
Delegated report Officer: Sadaf Malik

Application ref. DMPA/2021/1583

Amendment to previously approved application ref. DMPA/2021/0215 relating to the erection of extensions and alterations at 38 Mill Lane, Hilton, Derby, DE65 5GP

Valid date: 14/10/2021

Consults expired: 11/11/2021

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

DMPA/2021/0215 – Proposed extensions and alterations to existing dwelling including a first-floor extension to create additional living space, demolition of the existing garage to construct a new detached garage with living accommodation above and the erection of a new front boundary wall. (Approved 28.06.2021)

The extensions to the existing dwelling house were approved and this current application is to assess the resubmission of the original detached garage/annexe proposed (plans submitted on the 05.02.2021 with the application referenced above) which was not supported by Planning Officers and the garage was amended to a flat roofed double garage with storage. This current scheme proposes the garage design which was not supported by Planning Officers previously.

Responses to consultations and publicity

County Highways Authority - no objection.

Hilton Parish Council - amendment appears to be a desire by the applicant to reverse a previous change required by the Planning Department as part of a conditional approval. The Parish Council believes that the reasons that condition was applied are still valid and sees no change in circumstances or additional justification, for allowing the replacement of the single storey building with a 2 storey replacement that includes accommodation.

It would still appear prejudicial to the interests and view of the cottages directly facing this proposed building.

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); INF2 (Sustainable Transport) and BNE1 (Design Excellence).
- 2017 Local Plan Part 2: H27 (Residential Extensions and Other Householder Development) and BNE7 (Trees, Woodland and Hedgerows)
- Hilton Neighbourhood Development Plan

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

Planning assessment

Design – Extension

The first floor extension to the dwelling is as previously approved. Inspiration in terms of design comes in part from the large modern builds on the adjacent development (Mill Pond Close). The new mass is well broken up with noticeable breaks/setbacks, lower eaves /catslide detailing with some use of render and timber thereafter. Roof pitches are steep which is of the local vernacular.

Design - Garage

The proposed garage would be located 0.4m away from the proposed front boundary wall. The proposed garage, by virtue of its scale and massing, would be highly visible within the street scene and would be a dominant form of development. The proposed pitched roof ridge and eaves heights are high, given that the proposed ridge height is set 1m lower than the proposed first floor extensions to the existing dwelling house so the proposal's scale would not be subordinate to the main dwelling house. The proposal's scale and location, set within the front part of the front garden, is at odds to the general character within the street scene and would result in an incongruous form of development. It is considered that the proposed garage/annexe would fail to meet the aims and objectives of Policies H27 and BNE1 and the Design SPD.

Design - Front Boundary Wall

The character of the area is that frontages (gardens/driveways etc) are generally open - no built forms to the front or generally only low fencing. The proposed 1.8m high front boundary wall would be taller than the existing fence. In the previous application, this wall was amended to reduce the wall height to a similar height to the existing fence. The proposed height would not be in keeping with the character of the area.

Impacts on amenity

The proposal is considered to comply with the space around dwellings requirements of the SPD, the new two-storey parts of the build not creating a high level of overbearance/overshadowing, whilst the new windows (more so those at first floor) do not cause a harmful reduction in privacy, the new windows, in the main, looking out to the road (a public place) or to the west over the drive/driveways of the properties there, with the tree screen on that western shared boundary providing a useful, albeit temporary, screen.

The proposed detached garage first floor dormer windows would be over 22m away from the nearest neighbour and given the distance, these windows would not conflict with the separation distances specified in the Design SPD.

Highway Safety

The County Highways Authority (CHA) have offered no objection to the proposal (non-classified road). Suitable space is retained within the site (for parking) for a proposed 5-bed house.

Trees

There is a TPO on the adjacent land but this proposal does not affect the protected trees, the works in the main over an already built footprint or replacement built form.

Recommendation

Refuse

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:	08/12/2021
Report agreed:	09/12/2021
Authorised officer:	Emma Palmer-Barnes
