

Planning Statement – Outline application for the erection of a detached dwelling

Land to the rear of 27 Milton Road, Repton

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Erection of a detached dwelling – Land to the rear of 27 Milton Road, Repton

Project	Land to the Rear of 27 Milton Road, Repton
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1 Introduction

- 1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years combined experience in both the public and private sector.
- 1.2 The author of this appraisal, Jim Malkin, has worked as a Principal Planning Officer in development control, and more recently as a planning consultant in the private sector. He has extensive knowledge of the planning system and is a member of the Royal Town Planning Institute.

2 Site and Planning History

- 2.1 The application site consists of an architect designed one and a half storey dwelling with a steeply pitched roof which is set within a very large plot on Milton Road, Repton. The building is adjoined by larger two storey dwellings set within smaller plots. The dwelling is provided with parking to the frontage with vehicular and pedestrian access from Milton Road. Surrounding land uses are predominantly residential.
- 2.2 The property is located within a much larger than average plot which stretches to the rear of 27 and 29 Milton Road. The plot is significantly bigger than those it adjoins and is somewhat of an anomaly on the locality. The owner is now finding the garden to large to maintain and is therefore re-considering the development of the site.
- 2.3 The development of part of the site has previously been considered by the Council under application 9/2012/0944 which was refused by the Council on the 22nd January 2013. This was refused for 3 reasons, namely impacts on the character of the area, the amenities of the occupiers of 27 and 29 Milton Road and the width of the access track.

2.4 The decision was then the subject of an appeal to the Planning Inspectorate (APP/F1040/A/13/2195897). The appeal was dismissed by the Planning Inspectorate; however, this was only dismissed on the basis that the proposal would cause harm to the living conditions of the existing residents and would not provide a suitable means of access. The Inspector was of the view however that the proposal did not result in harm to the character of the area.

2.5 The site and its surroundings are shown on the following plan extract.



3 The Proposed Development

3.1 The development of the site has been re-visited on the basis of the previous decisions. The application is submitted in outline, including details of means of access and is for one single storey dwelling, all other matters are reserved for future approval.

3.2 However, in comparison to the previous submission the application is provided with increased detail with regards to the access, the location of screen walling and alterations to the existing property. This statement also considers fully the fallback

position that is available to the applicant.

- 3.3 The application is accompanied by an indicative layout plan that shows the siting of the dwelling, access and parking and turning areas which show that there is sufficient space to site a dwelling and associated curtilage within the site.

4 Planning Policy Context

National Planning Policy Framework

- 4.1 Paragraph 8 advises that there are 3 dimensions to sustainable development namely economic, social and environmental roles, these are defined in the NPPF as follows:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy*

4.2 Paragraph 11 states the following:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; or*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - i. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - ii. *specific policies in this Framework indicate development should be restricted.*

4.3 Chapter 12 of the Framework houses a number of relevant paragraphs relating to the importance of appropriate design.

Paragraph 124 states the following:

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 127 advises:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

[South Derbyshire Local Plan Part 1 \(2016\)](#)

- 4.4 Policy H1 of the South Derbyshire Local Plan Part 1 sets out the district's settlement hierarchy. Repton is identified as a second tier Key Service Village. With respect to Key Service Villages, Policy H1 states "*development of sites within the settlement boundary will be considered appropriate and sites adjacent to settlement boundaries as an exceptions or cross subsidy site as long as not greater than 25 dwellings.*".

- 4.5 Policy BNE1 seeks to provide a high standard of design and amenity in new development.

5 Planning Considerations

Principle of Development

- 5.1 The site comprises of a detached dwelling which sits on a spacious, elongated curtilage which widens significantly as it moves away from the dwelling. It is proposed to sub-divide the curtilage and construct a dwelling in the northernmost part of the garden. The site is located within the urban area of Repton and is within the defined settlement boundary of village.
- 5.2 Therefore in principle terms the development of the plot for residential purposes is acceptable. However as set out in section 2 above the development of part of the site has previously been considered by the Council under application 9/2012/0944 which was refused by the Council on the 22nd January 2013. This was refused for 3 reasons, namely impacts on the character of the area, the amenities of the occupiers of 27 and 29 Milton Road and the width of the access track.
- 5.3 The decision was then the subject of an appeal to the Planning Inspectorate (APP/F1040/A/13/2195897). The appeal was dismissed by the Planning Inspectorate; however, this was only dismissed on the basis that the proposal would cause harm to the living conditions of the existing residents and would not provide a suitable means of access. The Inspector was of the view however that the proposal did not result in harm to the character of the area.
- 5.4 This application seeks to resolve the other matters raised by the Inspector's decision and these will be considered in turn below.

Permitted Development Fallback

- 5.5 In R (on the application of Zurich Assurance Ltd) v North Lincolnshire Council [2012], the Court held that, in order to be a material planning consideration, a fallback only has to have “more than merely a theoretical prospect”
- 5.6 In this case the existence of permitted development rights under The Town and Country Planning (General Permitted Development) (England) Order 2015 constitute a fallback position of significant weight in the determination of these proposals. Under Schedule 2, Part 1, Class E: Buildings etc incidental to the enjoyment of the dwellinghouse. The applicant could erect a building of significant scale within the rear garden of the property without requiring planning consent, subject to compliance with a number of criteria.
- 5.7 Under Class F: hard surfaces incidental to the enjoyment of a dwellinghouse, the applicant could form, subject to compliance with a number of criteria, an area of hardstanding / access to any building that could be sited to the rear of the property.
- 5.8 The extent of the works that could be completed without planning permission are shown on drawing no. 03 completed by Bi-design Architecture. The drawing shows that the access drive and a building of comparable scale to a bungalow could be erected on the site without the need for planning permission.
- 5.9 In R (on the application of Zurich Assurance Ltd) v North Lincolnshire Council [2012], the Court held that, in order to be a material planning consideration, a fallback only has to have “more than merely a theoretical prospect”. It is clear from the permitted development plan (Drawing No. 03) that the garden provides sufficient space for a building that could be used as a workshop or for garaging (which would also require

the access drive). It is therefore clear that the permitted development fall back position is more than a ‘theoretical prospect’.

- 5.10 This fallback position is of critical importance to the determination of this proposal as it shows that a building of comparable scale; and an access drive to serve this building could be constructed and completed without the need for planning permission and this is a material planning consideration of significant weight.

Character and Appearance of the Area

- 5.11 The application has previously been considered by South Derbyshire District Council in 2012 who considered that it would erode the character and appearance of the area. This was however challenged at appeal, with the Inspector concluding the following:

The illustrative layout submitted with the application, indicates that even a building with a substantial footprint can be accommodated on the plot with sufficient space around it for use as garden and to avoid it appearing cramped. The building would be sited in excess of the Council’s minimum separation distance to neighbouring properties which also indicates a degree of spaciousness. In this regard I find the proposal is comparable to its surroundings.

There are limited examples of backland development in the vicinity. However, it does not necessarily follow that the introduction of a backland form of development in this instance would be necessarily harmful to the character of the area. The proposed dwelling would not have a frontage to the road, but it would not be highly visible from public vantage points and would only be glimpsed from Milton Road. Whilst it would be visible from neighbouring properties, it would be partially screened by planting and a condition could be imposed to control and strengthen boundary treatment. The proposed access drive is the only part of the development that would be prominent in public views. However, given the number of domestic access points

onto Milton Road at present I do not consider that the introduction of another drive would be an alien or incongruous feature.

5.12 This view remains a material consideration of significant weight in the determination of any future applications on the site. With regards to the policy position this has, on a national level, remained unchanged since this decision. The decision was made under the policies set out within the National Planning Policy Framework and these principles remain the key consideration for planning decisions.

5.13 Locally planning policies have changed with the adoption of both parts 1 and 2 of the South Derbyshire Local Plan. The key policy in the consideration of this proposal is BNE1 of the Local Plan Part 1. The most important criteria of this policy are as follows:

- e) *Local character and pride: New development should create places with a locally inspired character that respond to their context and have regard to valued landscape, townscape and heritage characteristics;*
- g) *Visual attractiveness: New development should be visually attractive, appropriate, respect important landscape, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality;*

5.14 These criteria do not fundamentally change the policy position from the 2012 application and the spirit of the policy remains the same. The scheme follows the principles of the previous application, it proposes a bungalow in the same position and therefore the inspectors view of the impact of the development, and ultimately the view that it integrates satisfactorily into the character and context of the surrounding area, is of significant weight in the consideration of this application.

- 5.15 In addition, the permitted development fall back position set out above shows that a building of comparable scale and impact could be erected on the site without needing planning permission.
- 5.16 It is therefore concluded that the proposal complements and respects the character and appearance of the area. The scheme therefore complies with the requirements of the National Planning Policy Framework and BNE1 of the South Derbyshire Local Plan Part 1.

Impact upon Residential Amenity

- 5.17 The inspector on the previous application raised concerns regarding the amenity of the occupiers of adjoining properties, namely no's 27 and 29 Milton Road. The indicative plans show alterations to the access drive and boundary solutions as it passes between the properties, these include the provision of 1.8m boundary brick walls that will mitigate the impacts of noise and glare associated with cars passing these properties.
- 5.18 In addition, to this the scheme proposes further alterations to 27 Milton Road which enables the access drive to be 3.56m wide. This will again help to reduce the impacts of the development on the amenities of the occupiers of neighbouring properties.
- 5.19 As set out above in paragraph 5.10 and as shown on drawing ref. 03 the applicant could, without planning permission, construct and utilise an access drive to a detached garage at the rear end of the garden. This would result in the same number of vehicle movements that would be associated with a new dwelling without the added improvements to these relationships that will be secured as part of this proposal.

Highway Safety

- 5.20 Paragraph 109 of the NPPF states that *‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’*.
- 5.21 The proposed dwelling will be served by a new access from Milton Road and will be sited alongside existing driveways. Milton Road is a relatively wide road, with a pedestrian footpath, and grassed verge on either side. Visibility is excellent in both directions, and vehicle speeds tend to be low due to the residential nature of the area. The proposal would not therefore prejudice the safe or efficient use of the highway network.
- 5.22 The site is sustainably located within walking distance of a wide range of services within the centre of Repton and is well connected to public transport with the nearest bus stop 50m from the site.
- 5.23 In order to provide sufficient width to the driveway an element of the existing property will be removed this includes the existing garage and utility room. As part of this scheme it is proposed to make further alterations to the fascia of 27 Milton Road, this will enable a driveway measuring 3.56m to be provided which will allow for larger vehicles to access the new dwelling to the rear.
- 5.24 The proposals would not therefore result in severe impacts upon the highway network and as such accord with Paragraph 109 of the National Planning Policy Framework.
- 5.25 There are therefore no material planning reasons preventing planning permission for the proposed development from being granted in this instance.

6 Conclusions

- 6.1 The proposal involves the erection of a single residential unit in the northernmost section of a domestic garden, which is underutilised and is well beyond present day standards for new development.
- 6.2 The site is within the village of Repton and therefore the broad principle of development in this location is acceptable. On a previous application in 2012 an appeal inspector determined that a building in the location proposed would not harm the character and appearance of the area, since this date the policy position has not been subject to substantive change and the inspectors view is therefore of significant weight in the determination of this proposal.
- 6.3 The application is submitted in outline with all matters reserved. However, the illustrative layout submitted demonstrates that the site can be developed by the erection of one dwelling. In addition, the layout shows the alterations and developments that will be undertaken to ensure that the impacts on the amenity of neighbours are not significant.
- 6.4 Further to the alterations to the existing property a 3.56m wide access drive can be provided which will enable large vehicles to access the property. The proposals would not therefore prejudice the safe or efficient use of the highway network.
- 6.5 The permitted development fall-back position allows for the erection of a garage building of comparable size in the position of the proposed bungalow, whilst the access drive could also be provided without planning consent. Therefore, any harm associated with the proposal is no greater than would result from development that could be reasonably be completed without planning permission.

- 6.6 The proposals constitute sustainable development which accords with the requirements of the National Planning Policy Framework and the South Derbyshire Local Plan.