

Item No. 1.5

Ref. No. [DMPA/2021/1475](#)

Valid date: 24/09/2021

Applicant: Karen Brenchley

Agent: Elisabeth Hackett

Proposal: The erection of a replacement porch at 79 Main Street, Kings Newton, Derby, DE73 8BX

Ward: Melbourne

Reason for committee determination

This application is presented to the Committee at the request of Councillor Fitzpatrick as local concern has been expressed about a particular issue.

Site Description

The application site is located within the rural village and conservation area of Kings Newton and the property has been identified as a building that makes a positive contribution to the character and appearance of the conservation area. The application property is a modest cottage with attached barns, possibly once associated with Cofton fronting onto Trent Lane. The 1880's OS map shows Cofton as the nearest sizable house and whilst part of the range of buildings on site has a cottage character, this feels more likely to have been a workers cottage with attached barn ranges rather than a farmhouse in its own rights.

The proposal

The application seeks planning permission for the erection of a replacement porch. The existing porch which is to be removed is below the cubic metre threshold to require consent to be sought for relevant demolition in a conservation area.

The current proposal formed part of a previously refused application (DMPA/2020/1393) where the reasons for refusal all related to other matters which no longer form part of the development now proposed.

Applicant's supporting information

A [Design and Access Statement](#) has been submitted which includes up-to-date photographs of the host building and its existing porch and which covers the following:

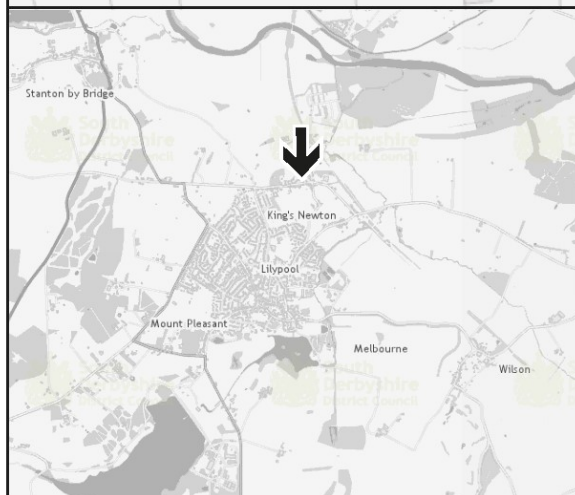
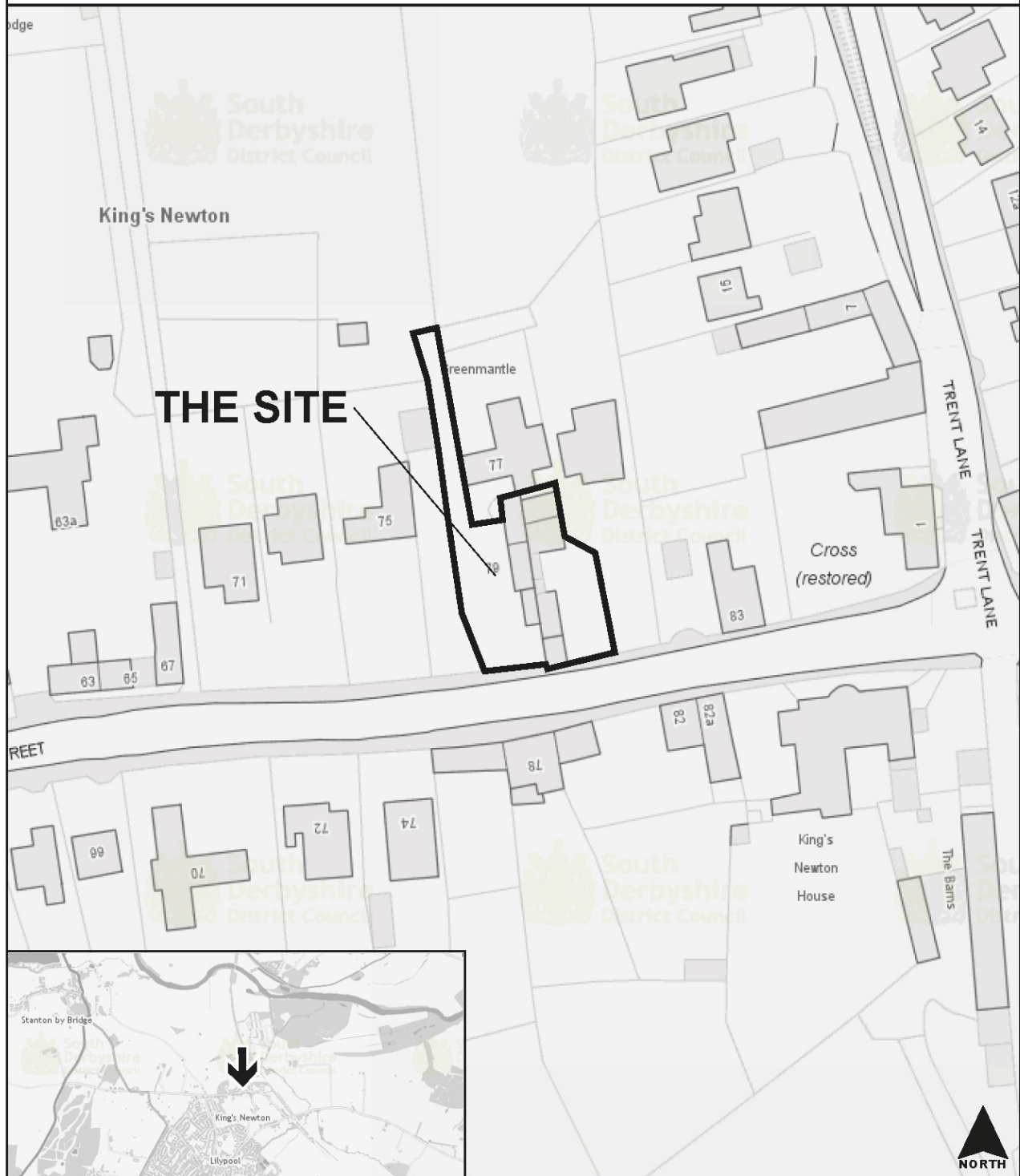
79 Main Street sits within the Kings Newton conservation area and is positioned on the north side of Main Street. The property was a former Farm Workers' Cottage and has barns adjoining which have been converted for residential use. There is also an old bake house joining the garage which sits against the roadside. The property is of a linear form sitting perpendicular to Main Street. It has been altered over the years with new additions and a raised roof and the original parts date back to the early 19th Century.

The area outside the front of the property is used for parking and there are no proposed alterations to the current parking allocation. This proposal is for the removal of an open porch and its replacement with an enclosed porch. New ground coverings will also be associated and rights of way will be retained.

Access

The access to the property through the existing opening within the stone walls fronting Main Street will be retained as existing. This opening into the driveway of the application property is used by other

DMPA/2021/1475 - 79 Main Street, Kings Newton, Derby DE73 8BX



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homeowners and should only be used by No. 79 although No. 77 has right of way over. This said there is no privacy for the property, with views off Main Street and the other properties having access onto the front of No. 79.

Layout

The layout of the property will not be altered. The proposal does see a new entrance made into the property through an existing window opening and this is the only part of the façade fabric to be removed. The new entrance will allow the homeowners to arrive into the property without the need to come off the courtyard directly into the dining room. This has posed problems from a thermal and overlooking point of view with access being straight into a habitable room.

The layout of the proposed enclosed porch is simple and is designed to edge the boundary line of the car parking for No. 77. Windows have been proposed within the roof slope to the north elevation to prevent overlooking and to create privacy. The entrance is adjacent to the road and allows people to arrive, take off their coats and shoes and move through a covered space into a new arrival space within an existing corridor allowing easy movement through the rest of the house.

Privacy and creating a sense of arrival is required as this property lacks these key attributes and with these in place the home will have a sense of security and sanctuary. It is important for your wellbeing to feel you have arrived home.

Scale and appearance

The proposed porch entrance was developed through a series of sketches and ideas to create a covered entrance without harm to the existing fabric, making reference to the historical context. The design also creates privacy and a sense of boundary between No. 79 and its neighbours. Several discussions have taken place with the Planners as part of the process from inception through to the submission of an application.

The design and scale of the proposal has been led by the constraints of the site (boundary lines, the existing internal layout and the location of the new entrance) as well as being mindful of the existing context with gables and the vernacular architecture. The massing of stone/brick facades has been reduced to make reference and not mask the existing timbers found within the front (west) façade of the double storey element. The gabled timber framed porch structure adjacent to Main Street (south elevation) reflects the existing later addition porch which is part of the character of the conservation area as mentioned in the Kings Newton Conservation Area Character Statement. The use of brick and stone are reflective of the existing materials found on the host building and the design makes reference to the gables found on a collection of properties within this area (No.77 for example) and the perpendicular massing off the linear axis is typical and not a new idea.

The proposed addition remains subservient and sympathetic to the historical context as well as addressing recent additions which have added to the charm, appearance, and growth of the conservation area.

Landscaping

This remains neutral and reflective of the context and the street scene. The stone walls fronting Main Street will remain as existing. The hardstanding to the ground will be gravel, the type is yet to be confirmed.

Summary

This proposal can be welcomed as an improvement and a need, which will not only enhance the living environment for the occupiers but will also preserve the building for many more years to come. The proposal will be another layer to the historical fabric without harm to the conservation area.

Relevant planning history

DMPA/2020/1393 – The demolition of open porch and replacement with enclosed porch and the erection of new entrance gates and wall in part and new boundary wall with associated landscaping – Householder planning permission was refused on 6th July 2021 by Planning Committee contrary to the case officer's recommendation:

The proposed boundary wall within the open courtyard of this former farm complex would introduce a built form to subdivide and erode an important feature of the historic settlement pattern within the area, to the detriment of the overall character and appearance of the Kings Newton Conservation Area. The development would therefore be contrary to Policy BNE2 of the Local Plan Part 1 and Policies H27 and BNE10 of the Local Plan Part 2 and there are no reasons which would justify taking a decision at variance to these policies.

DMPN/2021/1474 - Certificate of Lawfulness for proposed boundary walls to define boundary - pending consideration.

Responses to consultations and publicity

The Conservation Officer is of the opinion that, subject to the imposition of conditions for facing and roofing materials, the proposed development would not harm the character and appearance of the conservation area. A sample stonework panel condition should also be imposed to ensure that the work is undertaken to a good standard.

Melbourne Parish Council have raised no objections.

Melbourne Civic Society strongly objects to the proposal and comments that the extension proposal will neither preserve nor enhance the conservation area. Like so many other vernacular buildings, the house comprises an uncomplicated sequence of one-room-deep elements placed end-to-end, giving it an appropriately simple and linear character. This proposal awkwardly bridges the junction between the single storey and two storey parts, with a porch squeezed at right angles to it, to face the road, and the roof form has to include a couple of awkward valley gutters because it is unnatural.

The Melbourne Ward Member comments as follows:

This application together with application DMPA/2021/1474 for a Certificate of Lawfulness for proposed boundary walls are in essence two of the three key elements of a previous application DMPA/2020/1393 which was previously rejected by the planning committee.

I respect that the applications have been made separately but residents have asked many questions of me as to how what is in many ways the same requests for building permission be brought back so quickly to the council after it has only recently been refused.

Plans – Size and Scale

A neighbour to the property has had their own work conducted by a surveyor who believes the plans are inaccurate and not to scale. In particular, cars drawn on the plans are reduced by 15% in scale based on UK average and hence turning circles and true access are not demonstrated fairly.

Two walls from No. 77 are not shown at all on the plans and if the extension is built as is, the two car parking spaces for No. 77 will be entirely inaccessible. This is a very serious concern for the elderly resident of no 77.

The neighbours' surveyors work has also highlighted that access for emergency and service vehicles can be no more than 2.85m wide when a recognised minimum standard is 3.2m.

As stated on the previous application there is also a significant dispute over the boundary with No. 75 and that neighbour believes they have the evidence to show a different boundary which they claim

makes the plans submitted inaccurate.

Conservation Area

Other residents have expressed their concerns that the scale of the porch and how it would significantly protrude into the open courtyard would spoil the conservation characteristics of this open courtyard.

The proposed significant intrusion into the courtyard space will neither preserve or enhance the conservation area and that in our own SDDC conservation documentation we specifically draw attention to the conservation of linear, L and U-shaped courtyards.

Residents with better historical knowledge of the area believe “that this proposal will be detrimental to the character and appearance of the conservation area. The main reason is that no.75 and the adjacent farmyard are complementary parts of a historic farmstead, and the openness of the farmyard is important to the way that it is understood and appreciated. The farmhouse now looks 1920s from the front but is in fact partly 18th century. By way of background, Nos. 75 to 79 are an ancient farmstead which had formerly belonged to the Kings Newton Hall estate. It was bought out by the Melbourne Estate in 1734, and they owned it until 1919. The house now known as No. 79 was in existence as a cottage within the farmstead by 1767.”

Porch

The sheer scale and position of the porch will have a major impact on the neighbour at No. 75. There could be real loss of privacy with roof windows overlooking into the kitchen and living room of No 77. I also believe the proximity to No 77 will have a detrimental effect on the loss of light. These matters are of course on top of the potential loss of two car parking spaces which will become inaccessible as mentioned above.

There have been eight objections from members of the public and seven objections from neighbours (12 individuals in total) as a result of publicity and these are as follows:

- a) The proposed changes to the porch will be huge and not only block light but restrict access to and isolate occupant of 77 Main Street - view will be of a plain, bland wall, and sloping roof;
- b) This proposed structure is totally out of keeping and will not only destroy the integrity of this yard but the whole of the surrounding conservation area;
- c) Emergency vehicles will also have problems accessing no 77;
- d) Should the owner require an increase in living space that is as big as this, should consider building at the back of the house where there is plenty of room;
- e) There are so few ancient yards like this and it is a travesty to consider building a huge extension which affects all the other residents in an adverse way;
- f) As a regular visitor, aware of how Main Street is used as a cut through for speeding vehicles. This development has the potential to create yet another health and safety issue with the residents of No. 77 who will have no adequate turning for vehicles and consequently be forced into reversing out onto the highway. There have been a number of accidents reported on this stretch of Main Street and believe this development has the potential to create further risks to pedestrians and vehicles alike;
- g) A lack of actual measurements have made this plan very difficult to read;
- h) Proposed plans are misleadingly named - not an erection of a replacement porch, it is an extension, adding a complete habitable room, 600% larger in area, than the current porch;
- i) This constitutes a built structure in a conservation area that inappropriately encroaches on a rare, horseshoe shaped farm yard which has been preserved for over 300 years;
- j) The style of the new structure is totally out of keeping with the existing cottage to which it will be attached;
- k) The proposed plans (North, South Elevations and Elevation 2) reveal the true impact on the owner of No. 77;
- l) The extension in its proposed form, will create a new wall 3.3m in width, resulting in No. 77 no longer being visible from the road;
- m) Due to inaccuracies in the proposed plans, such as excluding two walls attached to No.77 and No.79 and scaling the vehicles 15% less than the UK average size, No. 77 will effectively lose access to one of the two allocated parking places. This will mean that family members and visitors to No. 77 will no longer be able to park at no. 77;

- n) Due to inaccuracies in the proposed plans and by not referring to the recent RICS Land Survey undertaken by No.75; the Land Registries and Title Deeds for all three properties; and solicitor's advice, the true area represented for vehicle access, turning and manoeuvring is false;
- o) The driveway area represented on the proposed plans is of much smaller scale in reality;
- p) The boundary line between No.75 and No.77's properties is inaccurate;
- q) An Independent RICS Land Survey undertaken on 25/07/21 demonstrates that the proposed plans will have to conform to the professionally marked out boundary line, resulting in a much smaller access width (2.8m) and a much reduced vehicle turning and manoeuvrability area;
- r) The applicant has said that it is their intention to erect a fence dividing the courtyard. When following the surveyed boundary's accurate measurements and the resultant line of the fence, the access and turning area will be even more compromised than shown;
- s) It is understood that boundaries are not normally taken into consideration, however, in this instance, they are critically relevant because it is not acceptable that field access for agricultural vehicles and visitors to the property of No.77, must cross the surveyed boundary line of No.75;
- t) Sir Nikolaus Pevsner, author of *The Buildings of England, Derbyshire* (1953), declared that Kings Newton has 'one of the most attractive main streets in Derbyshire.' The open character of the yard is a large part of the positive contribution it makes to the special qualities of the conservation area. It is still 'legible' as a former farmyard, and the Council's adopted conservation area appraisal draws particular attention to the ranges of old farm buildings and their courtyards as a defining characteristic of the village. If their legibility is impaired, then their contribution to the conservation area will inevitably be impaired also;
- u) In this case, the farm is an ancient one that had belonged to the Hardinge estate based at Kings Newton Hall, which was bought out by the Melbourne Estate in 1734. The Melbourne Estate retained the ownership of it until 1919. By 1767, there was a separate cottage among the outbuildings, which is now no. 79. The main farmhouse (formerly 'The Orchard'), now no. 75, is outside the conservation area, having the appearance of a 1920s house, but in fact part of the earlier farmhouse is incorporated within it. The conservation area boundary therefore makes a rather artificial distinction between the farmhouse and the yard and buildings that belonged to it. In reality, they can still be appreciated together as complementary parts of a single whole;
- v) The replacement of a small 'open' porch by a much larger enclosed room, nominally described as an enclosed 'porch', is detrimental, as it is unsympathetic to the linear form of the buildings and is of a complex and awkward form;
- w) SDDC's Kings Newton Conservation Area Character Statement (2011) specifically draws attention to "long ranges of farm buildings that survive substantially unaltered, creating linear, L and U-shaped courtyards." The courtyard is within the Conservation Area Boundary 12th July 1979;
- x) The architect's drawings are inaccurate and misleading – the low wall in front of No. 77 is not shown; the size of the cars drawn are much smaller than in reality; the boundary line between No. 79 and No. 75 is not the correct line;
- y) When the neighbour's car (larger than average size) is parked in its normal place, the gap between her car and the boundary line is below the legal requirement for another vehicle to pass on to No. 77;
- z) No. 77 have two car spaces; the new extension would not allow space for two cars to park there.
- aa) It would be impossible for tractors or other large agricultural vehicles, needing to use the courtyard to get to the field behind the properties, to get through;
- bb) The line marked on the resubmitted application has not changed and it is incorrect. The Conveyance between William Hugh Earp and John Madden on 30/10/1970 also has a Plan, copied from the Land Registry Plan. This is countersigned by William Hugh Earp and John Madden; thus, the Earp family formally created, and thereby accepted, what is shown on our Land Registry plan, when 75 Main Street was sold by them. In July/August 2000 a Register of local land charges and a Requisition for search and official certificate of Search was sent to South Derbyshire District Council by the objector's Solicitors. The same Plan was attached to the document and was stamped with the District Council's approval. HM Land Registry recent Plan (DY548115) of July 2021, matches the objector's Land Registry Plan and 1970 Conveyance line. All these clearly show a straight line from the eastern edge of No 75's garage, leading to the road; when level with the southern edge of the cottage (no. 79), the line then takes a diagonal course for the wall on Main Street. No 75 has 2.55m of that wall (nearly its entirety);
- cc) This was to ensure, if ever it was needed, enough room for a vehicle to turn in the driveway. When we arrived in 2000, there was no garage at the application site. The 'new boundary' ignores the legal

line and encroaches on the objectors land. The correct boundary, when matched with the new extension, does not allow the legal passage;

dd) Occupant of No.77 will no longer be able to turn her vehicle around, and will have to reverse the length of the drive and out onto a busy road where three accidents have recently occurred, including the day of the previous site visit for the earlier application;

ee) The modern design, including double road facing glass entrance doors and a roof skylight, are completely out of keeping with the character of this ancient farmyard;

ff) The room is being built out onto a conservation area. A planning application by the same applicant on the same site was rejected in June, due to 'a built form...' which would 'erode an important feature of the historical settlement pattern within the area, to the detriment of the overall character and appearance of the Kings Newton Conservation Area. The development would therefore be contrary to policy BNE2 of the Local Plan Part 1 and policies H27 and BNE10 of the Local Plan Part 2 and there are no reasons which would justify taking a decision at variance to these policies';

gg) It will force farm vehicles, and vehicles accessing No.77 to cross over the surveyed boundary line between No.77/79 and neighbouring No.75;

hh) It is the intention of the applicant to erect a fence on the boundary line, therefore it will be impossible for No.77 and their visitors to cross the boundary line to access both allocated parking spaces. Needs to be viewed on the ground, as everyone who has visited the site can see the issues that the plans drawn fail to represent;

ii) The 300 year old farmyard has long been admired by visitors to Kings Newton and to destroy such a rare gem with such an extension is abhorrent;

jj) There are fundamental issues and serious inaccuracies with the drawn plans which cannot be demonstrated in the standard objection format – plans and photographs provided in paper format together with comments that were also submitted online;

kk) The size and orientation of the proposed extension will impact on the ability of the applicant, other residents and visitors within the courtyard to safely access Main Street. There is a bus stop right at the entrance of the courtyard which local children use to get to the secondary school. The idea of multiple cars having to back out onto a busy road with limited visibility is dangerous - there have been four accidents on Main St since the objectors moved to the area in 2014. Children also congregating in this vicinity adds to the risk;

ll) These types of dwellings (located around a shared yard) have been deemed typical and an asset of the area (many of the new developments are emulating them). They are cited in the recently published Neighbourhood Plan as being a notable feature of both Melbourne and Kings Newton. Although the choice of materials sound excellent - the scale of the proposed porch means that sense of open space would be lost. Surely the point of a conservation area is to maintain the historic layout of the properties?;

mm) Own two car park spaces and benefit from the legal unimpeded right-of-way from Main Street to access them;

nn) The boundary situation between 75, 77 and 79 Main Street has been established from the information provided to the Council and which is gained from legal and registered land documentation. At present there is no physical boundary on this line but it is noted that the previous application suggested a brick boundary wall and later a fence. If such a boundary were to be erected then it is clear that No. 77 would not be able to use allocated parking spaces which were gained through a planning application and approval;

oo) It is noted that No. 77's situation was not included on the applicants detailed drawings. The relationship between neighbouring buildings should be clearly shown;

pp) Any boundary in the open courtyard would be detrimental to the appearance of the conservation area, therefore any approval should be conditioned so that the open nature of this courtyard be maintained;

qq) If the boundary situation is shown correctly [on the plans submitted by an objector] it means that the red line ownership boundary on the application is incorrect and the wrong certificate has been submitted with the application. It follows that the application should not have been validated;

rr) It can be seen from the applicants submitted photographs that the existing porch complements the existing dwelling within the conservation area. The applicant's intentions and aspirations are not disputed however the proposed solution is ill considered;

ss) The extension should be subordinate to the existing dwelling. The ridgeline being below that of the existing building;

tt) The gable width is unnecessarily too large compared with existing gable widths and this in turn means that the pitch of the roof will be different to the main building, not allowing for a valley tile solution to the connection with the existing roof;

uu) The small open porch is unnecessary and is an unsightly addition to the main objective;

vv) No information has been given on the pre-application advice (question 8 on the application form) and it is wondered if the conservation officer was consulted?;

ww) The authority and the applicant should also consider that this proposal could not be constructed without access to the car parking space at No. 77 since the intention is to build the external wall on the boundary;

xx) Elevational drawings clearly show an overhanging eaves, a situation which would not be acceptable. There is no indication to what happens to roof rainwater from the existing building or from the extension;

yy) The objectives set out in the design and access statement could be achieved with a smaller more modest enclosed porch;

zz) The demolition of the existing porch is not included in title of the planning application;

aaa) Although not an original feature the existing porch compliments the cottage;

bbb) The proposed replacement is an ugly block totally unsympathetic with existing single room depth footprint;

ccc) This is not a replacement porch. Oxford dictionary definition of porch 'A covered shelter projecting in front of entrance to a building usually open at sides';

ddd) This proposal will totally destroy an historic building part of the important conservation area;

eee) The erection of this additional room will cause immediate disruption to all the residents with little gain.

fff) It will reduce the privacy of No. 77 particularly with roof windows overlooking that resident's kitchen and living areas;

ggg) The proposed design of the additional room appears to be built up to and including the existing extremity of the current two parking spaces currently occupied by No. 77 which is unacceptable. Perhaps communication with the resident of No. 77 would be appropriate;

hhh) The substance of this application has already been rejected (DPMA/2020/1393). The proposals now presented should again be refused in accordance with paragraphs 193, 194, 196 and 197 of the National Planning Policy Framework and the Council's own policies;

iii) A further strong concern is the proposed division of the yard area. Subdivision of the farmyard will neither preserve nor enhance this Conservation Area. It will result in chaos;

jjj) The requested boundary wall would allow no turning circles and without doubt impair the ability for 77 and 75 to manoeuvre and exit safely in a forward direction onto Main Street. Furthermore, the resident of 79 regularly parks her vehicle at right angles to her garage, which is seldom used thus creating a further obstacle to manoeuvre;

kkk) There seems to be confusion over the ownership of one of the protected lime trees and it should be noted that one of the two trees is in need of serious pruning which would result in better access into and from the courtyard. Alterations to the access will undoubtedly affect the trees which are the subject of a preservation order. The tree preservation officer should be consulted and a proper tree survey included;

lll) The two entrance/exit points are necessary for vehicles servicing the paddock/field beyond and is used for agricultural vehicles, this could clearly have a knock on effect to traffic on the main street should the existing access points say be reduced and/or gated;

mmm) The applicant has submitted the same proposed extension, as well as submitting a separate application for the dividing boundary wall (DMPN/2021/1474), and a further application for the gates will undoubtedly follow therefore completing the exact same planning application that was rejected in July. Underhand way of resubmitting plans which were soundly rejected by the Planning Committee (DMPA/2020/1393);

nnn) Design of the extension is completely out of keeping with the character of the existing property and its immediate environment. The proposed building design is awkward in its complex design and so is at odds with the uncomplicated, one-room deep, linear design of the existing cottage;

ooo) There are no dimensions on the application which means that the size can only be determined by reference to the scale bar. This leaves things worryingly approximate which should be deemed unacceptable due to the restricted access and manoeuvrability issues it will cause all three households on the farmyard;

ppp) The North Elevation on the proposed plans shows the extension wall built on the actual boundary line and fronting the dining room and kitchen windows of No. 77. This will have a hugely negative impact on the owner. The loss of the 'right to light' and the loss of 'public visual amenity' should also be carefully considered;

qqq) If permission is granted to build the new structure on the scale provided, the owners at No.77 will lose access to two owned parking spaces due to the access angle and the loss of turning area that the extension and boundary wall will ultimately create. A development cannot be approved if that means that someone loses the ability to access the parking spaces they own and

rrr) Simply closing in the existing porch would give the applicant privacy and reduce thermal loss and would not have such a detrimental impact on a conservation area, or negatively impact the neighbours;

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), BNE10 (Heritage)

The relevant local guidance is:

South Derbyshire Design Guide Supplementary Planning Document (SPD)
Kings Newton Conservation Area Character Statement 2011 (CACS)

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
- Other issues raised through consultation and publicity.

Planning assessment

The impact on the character and appearance of the conservation area

The property is a modest cottage with attached barns and is visible from the public realm via the driveway with 75 and 77 Main Street. The existing open porch projection is just visible from Main Street attached to a range of buildings which tend to sit along slightly different building lines. The proposal is to remove the existing open porch and construct a front projecting gabled extension to act as an enclosed porch, with a small lean-to open porch alongside in a similar position to the existing. The existing oak framed porch is potentially quite recent as it does not appear on any historic maps. However, it is a lightweight and small projection so may have been omitted. The masonry providing some enclosure around its base is certainly not of any great age unless it has been largely rebuilt at some point (although it is reasonably well executed). The 1901 OS mapping does show an enclosure fronting the range in this location, it is unhatched so was not a solid structure but may have been a small enclosed walled area or possibly an open canopy covering, but still represented some projection into the yard area.

The proposed extension would be modest in scale with the same eaves and ridge height as the

converted agricultural range which forms part of the dwelling to the north of the existing porch. The proposed materials include stonework in the lower sections and matching brick above with slate for the roof.

Subject to the conditions requested by the Conservation Officer, the proposal would preserve, and thus not harm, the special architectural and historic character and appearance of the conservation area, achieving the desirable objective within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such the proposal would conform to the requirements of the NPPF and with Policy BNE2 of the LP1 and Policy BNE10 of the LP2 in that the heritage asset would not be harmed and the positive contribution that the host property makes to the historic environment would be preserved.

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

The proposed replacement porch would be single storey and classed as a non-habitable room. The proposed roof would rise away from the neighbour to the north (77 Main Street) and its eaves and ridge would be no higher than the existing single storey range to which it would be attached. It would also present a blank elevation towards the frontage of No. 77 and the proposed rooflight would have a cill height of 2.89m such that a direct view of No.77 would not be afforded. As such, it is considered that this neighbour would not be adversely affected by the proposal and the current privacy levels would be maintained in line with the Council's SPD.

There would be adequate separation between the west side of the proposed porch extension, where window openings are proposed, and the frontage of 75 Main Street to the west side of the site to meet SPD guidelines and to preserve current privacy levels in line with the Council's SPD.

The application property is perpendicular to the existing highway and the proposed sympathetic and in scale porch would be set back within the site such that it would not adversely affect the existing street scene or the general character of the area.

The proposal would therefore be considered to be in accordance with the requirements of NPPF and with the objectives of Policy BNE1 of the LP1 and Policy H27 of the LP2 in that the development would be in keeping with the scale and character of the existing host and would not be unduly detrimental to the living conditions of adjoining properties or the general character of the area.

Other issues raised through consultation and publicity

Comments in relation to the boundary wall that would divide the site and the issues raised regarding the proposed alterations to the front boundary wall and existing access and the impact on the protected trees and highway safety are not of relevance to the current assessment as these elements of the previously refused application [DMPA/2020/1393] have been removed from the current proposal. Planning permission is only sought for the erection of a new porch.

It should also be noted that the previous refusal reason did not include any reference to the porch proposal or the proposed alterations to the existing front wall and the access onto Main Street. Application DMPA/2020/1393 was refused on the basis that the proposed internal boundary wall would have a detrimental impact on the historic courtyard layout of a former farm complex. The porch now proposed is as per the previously submitted DMPA/2020/1393 proposal.

The size of the proposed development is also irrelevant unless it does not comply with national and local policies and established supplementary planning guidance and the applicant is at liberty to erect an extension on any land that is within their ownership subject to gaining planning permission where it is required. The LPA can only assess what is presented as part of a planning application.

The structure has been named after its proposed function/use and whilst it could be argued that it is large for a "porch", that would be its intended use according to the application form – an arrival space to take off outside footwear and outerwear before entering the main house. The proposed extension

would be classed as a non-habitable space with regard to assessing its impact on neighbouring amenities.

The Conservation Officer was consulted on both the previous application and this current one and also provided pre-application advice. No objections were raised with regard to the proposed porch in both consultation responses as it was considered that the development would not have any harmful impacts on the character and appearance of the conservation area.

An objector raised concerns as there appears to be a slight overhang across the application site boundary on the elevation drawing (310.02C). There is no overhang from the extension on to the neighbour's land. The Party Wall Act provides the necessary framework for preventing and resolving disputes in relation to party wall, boundary walls and excavations near neighbouring buildings which are all civil matters.

The alleged inaccurate ownership boundary line between 75 and 77 Main Street would not be classed as a material consideration. This would be a civil matter between the parties involved and is covered by other legislation/guidance.

The submitted plans are considered to be accurate. An average family car is 4.3m (l) by 1.82 m (w) and the measurements on plan are slightly smaller at 3.9m x 1.6m. This small discrepancy does not alter the fact that there is ample space to accommodate a correctly scaled car within the space depicted for the neighbour's parking spaces on the submitted plan 310.02C and that the existing space behind those parking spaces would not be impacted upon by the current proposal for a porch.

The proposal would conform to Policy SD1 of the LP1 in that it is considered it would not lead to adverse impacts on the environment or amenity of existing and future occupiers within and around the proposed development.

The proposal 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.

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

Approve subject to the following conditions:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the submitted plans and documents received on 24th September 2021 and plan ref. 310.03 Revision B, received 20th December; unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt.

3. Prior to their incorporation into the building hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.

Reason: In the visual interest of the building, the significance of the heritage assets and the surrounding area.

4. Prior to any pointing commencing, a sample panel of pointed stonework no less than 1 sq. m shall be prepared for inspection and approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved sample, with the approved sample retained on site throughout the duration of construction works.

Reason: In the visual interest of the building(s), the significance of the heritage asset(s) and the surrounding area.