
Delegated report Officer: Julie Marson

Application ref. DMPA/2021/1512

Retrospective application for amendment to previously approved application ref. DMPA/2019/1369 relating to the demolition of attached garage and erection of extensions and detached garage at 27 Mountfield Way, Boulton Moor, Derby, DE24 5AN

Valid date: 05/10/2021

Consults expired: 22/11/2021

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

9/2008/0887 Erection of garage - App STC 17.10.2008

DMPA/2019/1369 The demolition of attached garage and the erection of extensions and detached garage - App STC 20.01.2020

Responses to consultations and publicity

One neighbour objection - side window looks directly into property. If this is blocked up or fence continues to stop lack of privacy, it would be better. Can see into their window from downstairs room.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

Local Plan Part 1 (LP1): SD1, BNE1, INF2

Local Plan Part 2 (LP2): H27

The relevant local guidance is:

South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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 and
- . Amenity

Planning assessment

Design

This is a revised scheme and a retrospective application to enlarge the porch in depth and width and also extend the side window. Only a single storey side extension and the porch have been built so far. The side extension which has been built is considered to be permitted development based on measurements taken on site. The porch as enlarged is not permitted development hence the need for this application. The increase in size overall is minimal and it is considered it would not change the overall proposal extensively.

Amenity

The impact on neighbours is considered to be minimal in relation to what has been approved in the previous application. It is considered there would be no greater impact than previously.

In relation to concerns raised in the comment from the neighbour, there are two side ground floor windows and the one to the wet room was approved in the previous application. The other window is to the porch which was also approved on the previous application but has been increased in size by 280mm. The porch is 19.6m from no. 23 Mountfield Way and this window serves a non-habitable room. It is considered neither window would cause a significant loss of privacy sufficient to justify refusal of permission.

Other issues

The site is partly within Flood Zone 2 but as the ground floor elements have been completed, no condition is considered to be required in relation to flooding.

Conclusion

As such, the proposal would be in accordance with the requirements of the NPPF, the Council's SPD, Policy BNE1 of the LP1 and Policy H27 of the LP2.

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:	26/11/2021
Report agreed:	30/11/2021
Authorised officer:	Emma Palmer-Barnes
