

Delegated officer's report	Officer: KMM
Application ref. 9/2018/1264	
THE CONVERSION OF THE DETACHED DOUBLE GARAGE INTO A SELF CONTAINED TWO BEDROOMED DWELLING WITH ASSOCIATED WORKS AT MEADOW FARM WOODSHOP LANE SWARKESTONE DERBY	
Valid date:	20/02/2019
Consults expired:	25/04/2019
EIA development?	☐ Yes ☒ No
Habitats development?	☐ Yes ☒ No

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Responses to consultations

Conservation Officer – The building, albeit a later addition, is a subservient outbuilding. It does not make a positive contribution to the Conservation Area, but attempts to respond in scale, materials and character. The main house and a number of the surrounding buildings make a positive contribution to the character of the Conservation Area ranging from two-storey to single storey for the more subservient parts. It should be noted that a footpath runs adjacent to the site so views are not simply restricted to the roof form as evident from the road. The increase in height and the fenestration erode the more ancillary subservient character and result in the building becoming more domesticated which would erode its more ancillary character.

Environmental Health Officer/Contaminated Land Officer – No objection overall. With regards contaminated land, whilst the site is within influencing distance of an area of unknown filled ground, this is some distance away and the property being converted is already constructed and therefore the risk posed would be negligible.

County Highways Authority – No objections subject to the parking area to be laid out in accordance with the application drawings prior to the first occupation of the proposed dwelling.

Environment Agency (EA) – The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the submitted Flood Risk Assessment (FRA) are implemented and secured by way of a planning condition on any planning permission. The proposed development is the conversion of an existing garage into a two bed dwelling in Flood Zone 3 and which is classed as a more vulnerable development. The design flood for a more vulnerable development in Flood Zone 3 is 100 year flood level including a 50% climate change allowance as a minimum and any proposed mitigation measures should consider this. The FRA submitted for the proposed development based on the currently available modelling data is inadequate. However, based on the additional information (new hydraulic modelling data due to be released soon) that has been assessed, the proposed mitigation measures against are sufficient to ensure safety for future occupants and the property. Subject to this condition, there would be no objections to the application.

Responses to publicity

There have been 5 representations received raising the following points:

- a) Planning notice has not displayed on lamp post until today (12th March) some 6 days before Consultation End Date (18th March) and no plans or documents available for display.
- b) This is a conservation area and there is already planning application for an extension at Meadow Farm spoiling the views from the riverside. The small windows on existing farm building have been replaced with 3 French type windows.
- c) Object to windows on south west aspect of the proposed garage conversion.
- d) Flood risk described as high.
- e) Would respectfully point out that excessive topographical change already undertaken by present building owner in last year; including removal of two very large areas of mature willow trees on river bank, thereby damaging the riverbank, culverting the existing brook and large drainage ditch excavated along west border of field have already resulted in completely different routes of flooding from the last 30 years in fields in last three days. Feel the flooding pattern now created may well increase flooding risk. Can the new risk pattern be estimated?
- f) Object to the one metre rise in roof height of proposed conversion as this would adversely alter the setting of the existing cottages on Woodshop Lane.
- g) Height of garage; there are no heights of any other building on the site included for comparison so the inclusion of a one meter band is not particularly useful. However, It does occur to me, that in terms of scale, height and massing the one meter will bring the garage up to the height of both Meadow Farm and Trent View and will bring a uniformity to the roof lines of the site that was not intended.
- h) Please note that Trent View/The Stables is a property in separate ownership that shares the drive and that the insertion of a 1.9m fence some 2 to 3 m in front of the front door will not enhance that property.
- i) It is noted that the site is included in the Environment Agency's map as a high risk area for flooding. The recent landscaping and removal of some mature trees on the site does appear to have altered the flooding pattern of the area.
- j) The proposed development site is extremely constrained and the south easterly corner of the existing garage building is only some twenty feet from the northerly elevation of Trent View. Furthermore, the whole of the access way to Woodshop Lane and virtually all of the space between the northerly elevation of Trent View and the existing garage building (the "Access way") is subject to a right of way.
- k) Trentview has a right of way over and along each and every part of a defined area (the Access way) at all times and for all purposes with or without vehicles. It is essential that the Access way remains free of obstruction at all times. Construction traffic will need to pass to and from the development site, over the Access way, whilst conversion works are ongoing. The Access way provides the only means of entry and access to Trent View and, therefore, it is requested that the Applicant should consult as to the dates and, in particular, times, or any deliveries and unloading activities.
- l) The applicant should incorporate such provisions in an agreed method of work to be attached as a condition to the grant of any planning permission.
- m) The development will adversely affect the amenity and enjoyment of the neighbours to enjoy their properties and their rights to privacy. In particular, the three new windows will be installed in the southerly elevation of the proposed new cottage. The occupants of the new cottage will overlook and will be able to see into neighbouring properties particularly from the two ground floor windows. The ground floor windows should either be moved, removed or wholly/partly installed with obscured glass.
- n) The applicant has made provision for the parking of one vehicle within the curtilage of the proposed new cottage. However, if the occupants of the new cottage own or acquire more than one vehicle, the area between Trent View and the Cottage could become congested and the right of way could be obstructed or interfered with.

- o) Consideration should be given to imposing a condition whereby the occupants of the new cottage should be limited or restricted to having one vehicle within or near to the property. Indeed, a condition prohibiting the parking of vehicles outside the curtilage of the cottage, especially in the Access way, would be welcomed.
- p) It is requested that, during conversion works, the hours of work should be restricted to, 8:30am to 4:30 pm. In the absence of such restrictions, the use and enjoyment of neighbouring properties could be adversely affected during construction works.

Planning history

None relevant.

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence), BNE2 (Heritage Assest), BNE4 (Landscape Character and Local Distinctiveness) and INF2 (Sustainable Transport).
- 2017 Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), H28 (Residential Conversions) and BNE10 (Heritage).

National Guidance

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

Local Guidance

Design Guide Supplementary Planning Document (SPD)
Swarkestone Conservation Area Character Statement (CACS)

Planning Considerations

In taking account of the application 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:

- Principle of Development;
- Visual Impact and Heritage;
- Impact on Amenity; and
- Flood Risk

Planning Assessment

Principle of Development

The site is located within the settlement confines of the village of Swarkestone and the conversion of existing buildings that are positioned within the settlement confines of an area

are considered to be broadly acceptable subject to the proposed change of use not resulting in unacceptable impacts on the amenity of neighbouring occupiers or resulting in a harmful visual impact.

Visual Impact and Heritage

The site is located within a cluster of dwellings and outbuildings within Swarkestone Conservation Area. The outbuilding currently makes a neutral contribution given its subservient nature, in line with other such buildings sitting within this former farm cluster, allowing the key and host buildings within the Conservation Area to dominate and present the character from which it draws its significance. The proposed works would result in a significant level of visual change within this cluster of dwellings and outbuildings due to the increase in the height of the roof and the incorporation of window openings which make the outbuilding appear more dominant than it currently appears and suburban in nature. This would have a harmful visual impact on the setting of the buildings and therefore, the wider Conservation Area as this would introduce a larger building with modern features within an area of traditional, formerly functional, buildings. The site is highly visible from the public realm due to the public footpath that runs through the site. The proposed changes would therefore have a harmful impact that would negatively affect the character and appearance of the Conservation Area and would not comply with policies H20 (part C), BNE1, BNE2, BNE4 and BNE10 of the Local Plan.

Impact on Amenity

Concerns have been raised by local residents with regard to overlooking from the proposed windows and inter-visibility between the windows of existing and proposed occupiers. The proposed development would involve the creation of two bedroom windows into the south elevation that would serve the proposed lounge area and a first floor window into the south elevation that would serve the proposed bedroom. There would not be sufficient distance between these windows to the front facing windows of Trent View and The Stables, of which these windows serve habitable rooms, to accord with the separation distances contained within the Council's Design Guide. This would result in an unacceptable level of inter-visibility between the proposed and existing occupiers and would not comply with policies SD1 and BNE1 of the Local Plan or the Council's Design SPD.

The current building occupies a very small plot and would provide very little external amenity space to serve the proposed dwelling. As a separate dwelling, this would provide very little garden area to serve the future occupier and would be in a relatively isolated location. In addition, the creation of any boundary treatment to the south of the building to obscure inter-visibility between existing and proposed windows would obstruct any outlook from the lounge for the future occupier. Whilst there has been no objections raised by the County Highways Authority, in that suitable parking could be achieved at the site; it is not considered that the proposed dwelling would have an area of external amenity space suitable to adequately serve the future occupiers and would constitute unsustainable development for this reason, contrary to policy SD1 of the Local Plan and the SPD.

Flood Risk

The comments of the EA are noted. The conversion of buildings is generally seen to be acceptable within areas of elevated flooding risk, subject to best attempts to minimise the risk. The EA has no objection to the FRA's recommendations, and these can be conditioned as recommended. In addition, policy SD3 can be applied so to minimise water consumption.

Recommendation

- ☐ Approve without conditions
- ☐ Approve subject to conditions
- ☐ Approve subject to conditions and planning obligation
- ☒ Refuse

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).

Recommendation made:	16/05/2019	
Recommendation agreed:	17/05/2019	Agreed by: CN