
Delegated report Officer: Richard Rodgers

Application ref. DMPA/2021/1000

The erection of extensions and a detached garage at 12 Regent Street, Church Gresley, Swadlincote, DE11 9PL

Valid date: 19/07/2021

Consults expired: 11/10/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

DMPA/2020/1226 - Replacement dwelling (involves demolition) - approved Mar 2021.

Responses to consultations and publicity

County Highway Authority - no objections

Relevant policy, guidance and/or legislation

The relevant policies are:

- 2016 Local Plan Part 1: S2 (Presumption in Favour of Sustainable Development); SD1 (Amenity and Environmental Quality); SD4 (Contaminated Land and Mining Legacy Issues); INF2 (Sustainable Transport); and BNE1 (Design Excellence).
- 2017 Local Plan Part 2: H27 (Residential Extensions and Other Householder Development).

National Guidance:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Local Guidance:

- South Derbyshire Design Guide SPD (Design SPD)

Planning considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Design;
- Impacts on amenity;
- Highway safety; and
- Coal Mining Legacy Impacts

Planning assessment

Design

Plans have been amended from those first submitted, the latest ones showing a more

proportionate/balanced build, thereafter its form respectful of the characteristics (gable width, roof pitches etc) in play here. There is some fenestration on its side flank (that seen from the public realm) which does break up the mass there sufficiently. Too many windows here though may cause a greater perception of overlooking of the flats adjacent, so a fair balance has been struck in that regard. Properties in the area do feature a range of contrived/awkward looking forms (extensions) on their rear walls but this one is deemed to meet the higher standards of design, as is desired by related policy and the SPD.

Plans also show a garage and that presents itself as a fairly standard form and notably subservient in size and position to the house.

Impacts on neighbours

As mentioned above, plans have been amended, partly through initial design concerns but also that the original scheme was found to be oppressive to the adjacent occupiers (an obvious breach of the SPD's sector of view by increasing the length and height of the two-storey form on the shared boundary with No 14 Regent Street). Those concerns have since been removed, by way of the amends. There is no case for excessive overbearance elsewhere, the ground floor windows to the flats were assessed as secondary windows (supplementary/not sole windows to the same space), also over 10m away and separated by a public space (highway access to the parking area of the flats). To that end impacts on those openings were found not to be so detrimental as to seek further change or offer a refusal on overshadowing grounds. There is no case for a reduction in privacy, all primary windows here looking down its own garden.

Highway Safety

CHA have offered no objection to the proposal. Plans show the potential for two cars on the drive which is a fair offer of provision, given the reliance in general here is to park on the road.

Coal Mining Legacy Impacts - Low Risk Area

A Coal Authority informative will be added to the decision, advising the applicant of their requirements if/when legacy impacts are encountered through related construction works.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	12/11/2021
Report agreed:	12/11/2021
Authorised officer:	Steffan Saunders
