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2 June 2014

To: All Councillors

As a Member or Substitute of the **Southern Area Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 10 June 2014 at 6.00 pm in the MAIN HALL, ASHBOURNE ELIM PENTECOSTAL CHURCH, THE WATERSIDE CENTRE, ASHBOURNE DE6 1DG.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Lamb', with a stylized flourish at the end.

Sandra Lamb  
Head of Corporate Services

## **AGENDA**

**SITE VISITS** The Committee is advised a coach will leave the **ASHBOURNE ELIM PENTECOSTAL CHURCH** at **3.30pm prompt - MEMBERS PLEASE ASSEMBLE IN THE FOYER.** A schedule detailing the sites to be visited is attached to the agenda.

### **1. APOLOGIES/SUBSTITUTES**

Please advise the Committee Team on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence and substitute arrangements.

### **2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

13 May 2014.

### **3. INTERESTS**

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those Interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

#### 4. APPLICATIONS FOR DETERMINATION

Please note that for the following items, references to financial, legal and environmental considerations and equal opportunities and disability issues will be embodied within the text of the report, where applicable.

#### PUBLIC PARTICIPATION

To provide members of the public **WHO HAVE GIVEN PRIOR NOTICE** (by no later than 12 noon on the working day prior to the meeting) with the opportunity to express their views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed.

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| <b>4.1 APPLICATION NO. 14/00170/FUL (Site Visit)</b>   | <b>5 - 8</b>   |
| First floor extension at Ivy House, Marston Montgomery.  |                |
| <b>4.2 APPLICATION NO. 14/00164/OUT (Site Visit)</b>   | <b>9 - 13</b>  |
| Erection of dwelling (outline) at land to the rear of Almar, Somersal Lane, Marston Montgomery.                          |                |
| <b>4.3 APPLICATION NO. 14/00246/FUL (Site Visit)</b>   | <b>14 - 17</b> |
| Extensions and alterations to form two storey dwelling, erection of garage and relocation of access at Hillcroft, Atlow. |                |
| <b>5. TREES PROGRESS REPORT – DDDC APPLICATIONS</b>  | <b>18</b>      |
| To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.                 |                |
| <b>6. APPEALS PROGRESS REPORT</b>  | <b>19 - 26</b> |
| To note a report on appeals to the Planning Inspectorate.  |                |

#### NOTE

For further information about this Agenda or on the Public Participation initiative contact the Committee Team on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk).

Members of the Committee: Councillors Richard Bright, Ken Bull, Steve Bull, Albert Catt, Tom Donnelly (Vice Chairman), David Fearn, Richard FitzHerbert, Steve Flitter, David Frederickson, Cate Hunt, Angus Jenkins, Tony Millward (Chairman), Garry Purdy, Lewis Rose, OBE, Andrew Shirley, Peter Slack, Geoff Stevens MBE.

Substitutes: Councillors Jacque Bevan, Sue Burfoot, David Burton, Bob Cartwright, Ann Elliott, Chris Furness, Neil Horton, Jean Monks, Andrew Lewer, Andrew Statham, Jacque Stevens, Barry Tipping, Philippa Tilbrook, Judith Twigg, Carol Walker, Jo Wild.

## SITE VISITS

Members will leave the **ASHBOURNE ELIM PENTECOSTAL CHURCH** at **3.30pm prompt** for the following site visits. **NB: MEMBERS TO ASSEMBLE IN THE FOYER.**

**3.45pm Application No. 14/00170/FUL 5 - 8**

### **Ivy House, Marston Montgomery**

Requested by Officers to enable members of the Planning Committee to fully assess the impact of the extension on the character and appearance of the existing dwellinghouse and its surroundings.

**4.10pm Application No. 14/00164/OUT 9 - 13**

### **Land to the Rear of Almar, Somersal Lane, Marston Montgomery**

Requested by the Ward Member to enable members of the Planning Committee to fully assess the issues involved.

**4.45pm Application No. 14/00246/FUL 14 - 17**

### **Hillcroft, Atlow**

Requested by the Ward Member to enable members of the Planning Committee to assess the impact of the development on the character and appearance of the existing dwellinghouse and its surroundings.

**5.15pm Return**

## COMMITTEE SITE MEETING PROCEDURE

You have been invited to attend a site meeting of the Council's Planning Committee/Advisory Committee. The purpose of the meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.

5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

14/00170/FUL

Ivy House, Marston Montgomery



Scale : 1:1250

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Derbyshire Dales District Council, Town Hall, Bank Road,  
Matlock, Derbyshire DE4 3NN. Telephone: (01629) 761100.  
Website: [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	29 May 2014
<b>Licence No.</b>	100019785

**14/00170/FUL FIRST FLOOR EXTENSION AT IVY HOUSE, MARSTON MONTGOMERY FOR MR A. HARTLEY**

Parish Council: Marston Montgomery  
Application type: Full

Date of receipt: 17.03.14  
Case Officer: Mr C. Whitmore

**THE SITE AND SURROUNDINGS:**

Ivy House is a traditional, two storey detached dwelling located at the northern end of Marston Montgomery village. The property is orientated so that its side (east facing) elevation faces Thurvaston Road. A single storey outbuilding to the side of the main dwellinghouse was converted in the late 1980s to a separate unit of residential accommodation that could only be occupied in conjunction with the original dwellinghouse. The outbuilding extends up to the highway verge off a subservient, two storey outshot at the rear. The existing building is faced in red brick and plain roof tiles and incorporates decorative barge boards and tall red brick chimney stacks.

**THE APPLICATION:**

Full planning permission is sought for a first floor extension above the part of the building which was approved as a separate unit of residential accommodation. It is proposed to raise the eaves and ridge height of the building by 2.5m across its entire length (some 12.4m). The first floor will be partly accommodated in the roof. The principal elevation of the extension will incorporate two gablets and three first floor window openings. The side elevation will be blank. Four smaller first floor window openings are proposed in the rear wall of the extension. The footprint / form of the outbuilding will remain, with the width of the first floor extension being slightly narrower at its eastern end due to a return in the rear wall and wider where it meets the original dwellinghouse to accommodate an internal corridor. The extension will provide 2 no. new bedrooms and a dressing room with en-suite.

The extension will be faced in red brick and plain roof tiles to match the main dwellinghouse.

**RELEVANT HISTORY:**

0387/0204	Extensions to dwelling to form additional accommodation and new dwelling unit	Granted
0786/0479	Conversion of outbuilding to provide extension to dwelling	Granted

**CONSULTATIONS:**

Local Highway Authority

No objections providing extensions form domestic ancillary living accommodation for the existing dwelling.

Parish Council

No objections.

**REPRESENTATIONS:**

None

**POLICIES:**

Adopted Derbyshire Dales Local Plan (2005):

SF4 Development in the Countryside

## 14/00170/FUL (Continued)

- SF5: Design and Appearance of Development
- H2: Extensions to Dwellings
- TR1: Access Requirements and the Impact Of new Development

Derbyshire Dales Local Plan Submission Draft (May 2014):

Development Management Policy 2 – Development in the Countryside

Development Management Policy 9 – Design and Appearance of Development

Other:

National Planning Policy Framework (2012)

### ISSUES:

1. The main issue to assess in the consideration of this application is the impact of the proposed extension on the buildings character and appearance and its surroundings. The occupants of nearby residential properties would not be adversely affected by the proposed development.
2. Policy SF5 of the Adopted Local Plan aligns with guidance contained within the National Planning Policy Framework in respect of design and states that planning permission will only be granted for development that preserves / enhances the quality and distinctiveness of its surroundings, and where it reinforces the sense of place engendered by the presence of distinctive local building styles and materials. Policy H2 of the Adopted Local Plan deals specifically with extensions to dwellings and states that planning permission will be granted for extensions that would not result in a detrimental impact on the character and appearance of the dwelling and its surroundings.
3. The relationship between the main two storey dwellinghouse and the existing outbuilding can be clearly read and understood from Thurvaston Road. The simplicity of form and modest scale is such that the outbuilding continues to read as a subservient element of the principal dwellinghouse. The proposal to raise the eaves and ridge height of the entire building and introduce 'gablets' that are non-typical of the main dwellinghouse would cause significant harm to its character and appearance. Despite being set behind its principal elevation and being built in materials to match the resultant building due to its length, relative height and over fussy design would appear as an overwhelming and incongruous addition to the existing dwellinghouse harmful to its character and appearance. This harm would be clearly seen from Thurvaston Road when travelling in a northerly direction from the village and would neither preserve nor enhance the character and appearance of this part of the countryside it is considered, thereby contravening Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005).
4. For the reasons set out above, it is considered that the proposed extension would cause significant harm to the character and appearance of the existing dwellinghouse and would conflict with Policies SF4, SF5 and H2 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 2 and 9 of the Derbyshire Dales Local Plan Submission Draft (May 2014) and guidance contained within the National Planning Policy Framework (2012). A recommendation of refusal is put forward on this basis.

## 14/00170/FUL (Continued)

### OFFICER RECOMMENDATION:

That Planning permission be refused for the following reason:-

1. The proposed first floor extension would by reason of its siting, length, overall height and design appear as an overwhelming and incongruous addition to the existing dwellinghouse harmful to its character and appearance and the character and appearance of this part of the countryside contrary to the aims of policies SF4, SF5 and H2 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 2 and 9 of the Derbyshire Dales Local Plan Submission Draft (May 2014) and guidance contained within the National Planning Policy Framework (2012).

Footnote:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This Decision Notice relates to the following documents:

1:1250 Scale Site Location Plan numbered 14/IHMM/LP;

1:200 Scale Block Plan 'As Existing' numbered 14/IHMM/03;

1:200 Scale Block Plan 'As Proposed' numbered 14/IHMM/06j;

Design and Access Statement;

1:100 Scale Elevations Plan 'As Existing' numbered 14/IHMM/02;

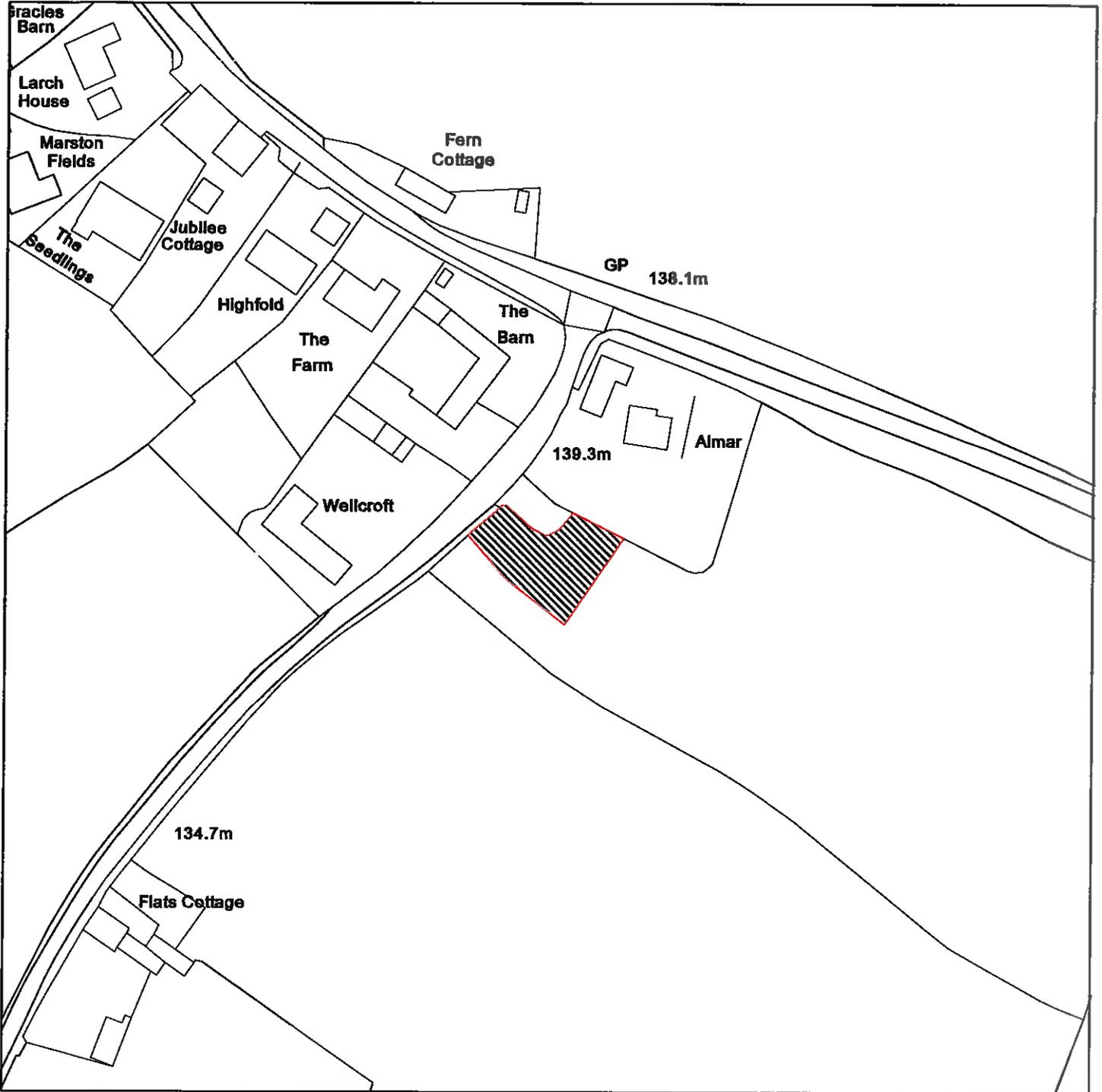
1:100 and 1:50 Scale Roof and Floor Layout Plan 'As Existing' numbered 14/HMM/01;

1:100 Scale Elevations Plan 'As Proposed' numbered 14/IHMM/05j, and;

1:100 and 1:50 Scale Roof and Floor Layout Plan 'As Proposed' numbered 14/HMM/04j received by the District Council on the 17<sup>th</sup> March 2014.

# 14/00164/OUT

Land to the rear of Almar, Somersal Lane, Marston Montgomery



Scale : 1:1250

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<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	29 May 2014
<b>Licence No.</b>	100019785

**14/00164/OUT      ERECTION OF DWELLING (OUTLINE) AT LAND TO THE REAR OF  
ALMAR, SOMERSAL LANE, MARSTON MONTGOMERY FOR MR  
A BUCKLEY**

Parish Council:      Marston Montgomery  
Application type:    Outline

Date of receipt: 13/03/2014  
Case Officer: Mr W Shaw

**THE SITE AND SURROUNDINGS:**

The application relates to a 500 square metre 'L' shaped parcel of land to the rear of 'Almar' a dwelling located at the eastern end of Marston Montgomery village, bordering Somersal Lane. There is an existing access from Somersal Lane into the site, adjacent to a detached domestic garage. The land is relatively flat and borders an open field and the applicant's garden; it is used for open storage purposes and contains numerous implements and parts of machinery / vehicles.

**THE APPLICATION:**

Outline planning permission is sought for a 3 bedroom dwelling with all matters reserved for subsequent approval. The submitted plan indicates that the dwelling may be a 7m x 10m property with an eaves height of 3m and an approximate ridge height of just under 5.5m. The illustrative details indicates the dwelling being some 15m back from Somersal Lane.

A supporting Design and Access Statement advises that there is a local need for accommodation from the applicant's family. The village is a sustainable location, having a primary school and various local societies and activities. The site is just outside of the previous 'development boundary' delineated in the Local Plan. The Council is in the process of revising the development boundaries and housing allocations. The site was previously put forward for inclusion in the development boundary, is ideal for a modest dwelling and should attract a presumption in favour of being developed. Construction materials are stated to be red brick and blue tiles.

**RELEVANT HISTORY:**

None

**CONSULTATIONS:**

1. Local Highway Authority

At a recent site visit, it was estimated that vehicles passing the site were travelling at approximately 20 mph, equating to recommended emerging visibility splays of 2.4m x 25m, in accordance with design guidance. Whilst this level of emerging visibility could be achieved in the north eastern direction, fronting vegetation obstructed the emerging visibility to the south west of the access.

However, there is scope to achieve the recommended visibility splay in the south western direction given the submitted details indicate that the applicant has control of the fronting hedgerow. Therefore the Local Highway Authority has no objections to the proposed development subject to conditions being imposed, in the interests of highway safety. These relate to modifications to the existing vehicular access, the access driveway gradient and surface water run-off, and to the provision of adequate parking and manoeuvring space being provided within the site for residents vehicles, and maintained for the life of the development free from impediment.

## 14/00164/OUT (Continued)

### 2. Parish Council

Support the proposed development.

### 3. Derbyshire Wildlife Trust

Comments to be reported at the Committee meeting.

## REPRESENTATIONS:

None

## POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

- SF4: Development in the Countryside
- SF5: Design and Appearance of Development
- H4: Housing Development outside Settlement Framework Boundaries
- H9: Design and Appearance of New Housing
- H12: Alternative Provision for Affordable Housing outside Settlement Frameworks
- H13: Affordable Housing Exceptional Sites in Rural Areas
- NBE5: Development Affecting Species Protected by Law or are Nationally Rare
- NBE8: Landscape Character
- NBE12: Foul Sewage
- NBE26: Landscape Design in Association with New Development
- TR1: Access Requirements and the Impact of New Development
- TR8: Parking Requirements for New Development

Derbyshire Dales Local Plan Submission Draft (May 2014):

- Development Management Policy 2 – Development in the Countryside
- Development Management Policy 6 – Landscape Character
- Development Management Policy 7 – Biodiversity and Geological Interests
- Development Management Policy 9 – Design and Appearance of Development
- Development Management Policy 17 – Affordable Housing
- Development Management Policy 22 – Access and Parking
- Strategic Policy 2 – Settlement Hierarchy

Other:

National Planning Policy Framework (2012)

## ISSUES:

1. The main issues to consider in respect to this particular application are:-
  - (i) Is the proposed development in accordance with planning policies dealing with the location of new residential development?
  - (ii) Would the proposed development raise any highway safety objection?
  - (iii) Would there be any unacceptable impact on the amenities of any occupiers of neighbouring dwellings? and
  - (iv) Would there be any unacceptable impact upon protected species?
2. By way of background, the application site was previously suggested for development through the Housing Options Consultation in June 2012 and then again through the pre-submission Consultation on the emerging Local Plan, in July 2013. The Council's emerging Local Plan is promoting a Settlement Framework

## 14/00164/OUT (Continued)

Boundary for Marston Montgomery village, along with a number of other villages within The Local Plan area. However, having previously not agreed to the application site when put forward initially for housing (reference SFB40) it was again rejected by the Council's Local Plan Advisory Committee on 3<sup>rd</sup> March 2014 as it did not meet the relevant site selection criteria. Hence being outside of the proposed Settlement Framework Boundary for Marston Montgomery it falls within the countryside and is not regarded as a sustainable location.

3. Adopted Local Plan Policy H4 considers 'Housing Development Outside Settlement Framework Boundaries, advising that planning permission will be granted for housing that:-
  - (a) Is essential for the operation of agriculture, forestry or other enterprise that needs to be in that location; or
  - (b) Consists of affordable housing for an identified local need.

Clearly, the proposed development is not H4(a) development. Development that meets the requirement of H4(b), normally comprising new build housing means that the requirements of Local Plan Policy H13 become relevant. As well as having to meet a genuine local need, arrangements have to be put in place to ensure that the benefit of such housing remains in perpetuity. This is usually catered for by management of the housing being undertaken by a Registered Social Landlord (RSL) such as a rural housing association and the provision is based on a full assessment of Parish needs. Such a development was recently provided in the centre of Marston Montgomery opposite the village school. However, the application is stated to be for a local need for the applicant's family and no reference is made in the submitted details to its future management by an RSL.

Emerging Local Plan Development management Policy 2 deals with 'Development in the Countryside' and, similar to Adopted Local Plan Policy H4, is supportive of development that is 'affordable housing for an identified local need'. Paragraph 4.27 of the preamble to this policy advises that new housing in the countryside will generally not be supported. The preceding paragraph sets out the special circumstances when housing may be supported, which does not include dwellings such as the one being proposed. Reference is made at Paragraph 55 of the NPPF which includes the requirement for Local Planning Authorities to avoid new isolated homes in the countryside, unless there are special circumstances.

Failure to prevent open market housing development in the countryside is likely to result in further calls for similar developments which may prove difficult to resist, where a precedent has been established. In summary, it is considered that the proposed dwelling as a new dwelling in the countryside is contrary to adopted and emerging plan policy.

4. The Local Highway Authority are not opposed to the proposed development subject to conditions being imposed in the interests of highway safety. They also provide information for the applicants attention with regard to various design / construction matters. As such, there are no concerns in respect to highway considerations and the aims of adopted Local Plan Policy TR1 and emerging Local Plan Development Management Policy 22 are not compromised.
5. Policy H9 of the Adopted Local Plan and emerging Local Plan Development Management Policy 9 deal with Design and appearance of new housing, and design

## 14/00164/OUT (Continued)

and appearance of development, respectively. Both policies require development to relate well to its surroundings and not have a detrimental impact on the occupiers of neighbouring properties. In this case, the proposed dwelling would be over 25m from the applicant's dwelling and further away from any third party dwellings. Whilst design details are not specified at this stage it is considered that the dwelling would be sufficiently away from neighbours to avoid any undue impact on the daylight and privacy amenities of the occupiers of nearby dwellings.

6. Lastly, with regard to protected species it would appear that the only element of the proposed development that may have some impact on biodiversity is the improvements to the site access, should boundary hedgerow need to be affected to provide the requisite visibility splays. The response from Derbyshire Wildlife Trust will be reported at the Committee meeting and any Policy implications given due consideration.
7. In conclusion, the application site is located within the countryside outside of a Settlement Framework Boundary both in terms of the Adopted Local Plan and the emerging Derbyshire Dales Local Plan Submission Draft (May 2014). As the dwelling does not comply with the requirements of Adopted Local Plan Policies H4 or SF4 or Development Management Policy 2 and Strategic Policy 2 of the emerging Local Plan and advice within the NPPF, a recommendation of refusal is therefore warranted.

### **OFFICER RECOMMENDATION:**

Refuse Planning Permission

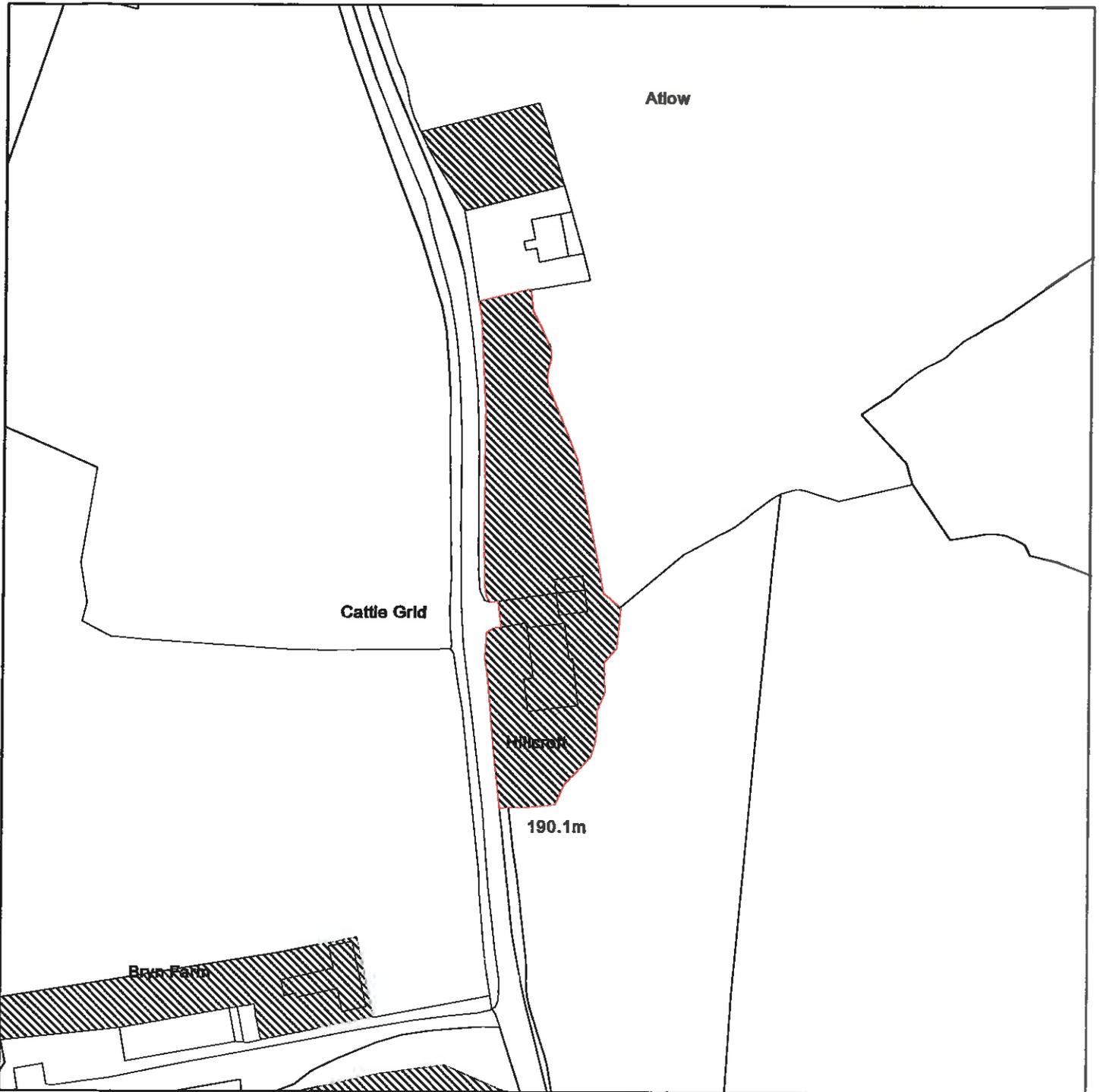
The proposed development would involve the creation of a new build dwelling in the countryside. The construction of a dwelling in this location which is neither related to the needs of a rural based enterprise or constitutes affordable housing to meet a local community need, would be inherently encroaching, unwarranted and unsustainable and, as such, contrary to the aims of Policies SF4 and H4 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 2 and Strategic Policy 2 of the Derbyshire Dales Local Plan Submission Draft (May 2014) and the advice contained in paragraph 55 of the National Planning Policy Framework (2012).

### **FOOTNOTES**

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
2. This decision relates to the following documents:
  - Design and Access Statement dated 11<sup>th</sup> March 2014
  - Various scale combined location plan, Block plan and profile drawing dated March 2014
  - Drawing No 6617-1

14/00246/FUL

Hillcroft, Atlow Lane, Atlow



Scale : 1:1250

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Matlock, Derbyshire DE4 3NN. Telephone: (01629) 761100.  
Website: [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	29 May 2014
<b>Licence No.</b>	100019785

**14/00246/FUL EXTENSIONS AND ALTERATIONS TO FORM TWO STOREY DWELLING, ERECTION OF GARAGE AND RELOCATION OF ACCESS AT HILLCROFT, ATLOW FOR MR M. BUSWELL**

Parish Council: Atlow  
Application type: Full

Date of receipt: 10.04.14  
Case Officer: Mr C. Whitmore

**THE SITE AND SURROUNDINGS:**

The application site concerns Hillcroft, a detached bungalow situated on rising land at the southern end of Atlow Village, adjacent Atlow Lane. The existing bungalow was built in the late 60s and has a T shape footprint / form. It is faced in red brick and plain tiles and has a three chimney stacks. A freestanding flat roofed garage with lean to store is sited to the north of the main bungalow. It is set behind the bungalow at a lower level. The buildings sit within a long plot which is bound at its western end by a hedge. To the north of the application property is Atlow Top Cottage.

**THE APPLICATION:**

Full planning permission is sought for extensions and alterations to the existing bungalow. It is proposed to extend the gable end facing Atlow Lane at the southern end of the building out a further 4.5m and to raise the eaves height of the roof by approximately 2m and the ridge height by approximately 3m to create a first floor. Amended plans have been received which show the building to be refaced in brick and plain clay roof tiles. Significant changes to windows and doors are proposed. The north facing gable end will be primarily glazed as will a central gable section in the south facing elevation. It is also proposed to introduce a number of 'gablet' features. At the junction of the gable projecting out towards the road and the main building it is proposed to introduce a two storey high 'atrium', which will accommodate the main entrance door to the property. Again this will incorporate a large glazed feature window.

To the north of the property it is proposed to demolish the existing garage and leanto store and to erect a triple bay garage with flat roofed terrace above, which due to the difference in levels will line through with the ground floor of the property. The terrace will extend out 7.2m from the north facing gable end. The garage underneath will be partly below ground level, due to the site topography / relative level of the dwellinghouse. The northern most wall will be 2.5m high, above which will be a 1m high post and wire safety barrier.

A new vehicular access will be created approximately 6m to the south of its current location, beyond the proposed garage / terrace and a new driveway formed, which will sweep around the bungalow, requiring the erection of a 2.5m high retaining wall.

With regard to the design of the proposed extensions and alterations the applicant states in their Design and Access Statement that the proposals seek to take advantage of the sloping site and the available views. They advise that the dwelling will not be two full storeys high in an attempt to mitigate the visual impact of the development.

**RELEVANT HISTORY:**

ASR267/5	Bungalow and Garage	Granted
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**CONSULTATIONS:**

Local Highway Authority

No comments received at the time of report preparation. Any comments made to be reported at the committee meeting.

## **14/00246/FUL (Continued)**

Parish Council

No comments received at the time of report preparation. Any comments made to be reported at the committee meeting.

### **REPRESENTATIONS:**

None.

### **POLICIES:**

1. Adopted Derbyshire Dales Local Plan (2005):
  - SF4: Development in the Countryside
  - SF5: Design and Appearance of Development
  - H2: Extensions to Dwellings
  - TR1: Access Requirements and the Impact of New Development
  - TR8: Parking Requirements for New Development
2. Derbyshire Dales Local Plan Submission Draft (May 2014):
  - Development Management Policy 2- Development in the Countryside
  - Development Management Policy 9 - Design and Appearance of Development
  - Development Management Policy 22 - Access and Parking
3. Other:
  - The National Planning Policy Framework (2012) – Part 7.

### **ISSUES:**

1. The existing bungalow sits in open countryside. Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005) requires development in such locations to be appropriate in nature and scale to a rural area in order to preserve / enhance the character and appearance of the countryside and minimise any adverse impact on the local environment. Policy H2 of the Adopted Derbyshire Dales Local Plan sets out the District Councils approach to dealing with extensions to existing dwellings and states that planning permission will only be granted for such development that does not have a detrimental impact on the character and appearance of an existing dwelling and its surroundings.
2. Although the application is described as extensions and alterations to form a two storey dwelling, the scale of the extensions and alterations, including the proposal to reface the entire building in brick is such that it would be of a different nature to the existing bungalow and, as a consequence, have a differing impact on the character and appearance of this part of the countryside.
3. The existing bungalow, although alien in its form and appearance sits relatively comfortably within the landscape. Its height and appearance is such that it does not appear conspicuous or incongruous when viewed from Atlow Lane or its wider surroundings. The proposal to utilise and extend the footprint of the existing bungalow and to significantly raise the eaves and ridge height of the building would result in a much more conspicuous building, which due to its overall height, wide gables, large amounts of glazing and over fussy design, would appear as a harmful intrusion within the landscape / this part of the countryside.

## 14/00246/FUL (Continued)

The contrived form of the building and its appearance / design, which would not be in tune with local vernacular character, would cause significant harm to this part of the countryside it is considered.

4. In summary, it is considered that the proposed extensions and alterations would result in a dwellinghouse that, by reason of its overall height, form and design, would appear contrived and would be an incongruous form of development in this prominent countryside location contrary to the aims of Policies SF4, SF5 and H2 of the Adopted Derbyshire Dales Local Plan, Development Management Policies 2 and 9 of the Derbyshire Dales Local Plan Submission Draft (May 2014) and guidance contained within the National Planning Policy Framework (2012).

### **OFFICER RECOMMENDATION:**

That Planning permission be refused for the following reason:-

1. The proposed extensions and alterations would result in a dwellinghouse that, by reason of its overall height, form and design, would appear contrived and would be an incongruous form of development in this prominent countryside location contrary to the aims of Policies SF4, SF5 and H2 of the Adopted Derbyshire Dales Local Plan, Development Management Policies 2 and 9 of the Derbyshire Dales Local Plan Submission Draft (May 2014) and guidance contained within the National Planning Policy Framework (2012).

### Footnote:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This Decision Notice relates to the following documents:

1:1250 Scale Site Location Plan numbered 13027/X/01;

1:500 Scale Block Plan numbered 13027/X/02;

Design and Access Statement, and;

1:100 Scale Existing Floor Layout and Elevations Plan numbered 13027/A/105 received by the Local Planning Authority on the 10<sup>th</sup> April 2014, and;

1:100 Scale Proposed Floor Layout and Elevations Plan numbered 13027/A/106A received by the Local Planning Authority on the 27<sup>th</sup> May 2014.

NOT CONFIDENTIAL - For public release

SOUTHERN PLANNING COMMITTEE – 10th JUNE, 2014

DISTRICT COUNCIL TREE APPLICATIONS/NOTIFICATIONS

Progress report for May 2014

APPLICATIONS TO CARRY OUT WORKS TO PRESERVED TREES:

TPO NO.	ADDRESS/APPLICATION	DECISION/COMMENT
107	46 PREMIER AVENUE, ASHBOURNE CROWN LIFTING OF ASH Reasons: Excessive shading To grow organic vegetables Risk of dead branches falling	PENDING DECISION
107	3 FORSHAW CLOSE/6 HAMBLETON CLOSE, ASHBOURNE PRUNING OF OAK Reasons: To crown lift and balance the crown	CONDITIONAL CONSENT
90	TREES, BELLE VUE ROAD, ASHBOURNE PRUNING OF TREES Reasons: To ensure the long term amenity of the trees whilst ensuring an acceptable risk to the property	CONDITIONAL CONSENT
107	2a WYASTON ROAD, ASHBOURNE PRUNING OF ASH Reasons: To increase light to garden	CONDITIONAL CONSENT

NOTIFICATIONS OF INTENTION TO CARRY OUT WORKS TO TREES IN CONSERVATION AREAS:

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
KIRK IRETON	IVY COTTAGE, MOOR LANE, KIRK IRETON PRUNING OF TREES Reasons: Decay at base of crown To reduce the risk of failure Obstructing the highway To reduce the sail effect	NO OBJECTIONS
BRASSINGTON	BRASSINGTON HALL, WEST END, BRASSINGTON PRUNING OF COPPER BEECH Reasons: Not given	PENDING DECISION

OFFICER RECOMMENDATION: That the report be noted.

**NOT CONFIDENTIAL** - For public release

SOUTHERN AREA PLANNING COMMITTEE – 10 June 2014

**PLANNING APPEAL - PROGRESS REPORT**

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
ENF/13/00014	Hasker Farm Cottage, Hasker Farm Stainsborough Lane, Callow	LI	Appeal being processed
13/00161/LBALT	Ednaston Home Farm, Brailsford	WR	Appeal being processed
13/00235/VCOND	Roston Inn, Roston	WR	Appeal Part Allowed – Decision letter attached
13/00417/FUL	Spring Cottage, Rodsley	WR	Appeal Dismissed – Decision letter attached
13/000797/FUL	Land between Bankside and Belle Vue Road, Ashbourne	WR	Appeal being processed
13/00889/LBALT	Churchfields Farm, Brailsford	WR	Appeal being processed
ENF/12/00093	Roston Inn, Mill Lane, Roston	WR	Appeal being processed
13/00710/FUL	Bradley Pastures, Bradley	WR	Appeal being processed

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

HH - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.



DERBYSHIRE DALES D.C. PLANNING & HOUSING SERVICES	
15 MAY 2014	
OFFICER	
REF	

## Appeal Decision

Site visit made on 10 April 2014

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 May 2014

**Appeal Ref: APP/P1045/A/13/2210062**

**Roston Inn, Mill Lane, Roston, Ashbourne DE6 2EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs L Murphy against the decision of Derbyshire Dales District Council.
- The application Ref 13/00235/VCOND, dated 8 April 2013, was refused by notice dated 7 June 2013.
- The application sought planning permission for the retention of 2 no. holiday cottages without compliance with a condition attached to planning permission Ref 11/00683/VCOND, dated 24 February 2012, which itself secured a variation of Condition 2 (occupancy condition) of the original planning permission Ref DDD/1295/0757, dated 17 April 1996.
- The condition in dispute is No 4 which states: "The sole means of vehicular access to the cottages shall be via the Roston Inn car park only. There shall be no direct vehicular access to the cottages from Mill Lane via the existing field access to the south of the cottages, which shall be permanently closed within three months of the date of this permission in accordance with details to be first submitted to and agreed in writing by the local planning authority".
- The reason given for the condition is: "For the avoidance of doubt and in the interest of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005)".

### Application for Costs

1. An application for costs was made by the appellant against the Council which is the subject of a separate decision.

### Procedural Matter

2. In reaching my decision I have taken into account the planning guidance issued by the Department for Communities and Local Government on 6 March 2014.

### Decision

3. The appeal is allowed in part and planning permission is granted for the retention of 2 no. holiday cottages without compliance with Condition 4 attached to planning permission Ref 11/00683/VCOND, dated 24 February 2012, which itself secured a variation of Condition 2 (occupancy condition) of the original planning permission Ref DDD/1295/0757, dated 17 April 1996 at Roston Inn, Mill Lane, Roston, Ashbourne DE6 2EE, but subject to the other

conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:

- 1) The existing field access to the south of the cottages shall be used by vehicles associated with servicing the septic tank serving the cottages only and by no other vehicles. In all other respects, the cottages shall be served via the Roston Inn car park only.

### **Main Issue**

4. The main issue in this case is the effect on highway safety if the condition in question was to be relaxed in the manner proposed.

### **Reasons**

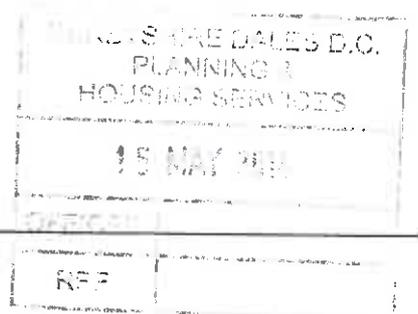
5. Conditional planning permission was granted for the cottages on 17 April 1996 (Ref. DDD/1295/0757). Condition 2 restricted the cottages to holiday accommodation and Condition 3 required parking spaces to be marked out within the car park of the Royston Inn to serve them, although no condition specifically restricted the use of the field access to the south. An application to vary Condition 2, the occupancy condition, was subsequently approved on 24 February 2012 (Ref. 11/00683/VCOND). This planning permission allows the cottages to be occupied either as holiday accommodation or by persons living and/or working within 3 miles of the cottages or persons with a close family connection to the area, along with their dependants. An additional condition (Number 4) was imposed on this planning permission which limits the sole means of vehicular access to the cottages via the Royston Inn car park and requires the field access to the south of the cottages to be permanently closed. It is this condition which is the subject of the appeal before me.
6. The field access is located on a bend in the highway, which means that visibility from it, especially in the northerly direction, is very limited. Parking for the occupiers of and visitors to the cottages is provided within the car park of the adjacent public house and the cottages are accessed on foot via its grounds.
7. The occupancy of the units as permanent dwellings is likely to result in greater associated vehicle movements than if they were used solely as holiday accommodation. This is because it is highly probable that occupancy rates will be higher and there is no suggestion of this being a particularly sustainable location. In light of this, I consider that it was reasonable for the Council to re-examine the use of the field access when allowing a relaxation of the occupancy condition imposed on the original planning permission.
8. A previous application to remove Condition 4 so that the field access could be used by vehicles associated with the permanent occupation of the cottages was refused on the basis that increased vehicle movements would increase the risk to highway users. The appeal before me seeks to vary this condition to enable the field access to be used for servicing the septic tank, for garden maintenance, for access for emergency services and for refuse collection.
9. The septic tank serving the cottages sits between them and the field access. Given its position, I can appreciate that emptying the septic tank from the public house car park presents difficulties, even accounting for the fact that some appliances are fitted with 30m length hoses. To this end, I strongly

suspect that if the field access was closed off as required by the existing condition, the large types of vehicle typically used would have to park at least partly on the highway to empty the septic tank even when using the passing place to the southwest. This would present a greater threat to highway safety than parking within the site via the field gate.

10. No compelling reasons, however, have been advanced as to why the approved access and parking arrangements cause particular problems for garden maintenance, access for emergency services and refuse collection. I am mindful that the County Highway Officer raises no objection the use of the field access for these purposes, but I consider that doing so could only increase the use of a substandard access, and this would unacceptably increase the danger to highway users.
11. I note the appellant's assertion that the field access is long established, but this is of little consequence in light of the restrictive condition imposed. Further, I understand that two applications for a Certificate of Lawful Development relating to the field access have been refused by the Council and no appeals against these decisions have been lodged to date.
12. The appellant argues that Condition 4 is not necessary because Condition 3 of planning permission Ref. 11/00683/VCOND requires 4 car parking spaces to be provided within the car park of Roston Inn for occupiers of and visitors to the cottages. This condition, does not, however, prevent the field access from being used. The appellant also suggests that the Council is reluctant to remove Condition 4 for fear of the cottages being used for unrestricted residential occupation, but their occupancy is limited, to a degree, by condition.
13. In light of the above, I conclude that the relaxation of Condition 4 in the manner proposed could only increase the use of a substandard point of access to the highway which would cause an unacceptable increase in the risk to highway users. This would be contrary to saved policy TR1 of the adopted Derbyshire Dales Local Plan.
14. Notwithstanding this, I consider that the use of this field access for servicing the septic tank which serves the two cottages would benefit highway safety as it would avoid vehicles having to park on the highway to undertake this work. In my experience, septic tanks require emptying on a relatively infrequent basis and I disagree with the Council's position that limiting the use of the field access to this activity would be difficult to enforce.
15. I therefore allow the appeal in part, allowing the field access to the south of the cottages to be retained solely for the use of vehicles servicing the septic tank.

*David Fitzsimon*

INSPECTOR



## Costs Decision

Site visit made on 10 April 2014

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **15 May 2014**

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### **Costs application in relation to Appeal Ref: APP/P1045/A/13/2210062 Roston Inn, Mill Lane, Roston, Ashbourne DE6 2EE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mrs L Murphy for a full award of costs against Derbyshire Dales District Council.
- The appeal was made against the refusal of planning permission for the retention of 2 no. holiday cottages without compliance with a condition attached to planning permission Ref 11/00683/VCOND, dated 24 February 2012, which itself secured a variation of Condition 2 (occupancy condition) of the original planning permission Ref DDD/1295/0757, dated 17 April 1996.

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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Guidance issued by the Department for Communities and Local Government on 6 March 2014 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant's application is made on two grounds. Firstly, the appellant asserts that the Council failed to consider the fact that the original planning permission for the two cottages did not include a condition requiring the closure of the field access. Secondly, it is suggested that the Council disregarded the advice of its Highway Officer, who advised that although the field access should not be used for day to day comings and goings associated with the occupiers of and visitors to the cottages, was satisfied that it could be used for servicing the septic tank, for garden maintenance, for access for emergency services and for refuse collection.
4. Condition 2 of the original planning permission (Ref. DDD/1295/0757) restricted the use of cottages as holiday accommodation. The subsequent planning permission for the variation of this occupancy restriction enables the units to be occupied either as holiday accommodation or as dwellings for local people subject to qualifying criteria (Ref. 11/00683/VCOND). My Decision Letter outlines the reasoning why I consider that this would, in all probability, result in

greater vehicle movements, and why it was reasonable for the Council to re-examine the use of the field access.

5. From reading the consultation response of the Council's Highway Officer, it is clear that she recognised the field access has substandard visibility, and that its unrestricted use would create a highway danger. The Council has explained why it took a stricter stance than the recommendation of its Highway Officer. With the exception of the servicing of the septic tank, I found the reasons given to be clear, rational and persuasive.
6. The Council suggests in its Statement of Case that '*any award of costs should be in its favour as the appeal proposal is a virtual duplicate of application Ref. 12/00496/VCOND*'. In my view, this sentence does not amount to a formal application for costs against the appellant. Notwithstanding this, the previous application sought to completely remove the condition which required the closure of the field access, whereas the application before me seeks to vary the condition to enable its limited use. As such, it is a materially different proposition, which falls to be considered on its individual merits. Accordingly, submission of the planning application does not, in itself, amount to unreasonable behaviour.
7. In light of the above, I find that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the planning guidance, has not been demonstrated by either party.

*David Fitzsimon*

INSPECTOR



DERBYSHIRE DALES D.C. PLANNING & HOUSING SERVICES	
15 MAY 2014	
OFFICER	
REF	

# Appeal Decision

Site visit made on 10 April 2014

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **15 May 2014**

## Appeal Ref: **APP/P1045/A/13/2209169** **Spring Cottage, Rodsley, Ashbourne, Derby DE6 3AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mrs Louise Redfern against the decision of Derbyshire Dales District Council.
- The application Ref 13/00417/FUL, dated 10 June 2013, was approved on 17 July 2013 and planning permission was granted subject to conditions.
- The development permitted is 'single/two storey extensions and alterations (modifications to previously approved scheme 12/00111/FUL).
- The condition in dispute is No 3 which states that: 'Notwithstanding the submitted details, this permission does not extend to include facing the front (roadside) gable end in render. The development hereby approved shall be constructed of facing and roofing materials to match as closely as possible, in terms of colour, texture, size and material those used in the construction of the original cottage'.
- The reason given for the condition is: 'To ensure the use of appropriate materials and a satisfactory external appearance of development in accordance with the aims of Policies SF5 and H2 of the Adopted Derbyshire Dales Local Plan (2005) and Development Management Policy 9 of the Derbyshire Dales Local Plan Pre Submission Draft (June 2013)'.

### Procedural Matters

1. In reaching my decision, I have taken into account the planning guidance issued by the Department for Communities and Local Government on 6 March 2014.
2. The plan approved by the Council shows the application of render only up to the eaves of the front gable whereas the appellant's copy shows render to the full gable. The parties agreed that it would be reasonable for me to consider the appropriateness of rendering the whole of the gable.

### Decision

3. The appeal is dismissed.

### Main Issue

4. The main issue in this case is the effect of rendering the front roadside gable on the character and appearance of the host dwelling and the surrounding area.

## Reasons

5. The appeal property is an attractive end of terrace cottage style property which is located along a rural lane. The projecting front gable of the dwelling abuts the highway and is a prominent feature of the group. The dwellings within the terrace are all built in red brick and this consistent finish is a noticeable and attractive feature. Rendering the front gable of the appeal dwelling would be a stark and unwelcome contrast which would appear out of keeping and overly prominent.
6. I therefore conclude that rendering the front roadside gable would unacceptably harm the character and appearance of the appeal dwelling and the surrounding area. In such terms, the proposal conflicts with the development plan and emerging plan policies outlined within the Council's original reason for imposing the condition.

### *Other matters*

7. In reaching my decision, I have considered the additional points of concern raised by the occupiers of the attached house. I am satisfied that the overall design of the extensions and alterations undertaken at the appeal dwelling is acceptable. The development has not resulted in significantly greater levels of overlooking, whilst a reasonable outlook and adequate levels of natural light have been maintained. The occupiers of this neighbouring property have also suggested that the projecting rear extension has caused damp issues, but I note that a degree of separation exists between them.
8. The appellant points to the fact that other part-rendered properties are present along the lane. These, however, are the exception rather than the rule, and their setting and context are not comparable to that of the appeal dwelling which I have described.
9. The appellant also argues that rendering the gable would resolve damp and insulation issues but I am not convinced such an approach is the only solution. In any event, this positive aspect of the proposal does not outweigh the visual harm which would result.
10. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

*David Fitzsimon*

INSPECTOR