
Delegated report Officer: Teresa Turner

Application ref. DMPA/2021/1165

The erection of a single storey side extension, the installation of new doors and windows, a new roof including the installation of solar panels and 2.4m high boundary fence at 16 Newton Park, Newton Solney, Burton On Trent, DE15 0SX

Valid date: 26/07/2021

Consults expired: 03/09/2021

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

There is no planning history associated with the site apart from the original planning approvals for the Newton Park development (REP 265/24 and REP/565/29).

Responses to consultations and publicity

The Conservation Officer does not object to the proposals and comments that it is not clear at what angle the solar panels would be mounted and whether or not the parapet would be tall enough to hide them on elevation. Whilst they are not shown projecting above the parapet on elevation this could simply be an omission rather than confirmation that they will be mounted at an angle keeping them below the parapet height.

Confirmation should be sought of any change in roof deck level following the introduction of insulation as well as the maximum heights of mounted panels relative to the height of the parapet.

Given that materials are largely proposed as 'to match' existing, a facing materials condition to secure detail of facing brick and cladding to the parapet fascia is suggested.

Officer comments:

There have been a number of previous applications for surrounding properties within the same development (9/2012/0278, 9/2012/0377, 9/2003/1398 to name a few) where only the standard matching materials condition has been imposed for similar additions. Given the applicant's intention to match the new addition to the existing host (as confirmed by email on 17th September 2021) and the fact that there would be a lack of public views from within the conservation area, the case officer is of the opinion that the imposition of the materials condition that requires formal discharging would be too onerous on the applicant and would therefore be considered unreasonable under the circumstances.

The DC Archaeologist has no comment and does not consider that the proposed extension would have any archaeological implications.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- 2016 Local Plan Part 1 (LP1): Policy S2 (Presumption In Favour of Sustainable Development), Policy SD1 (Amenity & Environmental Quality), Policy BNE1 (Design Excellence), Policy BNE2 (Heritage Assets)
- 2017 Local Plan Part 2 (LP2): H27 (Residential extensions and other householder development), BNE7 (Trees, woodlands and hedgerows), BNE10 (Heritage)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

- Newton Solney Conservation Area Character Statement (CACS) – Adopted 2011

The relevant national policy and guidance is:

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

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue(s) central to the determination of this application is/are:

- The impact on the character and appearance of the conservation area;
- The impact on the living conditions of the adjoining properties and the general character and appearance of the area; and
- The impact on protected trees.

Planning assessment

The impact on the character and appearance of the conservation area

The application proposes a modest single storey extension, the installation of solar panels (including the replacement of the existing roof deck) and the replacement of a hedge/fence with a 2.4m high fence at a detached residential property within the local service village and conservation area of Newton Solney. The property has not been identified as one that makes a positive contribution to the character and appearance of the conservation (Adopted CACS).

The property and its neighbours have mid-late 20th century origins, with the exception of properties at The Mews to the north of the site which are late 19th century in origin and none are listed, although all are within the Newton Solney Conservation Area and in the former grounds of Newton Hall and its extensive medieval parkland. The degree of development has eroded this parkland character to the point at which it is no longer a factor in the consideration of this application.

The existing roof has substantial parapets hiding the flat area beyond it and is described as having a felt finish and the proposal is to replace and thermally upgrade in a modern EPDM (Ethylene Propylene Diene Monomer) rubber membrane which would be more durable and would reduce maintenance cycles. Given the age of the property and the limited service life of felt, this would be considered a reasonable request and one which, in and of itself, would likely represent permitted development. It is unclear whether the introduction of insulation would raise the finished roof surface, but as mentioned the existing parapets are deep so this is unlikely to represent an issue in visually raising the roof.

It was confirmed by email on 17th September 2021 that the proposed facing brick would match the existing brickwork and the proposed parapet cladding would be painted brown to match the existing. The proposed new doors and windows would be powder coated in RAL 7016 Anthracite. The solar panel provider has confirmed that the recommended pitch for the panels would be very shallow at 10 degrees and as such the proposed solar panels would be hidden behind the existing parapet. It would be considered unlikely that the proposed new insulation would significantly raise the roof height such that the new solar panels would be visible from ground level.

The proposed extension would be modest compared to the existing building and located at the rear and would be designed to match the detailing, materials and character of the existing building. This would not have any particular impact beyond the boundaries of the site where the experience of the special character and appearance of the conservation area would be effectively unchanged.

The area where the existing hedge and fence is to be replaced with a 2.4m high fence is at the eastern boundary with the neighbouring property (15 Newton Park). The existing fence is marked as being 1.8m high and the proposed extra height would appear to be as a result of the small sections of existing brick wall around the boundaries of this site already being 2.4m or 2.5m in height. Given the position of the fence between two properties and with vegetation between it and the one positioned to the south east where there would potentially be some limited visibility, it would be considered that the proposed fence would not affect the special character or appearance of the conservation area.

It would therefore be concluded that the proposal would have no material impact upon, and would therefore preserve, the special architectural and historic character and appearance of the conservation area, and would thus achieve the desirable objective described in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such the proposal would comply with the requirements of the NPPF and with the objectives of Policy BNE2 of the LP1 and BNE10 of the LP2 in that the heritage asset would not be harmed.

The impact on the living conditions of the adjoining properties and the general character and appearance of the area

The proposed extension would be single storey and located to the south side of the existing property. The east elevation of the proposed extension, facing the rear of 15 Newton Park, would be blank as would the south elevation which would face the side elevation of 14 Newton Park. The proposed bi-fold doors would face the external amenity space of the host and towards the side boundary of the rear garden of 17 Newton Park to the west, some 17m away. There is adequate screening around the application site to preserve the current privacy levels at ground floor level in line with the Council's SPD. The existing 1.8m high close boarded fencing to the east boundary with 15 Newton Park would be replaced with a 2.4m high fence and it is considered the proposed increase in height would not have any significant impact on the amenities of this neighbour. Being to the rear of the existing host, the proposed extension would have no impact on the existing street scene or the general character of the area.

The installation of new doors and windows would be considered permitted development (PD) by virtue of Class A of Part 1 of Schedule 2 of the General Permitted Development Order (GPDO) 2015 and would not require planning permission.

Although the proposed solar panels on the roof of the building would not be PD under Class C of the above-mentioned GPDO, they would be covered by Part 14 (Renewable energy) of the same Order however as they would project more than 0.2m from the plane of the roof, planning permission would be required. The proposed solar panels would be non-habitable structures that would have no impact on the amenities of the surrounding neighbours and being hidden from view by the existing parapet, they would have no impact on the existing street scene or general character of the area in line with SPD.

Where planning permission would be required, the proposals would be in accordance with the requirements of NPPF and with Policy BNE1 of the LP1 and Policy H27 of the LP2 in that the proposed development would be sympathetic to and in scale with the host property and would not be unduly detrimental to the living conditions of adjoining properties or the general character of the area.

The impact on protected trees

An Arboricultural Survey Report was submitted on 4th November 2021 identifying the means that would be employed to safeguard the protected trees (TPO 121) during the construction phase and the originally submitted site/block plans have been amended (received on 15th November 2021) to show the protected trees in their correct locations as there was a discrepancy with the location of tree no. 1 (Robina) on the block plan J3143-02.

The Tree Report contains a tree survey schedule (page 14) and a tree survey plan (page 15) and states that no work will be required to the protected Robina tree (1) other than its protection during

construction and the beech (tree 2) to the immediate west would be removed. This tree is not protected and has been classed as a category U tree in the Report, i.e unsuitable for retention, in this case as it is closer than desirable to the neighbouring property.

The Agent has also supplied written confirmation (15/11/21) that the proposed brick wall to the east side boundary no longer forms part of the current proposals and the description of development has been amended accordingly to include the 2.4m high fence instead.

The amended proposals would be considered to conform to Policy BNE7 of the LP2 in that it is considered no protected trees would be adversely affected by the proposed development as it will be conditioned that the development is undertaken in accordance with the submitted Arboricultural Survey Report.

The proposals, as amended, would conform to Policy SD1 of the LP1 in that it would not lead to adverse impacts on the environment or amenity of existing and futures occupiers within and around the proposed development.

The proposals, as amended, would conform to the requirements of the NPPF and the NPPG and with Policy S2 of the LP1 in that planning applications received by the Council that accord with the policies in the Local Plan Part 1 (and where relevant, with policies in neighbourhood plans) will be dealt with positively and without delay unless material considerations indicate otherwise.

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:	16/12/2021
Report agreed:	21/12/2021
Authorised officer:	Emma Palmer-Barnes
