

Item 1

PROPOSAL: LOFT CONVERSION WITH REAR DORMER AND FRONT ROOFLIGHT – REVISED DRAWINGS RECEIVED 01/02/2022

LOCATION: 40 MANSFELDT ROAD, NEWBOLD, CHESTERFIELD, S41 7BW FOR MR J BEDFORD

Committee Date: 25th April 2022

Ward: Brockwell

Local Plan: Unallocated

1.0 CONSULTATION RESPONSES

Ward Members	No comments received
Local Highway Authority	No objection
Representations	5 representations received raising objections

2.0 THE SITE

- 2.1 The application relates to a detached two storey dwellinghouse that is located on the western side of the public highway known as Mansfeldt Road. The area is residential in nature with a mix of semi-detached and detached dwellings of a similar appearance. There is evidence of previous works to a few dwellings along the street. The architectural style of the street is of 1920 / 1930s dwellings with many being rendered and featuring bay windows.
- 2.2 The property is set back from the public highway with vehicular access to the south of the property and a garage is located to the south west corner of the plot.

3.0 SITE HISTORY

- 3.1 CHE/17/00617/FUL – Two storey side extension, single storey rear extension and detached garage. Revised plans received 25 September 2017.
Conditional permission granted 16/10/2017

4.0 THE PROPOSAL

- 4.1 The application seeks planning permission for a loft conversion with a rear dormer and roof lights to be included in the east facing elevation of the roof slope.
- 4.2 The proposed dormer will extend across the west (rear) facing roof slope of the original dwelling only – meaning the previously approved two storey side extension will not be included in the footprint of the dormer.
- 4.3 The dormer will extend 7.5 metres across the rear elevation, will have a maximum height of 2.6 metres and will project 2.8 metres beyond the roof slope.
- 4.4 The proposed dormer is detailed to be finished in a plain tile hung on the walls to match the existing roof covering. The windows are to be upvc to match the existing windows at the property.

5.0 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 Chesterfield Borough Local Plan 2018 – 2035.

5.2 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

5.3 National Planning Policy Framework

Part 2. Achieving sustainable development

Part 4. Decision-making

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

5.4 Supplementary Planning Documents

Successful Places Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application site is within a residential area where works to a domestic property are considered to be generally acceptable subject to policies CLP2 and CLP20 of the Local Plan, as well as the wider objectives of the NPPF.

6.2 Design and Appearance of the Proposal

6.2.1 Local Plan policy CLP20 states in part; 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 proposed dormer loft extension is considered to be acceptable in design and appearance. Whilst it is noted the dormer may appear to be a large addition to the roof of the property, it should be highlighted that such a development would usually fall under permitted development rights and therefore be exempt from planning control. As this property has already had a two storey side extension (see site history), which has increased the roof space, the volume that can be increased under permitted development is reduced.

6.2.3 The existing two storey side extension has increased the roof space by approximately 40 cubic metres and therefore leaves approximately 10 cubic metres remaining under the permitted development rights. The proposed dormer will increase the roof space by a further 27.3 cubic metres and therefore exceeds the overall maximum volume increase of 50 cubic metres under permitted development and hence the reason for this application.

6.2.4 With this in mind, it is important to acknowledge that such development as proposed would not typically be subject to development control. The proposal can therefore be considered to be in principle acceptable. The appearance of the proposal is also considered to be acceptable when having regard to the materials proposed to be similar in appearance to the existing materials. This will assist to blend the proposed development with the existing roof. The appearance of this proposal has been amended

through the submission of revised drawings to address concerns raised by this LPA in regards to the design of the proposed dormer lacking regard for the external appearance of the dwelling overall by virtue of the window locations and proportions in the dormer relative to those in the original dwellinghouse.

6.2.5 It is also noted that the property subject of the application has, since the submission of this application to the submission of revised drawings (received on 01/02/2022), changed the roof tiles from Rosemary roof tiles to Lagan Old English Red roof tiles. It is considered, based on the appearance of the amended roof tiles, the change is acceptable. The difference between the previous roof tiles and the current are not considered to be harmful enough to warrant further action by this LPA or indeed, the need to regularise this roof covering through an application. The roof tiles are considered to be acceptable within the streetscene, as is shown in the images below. It is therefore expected that the proposed dormer will be finished in materials to match the current roof covering.



Above: The house as of 04/03/2021 Above: The house as of October 2021
Images © Google Street View

6.2.6 Finally, it is to be acknowledged that owing to the design of the proposed dormer, it will not be visible from the streetscene and therefore will not have a negative impact on the streetscene, It is therefore considered that the proposal is appropriate to the existing building and its surroundings and would not cause significant adverse impacts on the visual amenity and character of the area. 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 It is considered the proposed development will result in acceptable amenity provisions for the occupants of the property. The proposed development will result in a fourth bedroom that is considered to be adequate in size and provide adequate light to the habitable space.
- 6.3.3 It is not considered the proposed development will result in significant harm to the neighbouring dwellings such that a refusal is warranted. The dormer will result in additional windows in the west (rear) facing elevation of the property at a level above the current windows in the property. This is accepted to result in increased opportunities for overlooking to the neighbours to the west however this is not considered to be harmful given the existing opportunities from the first floor windows at the property.
- 6.3.4 Furthermore, the dormer proposes to include windows which are considered to primarily allow light to the rooms in which they serve and do not encourage the occupier to dwell at this height and therefore increase the time spent at such a height and the sense of overlooking to the neighbouring properties. This would be the case if a Juliet balcony were to be proposed. It is therefore considered reasonable to remove permitted development rights to prohibit the windows being changed to a Juliet balcony at a later date.
- 6.3.5 On this basis and subject to the compliance with any condition imposed, the proposal is considered to accord with the provisions of policy CLP14 of the Local Plan.

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 LHA were consulted with in respect of this condition and the proposed development raised no objection from LHA. It is noted the scheme does not seek to increase the number of bedrooms at the application site owing to the loss of the existing fourth bedroom to make a landing and access area for the proposed second floor. It is therefore considered the increase in demand for off street parking spaces is not increased as a result of the proposed development. The application site is considered to provide off street parking for a minimum of no. 3 vehicles and this is considered to be acceptable for a four bedroom dwelling.

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 Biodiversity

6.5.1 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”.

6.5.2 It is noted the proposed scheme is not accompanied by any information to detail how the proposal will result in a biodiversity enhancement at the application site. It is accepted however that the proposed development will be sited on the roof of the dwellinghouse and therefore it is considered the site will be able to demonstrate a biodiversity enhancement at the application site. This may be delivered through the provision of a bird / bat box at an appropriate location within the application site or the inclusion of appropriate planting within the application site. It is considered such measures can be required through the imposition of an appropriate planning condition and as such, a condition will be imposed on any decision granted.

6.5.3 On this basis and subject to the compliance of the planning condition imposed, the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

7.0 REPRESENTATIONS

7.1 The standard period of consultation has been carried out for this application and no. 5 representations have been received as a result. The representations received raise concerns as detailed below;

- the misleading description of the dormer proposed
- appearance of the proposed dormer
- out of context and would detract from the character and appearance of the application site and wider local area
- concerns for the replacing of the roof tiles
- no other dormers in the area and it would not be in keeping with the other properties

- overlooking concerns
- delays in previous works being completed and resulting in a patch work of various building materials
- property values for neighbouring properties
- size and scale of the dormer
- impact on feel of the openness of the area

7.2 ***The concerns raised through the consultation process are noted and it is considered many of these matters have been addressed in Section 6.2 and 6.3 of this report. It should be highlighted that matters regarding neighbouring property values are not a material planning consideration and therefore cannot be used to substantiate a refusal.***

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 POSITIVE AND PROACTIVE WORKING WITH APPLICANT

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 to be 'sustainable development' to which the presumption in favour of the development applies.

9.2 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.

10.0 CONCLUSION

10.1 Overall the proposal is considered to be acceptable in accordance with the above identified policies of the Local Plan. It is acknowledged that owing to the previous extension at the property subject of this application, the size of the dormer that could be achieved under permitted development is limited and hence the reason for this application. It is therefore considered reasonable to acknowledge that had the dormer been carried out prior to the two storey side extension, the development would have complied with permitted development rights and therefore be exempt from control by this LPA.

10.2 It is accepted that the proposal is a large addition to the rear elevation of the property however the proposed dormer does not exceed the permitted development rights in size and scale and therefore it is considered this proposal is acceptable.

11.0 RECOMMENDATION

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

11.2 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).

- Proposed elevations – drawing no. 5B – 1:100 @ A3 – Revised drawings received 01/02/2022
- Proposed second floor layout – drawing no. 8b – 1:50 @ A3 – Revised drawings received 01/02/2022

- Proposed ground floor layout – drawing no. 6A – 1:50 @A3

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. Within 2 months of the commencement of the development hereby approved, a scheme for biodiversity and ecological enhancement measures shall be installed/integrated into the development 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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as amended, or any Order revoking and re-enacting that Order), there shall be no additional windows inserted or amendments to the windows approved in this planning consent.

Reason – In the interests of the privacy and amenity for the neighbouring dwellings and in accordance with CLP14.

11.3 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. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts

and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

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-ofmine-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. 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. When you carry out the work, 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 under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
6. In accordance with condition 3, 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