

Item 3

CHE/22/00139/FUL - ALTERATIONS TO EXISTING BUNGALOW TO INCLUDE REAR DORMER AND SINGLE STOREY REAR EXTENSION (REVISED PANS RECEIVED 21/04/2022 AND 06/06/2022) (DESCRIPTION OF DEVELOPMENT UPDATED 22/04/2022 AND 10/06/2022) AT 26 WESTWOOD LANE, BRIMINGTON, CHESTERFIELD, S43 1PA FOR MR S BINNS.

Local Plan: no allocation
Ward: Brimington South

Case Officer AM
Planning Committee Date: 18th July 2022

1.0 CONSULTATIONS

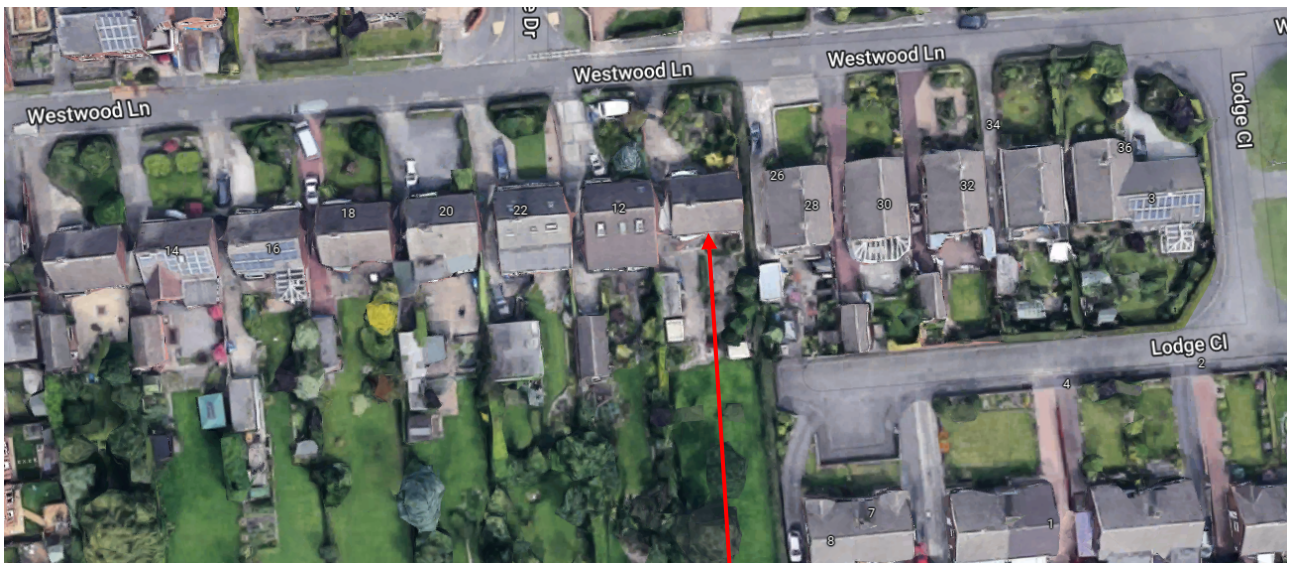
Ward Members	No comments received.
Brimington Parish Council	No comments received.
Local Highway Authority	No highway safety comments to make on additional, ancillary living accommodation subject to maintenance / provision of 2 no car parking spaces within the controlled residential curtilage.
Representations	12 representations received – see section 7 of the report.

2.0 THE SITE

- 2.1 The site the subject of the application is situated on the south side of Westwood Lane and comprises a detached bungalow. The property has a gabled roof design and is finished in a red brick with a tiled roof with white upvc windows (including front and rear projecting bay windows) and doors.
- 2.2 The property is served by a front driveway and garden area which provides space for at least 2 no. vehicles. To the west side of the property a driveway runs between nos. 24 and 26 Westwood Lane which provides access to a rear garage and to the rear garden.
- 2.3 The application site is in a residential area and is generally surrounded by housing. Westwood Lane is a cul-de-sac with the

street providing access to Westwood and the Trough Brook at its eastern end.

- 2.4 Westwood Lane is characterised by single storey and 1.5 storey dwellings. On the south side of Westwood Lane there is a consistency of design with a row of bungalows with roof pitches that run parallel to the public highway (of which the application site is the last in the row of 8), at this point the property typology changes to chalet style bungalows with gables presented to the public highway. There is a distinctive build line to the properties as they front Westwood Lane.



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Application site, 26 Westwood Lane

Site photographs:



- 2.5 To the east of the application site sits no. 28 Westwood Avenue, which is a chalet style bungalow with a gable presenting to the street. To the west of the application site is no. 24 Westwood Lane, separated from the application property by a side driveway that

runs to the rear of the application site. To the rear is an area of open space accessed via Eastmoor Road / Blacksmith Lane.

3.0 SITE HISTORY

3.1 CHE/21/00689/FUL – Two storey front and rear extensions and raising of existing roof height for loft conversion to bedrooms.

Refused: 14/12/2021

Reasons:

- 1. The development proposed due to its design incorporating a substantial forward projection is considered to be out of character and does not respond to the defining character of the streetscene. The proposed development is therefore considered to be contrary to the provisions of adopted Local Plan policy CLP20 and part 12 of the NPPF.*
- 2. The development introduces opportunities for overlooking through the inclusion of a balcony at first floor level. This is to the detriment to the private amenity space of no. 28 Westwood Lane and is therefore considered to be contrary to the provisions of the adopted Local Plan policy CLP14 and part 12 of the NPPF.*

4.0 THE PROPOSAL

4.1 The application seeks planning permission for alterations to the bungalow to provide a rear dormer and single storey rear extension. The dormer would enable the introduction of first floor accommodation at the property and the single storey extension to the rear would enable the expansion of ground floor accommodation.

4.2 To the front, the application proposes the removal of the bay window and re-distribution of openings to accommodate the re-arrangement of the internal accommodation, including a staircase to access the upstairs accommodation.

4.3 To the rear, the application proposes a single-storey flat-roof rear extension which projects 3.1m from the rear elevation and measures 2.75m high, with 2 no. projecting roof lights at 0.5m high. The rear elevation of the property will be brought out by 1.1m to accommodate an extended rear roof slope which facilitates the provision of upstairs accommodation.

- 4.4 At first floor level, the application proposes a flat-roof dormer which sits 0.15m below the roof ridge of the dwelling (which is to remain at the same height of 5.8m) and extends 9.5m across the rear elevation and projects 4.3m beyond the roof slope. To accommodate the extension and the rear dormer, the roof pitch to the rear of the property will be altered however it will remain the same to the front elevation.
- 4.5 At ground floor level, the proposal includes the replacement of the bay window to the front with a window and a re-located front door, which enables the installation of a staircase within the property to access the new upstairs accommodation. To the rear, the single-storey extension will include a bi-fold door to provide access to the rear garden, and floor-to ceiling windows within the extension. New windows and doors are to be provided to the north (side) elevation which will provide access to the driveway that leads to the back of the property.
- 4.6 At first floor level, the application proposes the introduction of roof lights to the front roof slope to serve the upstairs accommodation, a window to the north elevation and to the rear the introduction of a Juliet balcony to the main bedroom within the dormer extension and a further window to the upstairs accommodation.
- 4.7 At ground floor level, the application includes the rearrangement of the internal accommodation to provide an entrance hall, staircase, study, shower room and snug to the front of the property, and an expansive kitchen and dining space with associated utility room to the rear.
- 4.8 At first floor level, the application proposes the introduction of new living accommodation in the form of 3no. bedrooms, with the main bedroom being served by an en-suite bathroom and a family bathroom to the front of the property.
- 4.9 The materials for the proposal will include marley modern roof tile cladding to the cheeks of the rear dormer. The windows to the property are to be replaced in grey. The rear extension will be finished in render, however to the front and side elevations of the property the existing brick finishing will be retained.
- 4.10 The proposal has been revised significantly as a result of discussion and negotiation with the applicant and their agent, following acknowledgement of the concerns raised by local

residents regarding the proposals. The revised scheme seeks to address the issues and concerns raised within the representations, which are detailed in sections 6 and 7 of this report.

5.0 PLANNING POLICY

5.1 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.

5.4 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

5.5 National Planning Policy Framework 2021

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 8. Promoting healthy and safe communities
- 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

5.6 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 generally considered to be acceptable in accordance with policies CLP1 and CLP of the Local Plan, subject

to policies CLP14, CLP16, CLP20 and CLP22 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 single storey rear extension and rear dormer loft extension is considered to be acceptable in design and appearance. Whilst the original submission within the application sought to make substantial and unacceptable changes to the property as viewed from the street, the revised scheme (as presented) is considered to have appropriate regard to the character, form and setting of the site and surrounding area by way of its siting and massing.
- 6.2.3 As noted above, Westwood Lane is comprised of distinctive property types that provide regularity and uniformity within the street scene and which define the character to this part of the locality. The proposed alterations to the rear of the property will not be visible from the street and are therefore considered to be acceptable in terms of their contribution to the street scene. The proposed removal of the front bay window to accommodate the rearrangement of the internal accommodation and introduction of a stair case within the entrance hallway will have a minor impact on this regularity. However, the character to the street is derived from the build line of the properties, the stepping effect of the roof lines as they follow the topography of the street, and the materials to the properties. In this instance, the removal of the bay window to the front is not considered to be so significantly harmful as to warrant a reason for refusal.
- 6.2.3 In so far as scale and massing, the proposal is for a substantial dormer (approximately 57 cubic metres) and ground floor extension (approximately 30sqm) entirely to the rear of the property. The application site includes a large rear garden to the property which can readily accommodate the extensions, and helps to offset the scale and massing of the proposal within the plot. Furthermore, the proposal retains the ridge height to the

property which again helps to mitigate the impact of the scheme in terms of the streetscene.

- 6.2.4 In appearance terms the proposal involves the retention of the brick finish to the front and side elevations of the property with the introduction of rendering to the extension to the rear. Given the importance of the character to this part of the street scene, the proposed limitation of rendered finishing to the rear of the property is considered to be acceptable. The dormer will be finished in tiled cladding to match in to the existing roofing materials and is considered to be acceptable.
- 6.2.5 On this basis, the proposal is considered to be of an acceptable design in relation to the character of the site and the wider locality, proposed scale and massing and materials. It is therefore considered that the proposal accords with Policy CLP20 of the Chesterfield Local Plan.

6.3 Residential Amenity

- 6.3.1 Local Plan policies CLP14 and CLP20 comment 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 and overshadowing.
- 6.3.2 The application site is within a residential area with dwellings either side (east and west). The proposed dormer extension will provide first floor accommodation to the application site which will introduce the potential for overlooking to the rear gardens of adjacent properties through the introduction of a juliet balcony to the main bedroom. However, it should be noted that juliet balconies fall within the permitted development rights regime and are therefore generally exempt from planning control. In addition, it is considered that the proposed dormer would not introduce any significant overlooking issues beyond what is considered to be generally acceptable in a residential setting with properties adjacent to one another in a street. Furthermore, existing boundary treatments and the siting of garages within the gardens of adjacent properties will provide a degree of screening and will mitigate the risk of a harmful degree of overlooking, which is considered to be satisfactory in this instance.
- 6.3.3 The application includes the introduction of a window at first floor level on the west facing elevation, however this would look directly

on to the blank gable of no. 24 Westwood Lane and does not raise any concerns regarding overlooking.

6.3.3 A representation has been received regarding the potential for loss of light to no. 28 Westwood Lane. However, it should be noted that this representation was to the scheme as originally submitted which included the raising of the ridge and eaves of the application property. The revised plans retain the ridge and eaves height of the property as existing which helps to reduce the potential impact of the scheme. The introduction of the rear dormer may have a slight impact on the west facing windows to no. 24 however these windows are not principal windows to the accommodation and the separation distance between the properties is considered to provide sufficient natural light. The siting of the application site to the west of no. 24 will again help to reduce the risk of loss of light and over shadowing. The proposal is therefore considered to have an acceptable impact on the occupiers of surrounding dwellings.

6.3.6 Overall the proposed development is considered to be appropriately designed to respond to the provisions of policies CLP14 and CLP20 of the Local Plan, NPPF and the wider SPD with regards to residential amenity.

6.4 Highways Safety

6.4.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. The Local Highways Authority has raised no highway safety concerns subject to 2 no. parking spaces being retained within the curtilage.

6.4.2 The proposal will retain the ability to park 2 no. vehicles within the driveway area to the front and side of the property and is therefore considered to retain a sufficient level of car parking for the likely occupancy of the dwelling.

6.4.7 The proposal is therefore considered to be acceptable under policy CLP20 and CLP22 of the Local Plan on this basis.

6.7 Biodiversity including trees and landscaping

6.7.1 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”.

- 6.7.2 No information has been provided in respect of a proposed biodiversity enhancement at the site or to demonstrate a net gain in biodiversity. The proposal is a householder development and does not result in the loss of an existing species rich habitat area. The rear of the property is constituted of an area of hardstanding and it is not considered that the site is of any ecological value. Nevertheless, some level of biodiversity net gain is necessary to accord with policy CLP16 of the Local Plan and the NPPF. It is therefore considered to be reasonable to impose a condition to secure a biodiversity net gain with explanatory details contained in a footnote to be addressed by the applicant. On this basis, and subject to compliance with a condition, the proposal is considered to accord with the provisions of Policy CLP16 of the Chesterfield Local Plan and the NPPF.
- 6.7.3 On this basis, and subject to compliance with a condition, the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

7.0 REPRESENTATIONS

- 7.1 12 representations have been received on the application, which all respond to the previous iterations of the scheme (as originally submitted, and that received on 21/04/2022). Further consultation has been undertaken on the proposal as received on 06/06/2022 as presented to Committee and no further representations from members of the public have been received.

7.2 Original Scheme

- Loss of light to adjacent properties
- Overshadowing to adjacent properties
- The raised roof height will be out of character with the properties on the street
- The proposed frontage alterations and side extensions will be out of character with the properties on the street
- The proposed side extension would result in cluttering in the street scene
- Adverse impact of side extension on ability to maintain adjacent property

- Risk of damage to adjacent property as a result of side extension being built close to footings and impact on air circulation, increased fire risk
- Impact of side extension on communal drains
- The proposal would, in effect, turn the bungalow into a house which would have an adverse effect on the character of the street

7.3 Revised Scheme (21/04/2022)

- The proposal would be out of keeping with the street scene
- Adverse impact of side extension on ability to maintain adjacent property
- Risk of damage to adjacent property as a result of side extension being built close to footings
- Impact of side extension on communal drains

7.4 Officer Response

- Loss of light and overshadowing has been addressed within section 6 of the report
- The proposal no longer proposes a side extension
- The proposal no longer proposes raised roof ridge or eaves heights
- The originally proposed frontage alterations have been amended. The revised proposal includes alterations to the property frontage which have been considered within section 6 of this report
- The revised proposal retains the property as a bungalow with upstairs accommodation being enabled by the introduction of a staircase within the front entrance hallway, a dormer extension and a single-storey rear extension, thereby retaining the elements of the host property which make a positive contribution to the streetscene by way of uniformity of typology, roof ridge and eaves heights.

7.5 The concerns raised through representations on the original and revised application (21/04/2022) are noted however it is considered that these have been resolved or overcome within the revised proposal (06/06/2022).

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 the 2021 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 subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP14, CLP16, CLP20, CLP21 and CLP22 of the Local Plan.

11.0 RECOMMENDATION

11.1 That the planning permission 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 permitted 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):

- Site location and layout plan, Drawing no. 008, A2, dated May 2022
- Proposed elevations, Drawing no. 007, 1:100 @ A3, dated May 2022
- Proposed roof plan, Drawing no. 006, 1: 50 @ A3, dated May 2022
- Proposed ground floor plan, Drawing no. 004, 1:50 @ A3, dated May 2022
- Proposed first floor plan, Drawing no. 005, 1:50 @ A3, dated May 2022

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 development hereby permitted commencing, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall be submitted to and approved in writing by the Local Planning Authority. The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

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

11.3 Informative Notes

1. The Local Planning Authority have considered this application in a positive and proactive way 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 a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining

feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

4. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - bird/owl/bat boxes
 - (Locating your nest box: 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 nest boxes 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 nest box close to a bird table 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 treatments to allow species such as hedgehog to move across the site
- bee bricks