.5 The surrounding land is in residential use with the immediate surroundings, being a mix of terraced and semi-detached houses.
- 2.6 The semi-detached dwelling to which the site relates is a brick-built traditional building with a side outbuilding shared with the neighbour, the covered way giving access to extensive rear garden areas.
- 3.0 **RELEVANT SITE HISTORY**
- 3.1 There is no relevant Planning History relating to the site.
- 4.0 **THE PROPOSAL**
- 4.1 The proposal relates to the siting of a log-cabin structure, low in scale with a very shallow pitched roof. It is rectangular in form, and comprises a lounge, dining/kitchen bathroom and 2 bedrooms, and an open-sided veranda.

ARDEE - LOG CABIN

- 4.2 It would be sited at the rear of the applicant's rear garden, where the site opens out behind the neighbours at No 13 Laurel Crescent.
- 4.3 The structure would have all the basic facilities of a dwelling – being in effect, a free-standing self-contained dwelling – although the applicant indicates that it is to be an annex, stating:-
- The log-cabin would be for occupation by the applicant and his wife, who has difficulty in climbing stairs;
 - They spend a lot of time at their bungalow in Cleethorpes only returning to the site for a few days at a time and for the 2 months of the year when they cannot occupy their bungalow;
 - It will allow their son and daughter-in-law – who currently live with us - to occupy the main house as they cannot afford a dwelling on the open market;
 - The log-cabin would therefore benefit my wife and my son.
- 4.4 The log cabin is a compact design that is to be sited centrally on the rear garden area.

The Proposed Site Layout Plan is shown below:-



5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within Hollingwood and Inkersall Ward in an area which unallocated in the Local Plan and is predominantly residential in nature.

5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS11 Housing Mix, CS18 (Design) and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 **Principle of Development**

Local Plan Spatial Strategy

- 5.2.1 If the log-cabin was to be considered as an independent dwelling, the main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2 and CS10. These policies are viewed to be in date and relevant to the proposal.
- 5.2.2 **CS1** sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. In terms of walking distance, the site is around 100m to the west of Hollingwood Local Centre and 1 km from Brimington Local Service Centre based around the High Street, and 1100m from Inkersall Local Centre. It is around 150m from Hollingwood Primary school via a well-used and lit route. Given the distance and route, this is considered reasonable in terms of distance from a centre, as set out in CS1. However some weight can also be given to the Chartered Institute of Highways and Transport guidance and the residential design SPD, which makes reference to “800m” being a ‘walkable neighbourhood’. There are bus stops in close proximity and good cycle routes to the centres.
- 5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites, favouring Previously-developed sites (the current site is part greenfield and part brownfield). In relation to criteria a, as mentioned above, the site is within a reasonable walking distance from a centre, and therefore contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would make a contribution, albeit small, to delivering that.
- 5.2.4 **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, policy CS10 would indicate that planning permission should *not* be granted for the development of residential gardens or small scale greenfield urban infill plots such as that proposed. Accordingly the proposal would not fully accord with policy CS10, and whilst favouring the development of previously developed sites, the

NPPF is not so restrictive as to rule-out the development of greenfield sites.

- 5.2.5 Given that the Local Plan has relevant policies that are not out of date there is no requirement to apply the approach to the presumption in favour of sustainable development set out in policy CS3 and paragraph 11 of the NPPF.
- 5.2.6 In this case when considering policies CS1, CS2 and CS10 together, there appears to be a tension between policy CS1 and CS10. The proposal would accord with policy CS1 and the majority of the criterion in policy CS2 would also met. However, it would not accord with CS10. In such a circumstance it is for the decision maker to attribute weight to the policies taking into account the facts of the particular case. In this instance it would seem reasonable to apply greater weight to policy CS1 than CS10 on the basis that (in a cumulative manner): -
- The majority of criteria in policy CS2 are met;
 - The site is within reasonable walking distance of a local centre;
 - The site is not on land protected by the Local Plan for Green Infrastructure, Biodiversity or 'open countryside' functions so its loss would not have an impact on the intrinsic character and openness of the countryside or the general level of amenity of the locality;
 - The application site is situated within a residential area close to a school;
 - It would add to the availability of housing land – boosting supply as required by the NPPF, and provides modest-sized dwelling unit;
 - The site already has the benefit of an extant consent which establishes the principle of development;
 - Given the above the proposal would not prejudice the spatial strategy and strategic objectives.
- 5.2.7 Having regard to the above therefore the proposal would not accord with policy CS10 and criterion (b) of CS2 due to it not being previously developed land, however, the proposal is in accordance with the Spatial Strategy and policy CS1 and meets the majority of criteria in policy CS2.
- 5.2.8 Whilst weight should be given to policies CS10 and CS2, it seems reasonable to give greater weight to policy CS1 (when considering

purely the principle of development) in this particular instance, having regard to the small scale of the proposed development, its location and the degree to which it otherwise meets the requirements of CS1 and CS2 and the NPPF and therefore it is considered that on balance the principle of development is acceptable in principle.

5.2.9 The form of the development, being a backland site, alien to the linear form of surrounding development and with no vehicular access and limited pedestrian access, and with shared facilities, renders the site unsuitable as an independent dwelling but would be acceptable as a genuine 'granny-annex'.

5.3 **Design and Appearance**

5.3.1 In respect of design and appearance matters the proposal provides for a modest annex in a compact form as a log-cabin within the rear garden, and whilst the form is alien to the surrounding form of development – that is very linear with dwellings fronting directly on to the highway and as such, the proposal would jar with the surrounding character of the semi-detached houses in Laurel Crescent.

5.3.2 The backland situation of the proposed site is a rare occurrence in the locality, however the low scale of the development and the 2-storey nature of surrounding buildings is such that the site will not be visible from public vantage points and therefore no visual 'harm' would be caused.

5.3.3 The design (timber-construction log-cabin), doesn't reflect the surrounding brick/tile dwellings, however it does reflect similar garden buildings within the rear gardens of neighbouring properties, and as such, would not appear out-of-place and is in any event, a well screened site with substantial boundary hedges.

5.3.4 No design matters related to the application would materially affect crime, disorder or policing.

5.3.5 The log-cabin would not be unduly harmful to the visual amenity of the locality and it is considered that the siting, design and scale of the development proposal is visually acceptable having regard to the provisions of policies CS2, CS6, CS18 and CS19 of the Core Strategy.

5.4 **Highways Issues**

- 5.4.1 The existing housing in Laurel Crescent does not for the most part have in-curtilage/off-road parking and most resident vehicles are kept on the street. Similarly, the annex (log-cabin) within the rear garden has no vehicular access and by necessity, the occupants will park on the street, however this situation is no different from the situation that would exist if the occupant were resident in the dwelling or an extension to it.
- 5.4.2 The occupants of the log-cabin have only a pedestrian access, which is itself constrained by the unusual covered access to the rear garden, and is a shared facility with the neighbouring dwelling, as well as the host dwelling. The Highway Authority has not commented, and whilst not ideal, this arrangement does not represent a highway safety concern, although it would not be an appropriate arrangement for an independent dwelling, but is a tolerable situation for an annex to the dwelling serving family members.
- 5.4.3 Whilst there would be a minor loss of on-street parking due to additional vehicles for the occupants of the annex, the proposal is acceptable in Highway safety terms and the N.P.P.F indicates that permission should only be refused on highway safety grounds when the resulting situation would be severe.
- 5.4.4 On this basis, and having regard to the other matters considered above, the development proposals are considered to be acceptable in terms of Highway Safety and accord with the provisions of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety matters.

5.5 **Neighbouring Impact/Amenity**

- 5.5.1 The proposal introduces some ancillary living accommodation within the extensive rear garden of the property and as a result, there is some potential for amenity issues for the neighbours, albeit that the position of the annex is some appreciable distance from any neighbouring dwelling; it is close to neighbours gardens. Being an annex rather than an independent dwelling, it would be used by family members and the relationship to the host dwelling

and its amenity area is not a concern – and be suitably conditioned.

- 5.5.2 The log-cabin is of a modest scale being only 2.29m in height at the eaves and 3.17m to the ridge, and is not dissimilar to that of a domestic garage or shed.
- 5.5.4 The position of the building is such that with the distance from the side boundaries, little of the building would be visible above the side boundary fence/hedge and the building would not cause a loss of light to the neighbour's garden, and as the side windows would be below the fence-line, there would be no loss of privacy for the neighbour's garden, and any impact would be acceptable.
- 5.5.5 The position of the log-cabin at the bottom of the garden (the furthest point from the dwelling) is such that the orientation of windows, and the front entrance/lounge would face back towards the applicant's existing dwelling and the neighbours at Nos 13 and 17 Laurel Crescent. The log-cabin would be some 24m from the applicant's dwelling and 25m from No 17 and 21m from No 13, and with intervening boundary treatment, at the distances involved, there would be no unacceptable impact on the amenities of the neighbours arising from a loss of light or privacy, and there would be no undue noise/disturbance arising from the use of the pedestrian access.
- 5.5.6 The distances involved meets the guidance within the Successful Places C.P.D and the proposal would not harm the amenities of nearby residents, and the development complies with the provisions of policies CS2 and CS18 of the Core Strategy.

5.6 **Other Considerations**

- 5.6.1 Drainage - The only other issue is drainage and a public sewer falls within the rear garden of No 15, which can accept the foul drainage.
- 5.6.2 The Council's drainage section has suggested that infiltration test be carried out to prove the effectiveness of soakaways, although this would generally be a Building Regulations matter. The building is no larger than one which could be built under permitted development rights as a garden shed/greenhouse, which are generally be provided with soakaway drainage. To require

percolation tests at this stage is un-necessary at this stage and the development complies with the provisions of policy CS7 of the Core Strategy.

5.6.3 The site already has considerable ecology-friendly boundary hedges and the minor loss of lawn and a minor tree arising from the siting of the log-cabin has no bio-diversity implications.

5.6.4 It is not considered that any ecology or wildlife be harmed by the proposal which therefore complies with the provisions of policies CS2 and CS9 of the Core Strategy.

5.7 Community Infrastructure Levy (C.I.L)

5.7.1 Having regard to the nature of the application proposals the development comprises the creation of new dwelling (under C.I.L regulations an annex is classed as a dwelling) and the development is therefore CIL Liable.

5.7.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space and be index linked).

	A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
54	54	£50 (Low Zone)	307	288	£2,878

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).

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by means of a site notice (expired 10/09/2019) and neighbour letters (publicity period expired 16/10/2019).

6.2 As a result of the applications publicity, 2 letters of objection were received from nearby residents.

The resident of No 11 Laurel Crescent, Hollingwood, makes the following points:-

- Will the log cabin be requiring a septic tank – if so, where will it be sited.

Comment – the submitted plans show that the log-cabin would have its own sewer-pipe connecting to the public sewer in the rear garden of No 15 Laurel Crescent.

The resident of No 13 Laurel Crescent, Hollingwood, makes the following points:-

- Since living here we, alongside the other residents on Laurel Crescent, have an issue with on-road car parking. The street is simply overcrowded with vehicles. Plans to build a log cabin at the bottom of the garden for them to live in, gives immediate concerns about the extra cars this would involve on the street. It is a huge concern that in the case of an emergency, a fire engine/ambulance would have extreme difficulty getting close to the property due to the abundance of vehicles surrounding the properties. With the erection of this annexe and the added cars this will bring along with it, this worry becomes even greater
- Another concern is our loss of privacy. All of the windows towards the back of our property face directly out towards the area of land the proposed annexe will be situated. It feels unsettling and discomfoting to know we could look out and see into their log cabin and they could look out and see directly into our house too. The lack of privacy is hugely uncomfortable for us and we envisage it being undesirable for potential buyers in the future if we came to sell our property
- If these plans do go ahead, we would also need to purchase a large fence to be erected at the bottom of our garden to create some privacy. These costings are an inconvenience and something we did not foresee when we initially bought our property
- Unfortunately, we see this as a massive privacy issue. We feel like our curtains will always have to be drawn to stop visibility into our house. We hope that you will take our concerns into consideration

- The houses on this street are small two-bedroom terraced houses, the buildings are fairly old and the walls are thin. There is already a lot of noise that travels through the thin walls and that's with only 2 people who currently live there, if there were a total of 4 people, of course, the noise would be even louder. We would need to pay to have our walls soundproofed.
- The noise will be an inconvenience for us as it travels up the garden and will make our peaceful garden space noisy and unenjoyable to relax in
- Alongside environmental issues such as disposal of waste septic tank, unpleasant smells, noise from tank etc.

Comment – the submitted plans show that the log-cabin would have its own sewer-pipe connecting to the public sewer in the rear garden of No 15 Laurel Crescent, so there would be no smell from a septic tank.

The issues of parking, loss of privacy and amenity have been addressed in the main body of the report.

The issue of noise is a material consideration, however, this would be the same whether the occupants of the log cabin have their own accommodation or whether they stayed in the main house, or any permitted development extension to that dwelling. There would be no increase in the number of person's resident at the premises, and hence, no increase in noise, as the log cabin is to be occupied by members of the same family.

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 noted above.

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 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 objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the web-site.

9.0 **CONCLUSION**

9.1 The proposed development is considered to be appropriate as an annex to the existing dwelling (and would be conditioned accordingly) and the development has been sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS6, CS7, CS8, CS9, CS18, and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS2, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy

2011 – 2031 and therefore the application proposals are considered to be sustainable and acceptable.

10.0 **RECOMMENDATION**

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

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

02. 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.

Un-numbered drawings:-

1/1250 Location Plan;
1/500 scale Site Plan;
1/500 scale Block Plan;
Log Cabin - Specifications;
Log Cabin - Floor Plans, and
ARDEE Log Cabin - Details.

03. No development above floor-slab/D.P.C level shall be carried out until the precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

04. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

05. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii)

the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

06. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) there shall be no extensions, outbuildings or alterations to the roof of the annex hereby approved without the prior written agreement of the Local Planning Authority.
07. The self-contained accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling on the application site, presently known as 15 Laurel Crescent, Hollingwood in that it shall: -
- only be occupied by persons with a familial link or demonstrable relationship to the occupants of the main dwelling;
 - not be identified or addressed as a separate postal address;
 - not be occupied in the event the main dwelling is unoccupied; and
 - not be occupied under any form of contract.

Reasons for Conditions

01. The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.
02. 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 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 in the interest of visual amenity.
04. To ensure that the development can be properly drained.
05. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
06. In the interests of the amenities of occupants of adjoining dwellings.

07

The provision of an independent unit of living accommodation would not safeguard a sufficient degree of residential amenity for the occupants of either the existing dwelling or the proposed accommodation.