
Delegated report Officer: Kate Whitfield

Application ref. DMPA/2022/0410

The variation of condition 2 of permission ref. DMPA/2021/0585 for the removal of existing conservatory and the erection of an extension and detached garage and gym/garden room, external alterations including new roof and external insulation/cladding and the widening of vehicular access at Penn Gate, Salisbury Lane, Melbourne, Derby, DE73 8ER

Valid date: 01/02/2022

Consults expired: 28/04/2022

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/2021/0585 : Removal of existing conservatory and the erection of an extension and detached garage and gym/garden room, external alterations including new roof and external insulation/cladding and the widening of vehicular access.

Approved 30 June 2021.

DMOT/2021/0134 – Felling of 6 trees and pruning of 5 trees

Approved 10 March 2021.

Responses to consultations and publicity

Melbourne Parish Council - No objections.

No public representations have been received.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- 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), Policy INF2 (Sustainable Transport)
- 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)
- Melbourne Conservation Area Character Statement 2011
- Melbourne Neighbourhood Development Plan (under examination)

The relevant national policy and guidance is:

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

Relevant Legislation :

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Planning considerations

The application seeks planning permission for the variation of conditions 2 and 3 of application DMPA/2021/0585, which granted approval for the removal of an existing conservatory and the erection of an extension and detached garage & gym/garden room, external alterations including new roof and installation of external insulation/cladding and the widening of the vehicular access at the residential property at Penn Gate, Salisbury Lane, Melbourne.

Condition 2 relates to the approved plans and details for the permission. Condition 3 relates to the provision of details in relation to the windows, doors and rooflights which should be submitted for approval prior to installation.

This is in effect a S73 application to make minor amendments to the previously approved scheme through a variation of the approved plans listed in condition 2 of the original permission. Permission is sought to make amendments to the approved Proposed Site/Roof Plan (2014AL(0)005), approved Elevations Plan (2014AL(0)006 Revision B), approved Elevations Plan (2014AL(0)008 Revision B), approved Elevations Plan (2014AL(0)009 Revision B) and the approved materials schedule (20014AL(0)013).

The amendments indicate alterations to the proposed window sizes/configurations, relocation of roof lights and modifications to the approved materials to reflect the constraints of product and market availability. The new site plan also proposes a revision to the landscaping layout in order to create an additional parking and turning space. It is also proposed to include an automatic sliding gate across the access to the site.

As part of the application information is also provided in respect of the details requested for prior approval under condition 3 of the original permission, which states the following :

"Prior to their incorporation into the development hereby approved details of the new windows, doors and rooflights shall be submitted to and approved in writing by the Local Planning Authority. The details shall include drawings to a minimum scale of 1:10 of the items, including horizontal and vertical sections, precise construction and method of opening. The items shall be constructed in accordance with the approved drawings.

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

S.73 of the Town & Country Planning Act (1990) states that, "on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted". A wider reassessment of the scheme is therefore unnecessary and beyond the scope of this application. The only matters that are considered in respect of the current application are in relation to the impact of the proposed amendments on the character and appearance of the application site property and the Melbourne Conservation Area and any additional impact on the amenity of neighbouring occupiers.

Planning assessment

Amendment to Condition 2 – Approved Details

The amended site plan proposes alterations to the front of the site to replace some of the front garden area with an additional parking/turning space. The existing garden area has been built up level with the bungalow, which is located on a higher ground level to the road. Part of this will be dug out to provide a parking space and enclosed with new retaining walls. The existing access will also be widened further than originally proposed to allow access to this space.

Under the original application it was noted that the front boundary wall is a positive feature within the lane. The amended plans indicate that this wall would be retained and a new railway sleeper retaining wall built inside this. Around the other boundaries of the additional parking space new retaining walls would be built, faced with stone to match the existing wall. The existing stone gate post is also to be re-used.

The plan also indicates the addition of a sliding gate across the access. An additional drawing has been provided of this which indicates a 1.5 metre high solid timber gate. A similar gate was originally shown as being attached to the house on the originally approved elevation drawings, so this in effect being brought forward to the road.

The parking space will be at a lower ground level and the retention of the existing boundary wall and the existence of the gates across the access should limit the visibility from Salisbury Lane. A larger section of the front boundary wall would be lost to allow a wider access than originally proposed, however, it is recognised that the wall is not unbroken along the road, with a wide access in place at the neighbouring property to the south. In light of this it is considered the proposed amendments to the site layout are acceptable in terms of the visual impact on the application site property and the wider Conservation Area.

The elevation plans also indicate minor amendments to the fenestration. Alterations in design are shown to the front elevation windows but the positions remain unaltered. On the rear elevation one additional rooflight is proposed and alterations to window sizes, but again the window positions remain unaltered. It is not considered that these amendments would have a material impact on the final appearance of the property or its setting in the Conservation Area. In addition, there would be no additional impact on the privacy of any neighbouring properties as a result of these amendments.

Finally, there is also a proposed alteration to the proposed roof materials. The roof is now proposed to be covered with a coated steel standing seam rather than the originally approved zinc. The materials schedule indicates that this new material is very similar in appearance to that originally approved and should not materially impact on the final appearance of the property.

Amendment to condition 3 – Details of Windows, Doors and Rooflights.

Drawings, specifications and manufacturer's information has been submitted in respect of the details required for approval under this condition. The windows frames are to be black aluminium, as indicated in the original application. The doors, including the garage doors, are also to be finished in a black grey colour. The rooflights will be Velfac Conservation Rooflights, also with a black finish. All will match the proposed roofing material and give the development a consistent appearance. The window and door schedule reflects the elevation plans and the details submitted are considered acceptable. The wording of condition 3 is therefore updated to reflect these approved details.

Conclusion

The proposed alterations to the site layout, access, elevations and materials are considered acceptable as a minor material amendment to the originally approved scheme. Approval of the application is therefore recommended. In addition, the details submitted in accordance with condition 3 are acceptable and the wording of this condition updated accordingly. There are no further conditions on the original decision notice.

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:	18/05/2022
Report agreed:	26/05/2022
Authorised officer:	Steffan Saunders
