
Delegated report Officer: Holly Budworth

Application ref. DMPA/2022/0501

The erection of a single storey rear extension, including demolition of existing conservatory, replacement and repositioning of windows, the siting of external air source heat pump and removal of conifers at Hillside cottage, Main street, Smisby, Ashby de la Zouch, LE65 2TY

Valid date: 11/04/2022

Consults expired: 16/06/2022

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

9/1990/0372 - *The erection of a single storey extension to provide a garage and two stores at the front and a conservatory at the rear of the converted barn*

9/1990/0373 - *Listed Building application for the partial demolition of the garage and the erection of a single storey extension to provide a garage and two stores at the front and a conservatory to the rear*

DMPA/2022/1479 - *Listed Building application for removal of existing conservatory and proposed single storey extension, replacement windows and minor alterations*

Responses to consultations and publicity

There have been three responses to consultations and publicity, these comments can be summarized as follows:

Neighbouring dwelling adjoined to Hillside Cottage (The Byre)

Stance: Objection

- *The new extension will dramatically alter the character and feel of the rear of the terrace. From classic straight lines of terrace cottages, you will have protruding flat roofed cube which adds little architectural benefit.*
- *It is possible for the architect to utilise the footprint of the existing conservatory, which is going to be demolished, and lengthen it outwards to be level with the adjacent existing extension of Hillside Farm. This would avoid the ugly protrusion of the current proposals and for a new extension to blend in with the existing building configuration. If this was to be done, I would have no objections.*
- *I also have concerns with the height of the extension. The relationship between Hillside Cottage and The Byre is made complex because we share a flying freehold... It appears from the architect's plans for the flat roof of the proposed extension joins the existing outside wall immediately below my bedroom window. This means the height of the extension is significantly above the boundary of the flying freehold, and as such I believe where the roof of the extension joining the existing exterior wall is in fact my property. Thus the height of the planned extension is far too high and needs to be lowered.*

Verbal comments from the conservation officer were received, these can be summarized as follows:

Conservation Officer

No objection: The design of the scheme has evolved. It is now lightweight, there is a clear legibility

between old and new fabric. It is of scale that is subservient and subordinate to the host property, it is to the rear so doesn't effect the frontage. The proposed air source heat pump *doesn't negatively impact the setting of the Grade II Listed Building adjacent (Hillside Farm) at a harmful level.*

Its is a non permanent structure. They are reversable and can be removed.

The scheme doesn't present a level of harm that could warrant an objection to the scheme.

Comments were received from the SDDC Biodiversity Officer, these can be summarized as follows:

SDDC Biodiversity Officer

12/01/2023:

The two conifer trees proposed for felling are located within the rear garden of Hillside Cottage where the extension is proposed. I have not visited site, but from your helpful photographs both conifers appear to be early semi-mature in age and situated in a crowded location with T2 appearing sub-dominant and therefore displaying reducing vitality, with T1 located in close proximity to the house.

It would be my opinion that both conifer trees T1 and T2 as marked up on your photographs do not merit Orders being served due to their location in a small rear garden thereby offering limited visual amenity and the certainty that both specimens will outgrow their location in the longer-term. In summary, I advise that the felling of the two conifer trees is not considered a constraint to proposed extension works.

13/01/2023

It's difficult to assess on the information provided, particularly the location and nature of other trees near-by. The Applicant may themselves want to consider impacts of the extension to undermining structural roots of near-by trees as clearly this would not be beneficial in the long-term (for the trees or the extension), but this may not necessarily require formal information to be submitted to the Council.

Relevant policy, guidance and/or legislation

South Derbyshire Local Plan – Part 1

- Policy S2 (Presumption in Favour of Sustainable Development)
- Policy SD1 (Amenity & Environmental Quality)
- Policy SD6 (Sustainable Energy and Power Generation)
- Policy BNE1 (Design Excellence)
- Policy BNE2 (Heritage Assets)
- Policy BNE4 (Landscape Character and Local Distinctiveness)

South Derbyshire Local Plan Part 2 (2017)

- Policy STD1 (Settlement Boundaries and Development)
- Policy H27 (Residential Extensions and Other Householder Development)
- BNE10 (Heritage)

Relevant Local Guidance:

- South Derbyshire Design Guide Supplementary Planning Document (SPD) (Adopted November 2017)
- Smisby Conservation Area Character Statement (2014)

Relevant National Policies & Guidance includes:

National Planning Policy Framework (NPPF):

- Chapter 12 – Achieving Well Designed Places
- Chapter 16 – Conserving and enhancing the historic environment

Planning Practice Guidance (PPG):

- PPG, Paragraph 18a – Historic Environment
- PPG Paragraph 26 – Design: process and tools

Relevant legislation:

- Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [the conservation] area'.

Planning considerations

Main issues:

- Principle of the proposed development
- Impact upon the host dwelling and the character and appearance of the area and the conservation area
- Impacts on the listed building adjacent
- Residential amenity

Planning assessment

Application Site

Hillside Cottage, Main Street, Smisby is a Georgian converted barn. It comprises of characterful features, located adjacent to a Grade II listed Farm House (Hillside Farm), within the Smisby Conservation area. The converted barn has been subjected to historic alterations and extensions, showing later 20th century brickwork and alterations.

The site is amongst a terraced row and is the first dwelling of this row. It is situated to the north (behind the Grade II listed Building) within a courtyard of converted barns.

Hillside cottage is set back from the frontage, is served by a shared private drive and is not viewable from the frontage along Main Street, Smisby.

The dwelling is within the defined Settlement Boundary Maps under Appendix A to LP2.

Proposed Development

In brief, planning permission is sought for the following:

- Demolition of conservatory to the rear
- The erection of a flat roofed single storey extension to the rear, with doors to the west and east opening out to the garden.
- The erection of replacement windows and new openings
- The erection of an air source heat pump
- The felling of trees (conifers)

Main issues

Principle of the proposed development

Development plan policy SDT1 supports development in principle in locations within the defined settlement boundaries, subject to compliance with the relevant policies of the development plan. Policy H27 considers householder development and supports such undertakings if they do not harm the host property and the character and appearance of the area, and is not unduly detrimental to the amenity afforded to nearby properties. The criteria associated with policy H27 is also reflected within policy BNE1 and advice within the SPD.

Therefore, the principle of the proposed development is deemed acceptable subject the qualifying criteria of policies H27, other relevant policies of the development plan and other material considerations.

Impact upon the host dwelling and the character and appearance of the area/conservation area

Smisby was a part of the Harpur Estate from 1660 and was gradually sold from the 1950's onwards. The buildings amongst Smisby were exhibit evidence of their evolution, reconstruction and redevelopment over the centuries. Hillside cottage is one of those redeveloped, from a farm building to a dwelling.

The site is adjacent to a Grade II Listed Farm house, and has been identified in the Smisby Conservation Area Character Statement as a building which contribute positively to the special architecture or historic character.

The proposed changes respect both a social objective, as sought in the NPPF and Heritage Assets as outlined in policy BNE2:

Window details and new openings

The existing scheme presents window which are in disrepair and are all of different style. The proposed window details feature 'conservation style' casements which are more of the period of the property and will be in keeping with the character and appearance of the host dwelling.

Demolition of existing conservatory & single storey extension to the rear

The existing scheme presents a conservatory to the rear elevation of the host. It is situated more south of the host, leaving a small opening between the host and the Grade II listed Farm House (Hillside Farm) adjacent. This conservatory is rotten and in disrepair.

The proposals seek to replace this element with a single storey flat roof extension, situated more to the north of the host. This already reduces any impact on the setting of the listed building adjacent. The contrast in character between the Georgian converted barn and the modern extension is considered to be acceptable on conservation grounds.

The scale and mass of the new extension would be a subservient and subordinate addition to the main dwelling. It is considered that adopting more of a contemporary design approach, is appropriate in this instance and would help to create a clear distinction between old and new fabric; thus, maintaining legibility when considering the historic phasing of the building.

Air Source Heat Pump

The proposed air source heat pump will not have any negative impact on the character and appearance of the host dwelling nor the listed building adjacent. The proposals are reversible and non permanent.

There is no harm here with that regard.

Felling of trees

The proposals to fell the trees (conifers) are considered to not warrant a Tree Preservation Order on them, and thus are acceptable. The tree to be retained, as shown in the proposed plans received on the 16th of January 2023, is adjacent to the proposed single storey rear extension. Should the applicant wish to remove this tree, a Tree Preservation Order is not considered to be justified, given the limited amenity value of the tree and its location being in the rear garden.

Concluding comments

As stated above, the site is set back from the frontage, and the majority of the proposals are to the rear of the dwelling. This already mitigates some future impact brought by future proposals. Positively, the proposals will not adversely effect the character and appearance of the host and the Conservation area. The scheme is subordinate, materials match the existing dwelling and create a clear distinction between old and new fabric.

It is considered that due to the above, the proposals will not harm the character and appearance of the dwelling, the conservation area and the Grade II listed Farmhouse adjacent.

Residential amenity

The extension is beneath a bedroom window of the neighbouring property at the Byre. Given the single storey design of the extension beneath this bedroom window, the extension is not considered to result in any harmful impact on the amenities of this property. Allowing for the scale of the proposed development, coupled with the distance from the nearest residences, and the positioning of the proposals, it is considered that the proposed development will not unduly harm the amenity afforded the occupiers of nearby properties. The scheme therefore complies with policies of the development plan and advice within the SPD.

Any breach of a flying freehold is a matter between the parties and is not a material planning consideration.

Conclusions and the planning balance

The proposed development is considered acceptable in terms of its scale, design, form and finish in the context of the existing dwelling and the area within which the application site lies. It is also considered that although the proposals will not negatively impact the conservation area. The proposal would not have an adverse impact on residential amenity of neighbouring properties. The proposal is deemed suitable, compliant with the aims of development plan policies, and with the Supplementary Planning Document on Design. There are no material considerations that would warrant refusal of planning permission in this instance.

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:	17/01/2023
Report agreed:	18/01/2023
Authorised officer:	Steffan Saunders
