
Delegated report Officer: Steven Hoang

Application ref. DMPA/2022/0164

Erection of a two bedroom detached dwelling on Land Adjacent 18 Pingle Farm Road, Newhall, Swadlincote, DE11 0QZ

Valid date: 16/05/2022

Consults expired: 27/06/2022

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

None

Description of site

The application site lies to the west of no.18 Pingle Farm Road (donor dwelling), an area of vacant land containing trees (not mature) and hedging. The surrounding area is residential and characterised by two storey dwellings, mainly consisting of rows of three dwellings.

The site is located within the settlement boundary as designated under policy SDT1 of the South Derbyshire Local Plan (SDLP) (part 1). The site is not within a conservation area and there are no listed buildings within the vicinity.

Proposed development

The application seeks the erection of a two storey detached (two bedroom) dwelling alongside associated access and parking.

Responses to consultations and publicity

Highways Authority – Objections were initially raised against 4 parking spaces being very constrained resulting in excessive manoeuvring. Amendments were requested and received in response to the objections. The Highways Authority have confirmed the amendments which include a reduction of parking space are acceptable subject to conditions.

Coal Authority – No objections subject to pre-commencement and prior to occupation conditions.

Environmental Health – No objection subject to condition.

Letters of notification were sent to neighbouring properties. One objection was received from a neighbour expressing concerns with regards to parking/highway safety and loss of daylight/sunlight. The impact of the development upon neighbouring amenity as well as highways and parking will be discussed and examined further in this report.

Relevant policy, guidance and/or legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the purposes of this application comprises the South Derbyshire Local Plan Part 1 (LP1) adopted in June 2016 and the South Derbyshire Local Plan Part 2 (LP2) adopted in November 2017. Material considerations include, albeit not limited to, the National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG), together with the relevant planning history.

South Derbyshire Local Plan – Part 1(LP1)

- S2 – Presumption in Favour of Sustainable Development

- H1 – Settlement Hierarchy
- SD1 – Amenity and Environmental Quality
- SD4 – Contaminated Land and Mining Legacy Issues
- BNE1 – Design Excellence
- BNE1 – Design Excellence
- INF2 – Sustainable Transport

South Derbyshire Local Plan – Part 2 (LP2)

- SDT1 – Settlement Boundaries and Development

Other relevant policy and guidance are:

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance (PPG) 2021
- National Design Guide (NDG)
- South Derbyshire Design Guide (SPD)

Planning considerations

The key issues raised by the proposed development are:

- Principle of development;
- Impact on character and appearance of the area;
- Impact on neighbouring amenity; and
- Highways and parking.

Planning assessment

Principle of development

The proposal site lies within a settlement boundary as defined in the settlement hierarchy under Policy SDT1 of the South Derbyshire Local Plan (SDLP). The site is within the urban area of Swadlincote where the principle of a residential development will be permitted subject complying with the development plan policies in terms of its design and highway impacts.

Impact on character and appearance of the area

Policy BNE1 of the SDLP explains that development should respond to locally inspired character and context as well as be visually attractive.

The proposal would create a two storey dwelling to the west of no.18 Pingle Farm Road. No.18 is a two storey end of terrace house, thus the proposed dwelling is considered to be in keeping with the prevailing building heights of the surrounding area which is typified by two storey dwellings. In addition, the proposed dwelling would align with the established building line of the street (nos.14-18 Pingle Farm Road) and thereby is considered to integrate appropriately with the local pattern of development.

To ensure the materiality (bricks and tiles) of the scheme responds appropriately with surrounding developments, it is considered necessary to require details of materials by way of condition.

For the reasons outlined above, the proposal is not considered harmful to the visual amenities of the surrounding area.

Impact on neighbouring amenity

Policy SD1 supports development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers. Policy BNE1 requires development to not cause demonstrable harm to neighbouring amenity.

It is noted there are windows to the side (western elevation) of no.18 Pingle Farm Road. However, proposed plans indicate that proposed dwelling would be 'set back' from the side windows of no.18 to the east. Given the separation distance of the proposed dwelling from the side windows of no.18, and also due to the proposed dwelling not directly facing the above neighbouring properties side windows,

the proposal is not considered to cause an unreasonable loss of amenity to no.18 in respect of loss of natural light or overbearing impact. Furthermore, there are no side windows proposed facing eastwards which may give rise to overlooking issues.

The siting of the proposed dwelling being set 'behind' no.18 would have no significant impact upon the residential amenities enjoyed by neighbouring properties further to the east, such as nos.12 and 16 Pingle Farm Road.

The separation distance between neighbouring properties to the west, north and south of the site would prevent any unreasonable loss of amenity to these neighbouring properties.

On this basis, it is considered that there would not be significant detrimental impacts on residential amenity and it is concluded that the proposal would comply with policies SD1 and BNE1 of the LP1.

Highways and Parking

The Highways Authority was consulted and initially objected against the number of parking spaces proposed which was considered to result in access/manoeuvring issues. The applicant has submitted amendments which involved reducing the number of parking spaces as well as reducing the scale of the proposed dwelling, allowing more space to the front for access and manoeuvring.

The Highways Authority have reviewed the amendments and have confirmed there are now no objections subject to conditions, including a pre-commencement condition requiring a Highway Construction Management Statement which the applicant has agreed to accept.

It is noted that neighbour objections expressing concerns against parking and highway safety were received prior to the amendments. Whilst the number of parking spaces have been reduced, it must be noted that the size of the proposed dwelling has also been reduced from a 3 bedroom to a 2 bedroom unit. The proposed parking provision would be adequate for the proposed 2 bedroom dwelling and will provide sufficient space to the front for the access of vehicles without harming the safety and efficiency of the highway.

Subject to conditions, the proposal is considered to comply with the requirements of policy INF2 of the SDLP (part 1).

Conclusion and the planning balance

The proposal is not considered to harm the character and appearance of the surrounding area and does not detrimentally impact upon neighbouring amenity. Subject to conditions, the development is considered acceptable in terms of highway impacts.

Recommendation

Approve with conditions

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:	24/02/2023
Report agreed:	24/02/2023
Authorised officer:	Steffan Saunders
