

ITEM 5

SINGLE STOREY SIDE AND SINGLE STOREY REAR EXTENSION, RENDER ON THE FRONT ELEVATION. CANOPY ROOF ON THE FRONT ELEVATION AT 51 SOMERSBY AVENUE, WALTON FOR MR CHARLES STATON

Local Plan: Not allocated

Ward: Walton

Planning Committee 12th December 2022

1.0 CONSULTATION RESPONSES

Highway Authority	No objection
Ward Members	3 objections received
Neighbours	7 objections received

2.0 THE SITE

- 2.1 The site consists of a modern detached two-storey dwelling, with modest front garden and larger rear garden with side access to the rear. The dwelling has been previously extended with the addition of a rear conservatory and there is a detached garage in the rear garden.
- 2.2 The surrounding area consists of two storey detached houses, all built around the same time, with front and rear gardens, some with hardstanding to the front and of various designs and scales. There are also several bungalows along the street scene.



Figure 1 - showing the main front elevation



Figure 2 - showing the side driveway from the rear of the house



Figure 3 - showing the rear elevation of the site dwelling with the conservatory which would be removed



Figure 4 - view from the rear garden looking south towards No. 49



Figure 5 - view from the rear garden looking towards the rear of No. 53



Figure 6 - side view of the site detached garage from the rear garden

3.0 SITE HISTORY

3.1 No relevant planning history.

4.0 THE PROPOSAL

4.1 The application seeks planning permission for a two-storey side extension, a single storey rear extension and the conversion of the existing garage. The existing rear conservatory would be demolished to make way for the proposals. The front garden is also proposed to include hardstanding for parking with landscaping around the edge.

4.2 The two-storey side extension would project between approx. 2.3 and 2.8 metres from the side elevation of the house, it would have a depth of 9.5 metres on the ground floor (which would then wrap around the rear to form the ground floor extension) and 7 metres on the first floor. The height to the ridge of the dual pitched roof would be approx. 8.2 metres.

- 4.3 The single storey rear extension would project 1.5 metres from the main rear elevation, it would have a width of 8 metres and a height to the ridge of the mono-pitched roof of approx. 3.6 and 4 metres, due to the differences in ground level in the rear garden.
- 4.4 Regarding the existing garage in the rear garden it would be converted to a home office. The area it occupies would remain the same as existing however the roof would be reduced from a 3.5 metre dual pitched roof to a flat roof at a height of 3 meters.
- 4.5 The proposed extensions to the dwelling would consist of a reception room at the side and a larger kitchen/dining room at the rear. On the first floor an additional bedroom with ensuite is proposed. Proposed materials would match existing with the addition of parking hardstanding to the front garden.

5.0 PLANNING POLICY CONTEXT

- 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 8. Promoting healthy and safe communities
 Part 12. Achieving well-designed places
 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 CLP1, CLP2 and CLP20 of the Local Plan, as well as the wider objectives of the NPPF.

6.2 Design and Appearance

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 Amended plans were negotiated and submitted by the applicant and which resulted in changes to the original submission, which can be summarised as:

- First floor side extension stepped back from the main elevation by 1 metre
- Two storey side extension stepped in at the side
- Ridge line of proposed side extension stepped down from main ridge
- Amended layout of the single storey rear extension which connected to the garage
- Removal of the roof lantern window on the garage
- Inclusion of a 2 metre high fence at the shared boundary
- Ground surrounding the garage levelled off with a 0.4m high patio
- Garage roof changed to a flat roof

6.2.3 The projection of the two storey side extension from the side elevation was reduced to leave a gap of 1 metre at the side of the dwelling. Without this it would have adversely impacted the character of the street and the appearance of the dwelling creating a terracing effect along the street due to the close proximity to the neighbours detached dwelling at No. 49 Somersby Avenue to the south of the site. The amended plan in this regard is now considered acceptable as this impact is minimised.

- 6.2.4 The local area is characterised by different house types, with various sizes and widths in the vicinity and the proposals would not adversely detract from this mixed character and appearance along the street scene.
- 6.2.5 Side access was also improved to the rear garden, potentially for the storage of bins at the rear of the dwelling rather than at the front of the dwelling and which has the positive benefit on the appearance at the front elevation without potentially obtrusive bin storage. This side access would allow for access for maintenance however access by neighbours for maintenance is a private civil matter and not relevant to the determination of the submitted application.
- 6.2.6 To ensure that the two storey side extension appears subordinate to the original house the roof ridge height was also decreased to differentiate the side extension from the original house, which at this site was applicable due to the lack of a large side garden and the proximity to the neighbours dwelling. The first floor front elevation was also stepped back 1 metre from the main elevation to help diminish the appearance of the extension in this same regard.
- 6.2.7 Along this street in this vicinity, it is apparent that the size of the original off-street parking spaces have been increased across front lawns and landscaped areas, with several examples. The amended plan shows that the front lawned garden would be changed in appearance to accommodate the parking of vehicles. A grass edge and low height shrubs would surround the parking area in the front garden which would be sufficient to soften the appearance of the proposed hardstanding.
- 6.2.8 At the rear the single storey which originally connected to the garage has been amended to reduce the overall scale of the proposals at the rear. This has been changed to a single storey extension across the rear elevation of the original dwelling and the side extension. Although the proposed sliding doors appear more modern this would be acceptable as the proposed roof is mono pitched and it cannot be seen from the highway or public vantage points. The original house is also quite modern in appearance.
- 6.2.9 With the conversion of the garage the dual pitched roof is proposed to be changed to a flat roof, which would decrease the overall massing of the proposed elements within the site. The proposed two roof lantern windows have been changed to one flat roof light window. In terms of

impacts to the character this would be acceptable as it is located away from public vantage points and is discretely located.

- 6.2.10 At the rear the ground level of the garden appears to be levelled off, which creates a small platform of 0.4 metres in front of the former garage. This is considered to be acceptable as the garden is effectively lowered and the ground level around the former garage, and in front of it, remains the same as existing. The creation of an additional garage window facing the rear garden and the door which faces the house would be accepted due to their placement and their scale.
- 6.2.11 The remaining private garden space in the rear garden would measure approx. 215 square metres which is more than the 90 square metres set out by the *Successful Places SPD (para. 3.11.20)* for a four bedroom dwelling.
- 6.2.12 Overall, the amended development is considered to be acceptable in design and appearance and it is 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 The removal of the single storey extension at the rear which connected to the garage now removes the overshadowing impact, using the 45 degree guidance, when measured from the nearest rear elevation ground floor window at No. 49 Somersby Avenue. The proposed lantern windows on the converted garage may have also caused an increase in internal light (on dark evenings) emanating from the site. The removal of both lanterns and the creation of one roof light window would lessen this impact especially in relation to the nearest rear windows of No. 49.
- 6.3.3 The creation of a door facing the site dwelling in the front elevation of the garage would be acceptable due to the wooden fence panels on the shared boundary with No. 49 which would act as an effective screen.

- 6.3.4 The inclusion of the 2 metre high fence panels would prevent adverse overlooking from the additional side window in the converted garage, especially in the gap between proposed rear extension and the garage in the rear garden of No. 53 to the north of the site. This would improve privacy levels when compared to the current situation with the conservatory which overlooks this neighbours rear garden/driveway.
- 6.3.5 At the front, the side lean-to at No. 31 Horsewood Road on the opposite side of the road would be approx. 25 metres from the proposed front facing windows on the side extension. This would represent an acceptable separation distance in terms of privacy, furthermore, this lean-to is obscurely glazed.
- 6.3.6 No. 42 Somersby Avenue also opposite the site dwelling, is approx. 34 metres from the proposed windows which would also represent an acceptable separation/privacy distance.
- 6.3.7 At the rear No. 40 Firvale Road would be 20.5 metres away from the rear elevation of the proposed single storey element. This privacy/separation distance would be acceptable in this instance due to the wooden panel fencing at the rear shared boundary which would act as a sufficient screen, especially in regard to the proposed patio doors.
- 6.3.8 On this basis the proposal is considered to accord with the provisions of policy CLP14 of the Local Plan.

6.4 Highway Safety

- 6.4.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 6.4.2 There are no parking restrictions on this road and the front garden, which consists of hardstanding, would be able to accommodate the number of vehicles required for these proposals. The Highway Authority has not objected.
- 6.4.3 On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan, subject to the addition of this condition and footnote.

6.5 Biodiversity and Trees

- 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 The application has not been accompanied by details regarding how the development will result in a site biodiversity enhancement. The proposed extension would be built on the current patio and hardstanding and would therefore have a minor impact on site biodiversity, however, the applicant is advised to pay particular attention to the biodiversity condition and the associated footnote to introduce a biodiversity enhancement measure on site.
- 6.5.3 On this basis, and subject to compliance with the recommended condition, 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. There has been 7 representations in the form of formal objections received from neighbours at 40; 49; 53; 57 Somersby Avenue, 15 Lodge Farm Close, 42 Firvale Road and 31 Horsewood Road and which raise the following issues:
- Not within permitted development
 - Small rear garden
 - 45 Degree Code conflict/overshadowing
 - No rear/side access/bin storage/fire safety
 - Visual appearance of lawn removal/new hardstanding
 - Drainage for Parking/highway safety/parking not sufficient
 - Construction traffic/noise/vehicles
 - Character of detached dwellings/terracing effect
 - Plans don't show surrounding dwellings elevations
- 7.2 The neighbours were re-consulted on the amended plans and 1 additional objection was received from 49 Somersby Avenue commenting regarding:

- Excessive scale
- Character and appearance in relation to surrounding houses
- Rear garden too small

7.3 The representations raised additional concerns which are not material to the planning application determination:

- Side access during construction – the onus lies with the applicant/neighbours to discuss any access issues
- Party wall and boundary line – the onus lies with the applicant to discuss this with any affected neighbours

7.4 The concerns raised regarding permitted development limitations are not of particular relevance given that a planning application has been submitted.

7.5 Representations have also been made regarding the original plans from the following ward Members:

- Councillor MJ Kellman
- Councillor N Redihough
- Councillor T Snowdon

The points they have raised concerned the following planning issues:

- Extensive/excessive changes/scale
- Out of keeping/character/style with surrounding houses
- Access to neighbour's side elevations impaired
- Front garden conversion to parking/biodiversity and drainage
- Garage conversion/habitable space too close to rear neighbours
- 45 Degree Code/Overshadowing
- Over development

7.6 All the planning related objections have been addressed in this report.

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 considered this application in a positive and proactive way 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 referenced policies of the Local Plan.

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).

- SITE PLAN - 51SA-CCL-ZZ-XX-DR-S-1030_P2 (Amended)
Received 17-OCT-2022
- GROUND FLOOR PLAN - 51SA-CCL-ZZ-00-DR-S-1000_P2
(Amended) Received 17-OCT-2022
- FIRST FLOOR PLAN - 51SA-CCL-ZZ-01-DR-S-1001_P2
(Amended) Received 17-OCT-2022
- ROOF PLAN - 51SA-CCL-ZZ-RF-DR-S-1002_P2 (Amended)
Received 17-OCT-2022
- GROUND FLOOR PLAN (45 DEREЕ CODE) - 51SA-CCL-ZZ-XX-DR-S-1004_P1 (Amended) Received 17-OCT-2022
- FRONT ELEVATION - 51SA-CCL-ZZ-XX-DR-S-1010_P2
(Amended) Received 17-OCT-2022
- LEFT SIDE ELEVATION - 51SA-CCL-ZZ-XX-DR-S-1011_P2
(Amended) Received 17-OCT-2022
- REAR ELEVATION - 51SA-CCL-ZZ-XX-DR-S-1012_P2 (Amended)
Received 17-OCT-2022
- RIGHT SIDE ELEVATION - 51SA-CCL-ZZ-XX-DR-S-1013_P2
(Amended) Received 17-OCT-2022
- 3D VIEWS SHEET 1 - 51SA-CCL-ZZ-XX-DR-S-1020_P2 (Amended)
Received 17-OCT-2022
- 3D VIEWS SHEET 2 - 51SA-CCL-ZZ-XX-DR-S-1021_P1 (Amended)
Received 17-OCT-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 3 months of the commencement of the development hereby approved, a biodiversity and ecological enhancement measure shall be installed/integrated into the development site. Photographic evidence of installation shall be sent to The Local Planning Authority. 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

11.3 Informative Notes

1. 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.
2. 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

3. 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
- tree planting