

Delegated officer's report	Officer: KMM
Application ref. 9/2018/1037	
THE ERECTION OF A DETACHED 4 BED DWELLING WITH ASSOCIATED WORKS AT THE CROFT WESTON ROAD WESTON ON TRENT DERBY	
Valid date:	27/09/2018
Consults expired:	22/11/2018
EIA development?	☐ Yes ☒ No
Habitats development?	☐ Yes ☒ No

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

Responses to consultations

Environmental Health Officer – No objections subject to a condition to control the hours of construction and details to be submitted regarding how to reduce ground gas ingress.

County Highways Authority – The proposal is to construct a new single dwelling on land adjacent to The Croft. The proposed dwelling will utilise the existing vehicle access point which currently serves The Croft and will have a shared driveway. There are no highway objections to the proposal subject to a condition that the proposed dwelling shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents' vehicles and that no gates shall be erected within 5m of the highway.

Severn Trent – No comments received.

Responses to publicity

Weston on Trent Parish Council – Objects to the application on the basis that the site is outside the settlement area and there are concerns with the access and parking as these are not clear on the plans.

There have been three letters/email of objection raising the following issues:

- The South Derbyshire District Council (SDDC) Local Plan is adopted. In this context, SDDC can demonstrate an adequate housing supply. The Croft on Weston Road is outside of the defined settlement boundaries of Weston on Trent and Aston on Trent, and is therefore classed as open countryside. It is clear from the policies of the SDDC Plan (Local Plan Part 2 - Housing) that new dwellings outside of strategic allocations and settlement areas, are classed as unsustainable locations and will be refused.
- There are many large houses in South Derbyshire. The saved policy is designed to avoid a proliferation of sub-division of large houses into multiple units. An approval on this site would set a very dangerous precedent in the context of the adopted local planning policy. The local plan is backed up by the NPPF which states that new dwellings in unsustainable locations should be resisted.
- In addition to the clear policy objectives above, the proposed design is incongruous, contrived and poorly positioned within its plot. It does not add to, nor improve the character of the area or the street scene. This is not an application for a replacement

dwelling. It is a clear and obvious speculative attempt at a garden grab and should be resisted on the above policy grounds.

- Concerned in regard to the close vicinity of the bus stop to the proposed dwelling and shared drive way and the risk to pedestrians when occupants wish to exit or enter their properties via the shared driveway at busy times. This could result in a greater risk to pedestrians and users using the single footpath which is on the same side as the dwellings. In addition it is very close to the bus stop which would further add to the risk to pedestrians either using the footpath or wishing to cross the road.
- The visual impact of the proposal is not in keeping with the rest of the village. The acceptance of this proposal to have two houses in such proximity using a shared driveway would indicate that the Planning Authorities have step changed the keeping of the village by adding additional density and allowing multiple dwellings onto existing plots as possible.
- In a previous application the plot has already been divided in to three which allowed for large size dwellings to be erected. With this the remaining site will now result in dwellings crammed together side by side and not utilising the length of the plot to minimise the visual impact.
- The high density of the plot and shared driveway is again not in keeping and will significantly impact the view. In addition to this the driveway is shared and will have to be opened up which will further be out of keeping as this access will be opened up further impacting the visual appearance which will be out of keeping with the existing properties.
- The planning application states four bedrooms, however, the actual plans in the footnote state five.
- The proposal by virtue of its siting, orientation, scale and appearance, is not in keeping with the character of the locality and does not appropriately consider nor respect the surrounding built and natural environment, contrary to requirements set out in Policies BNE5 and H20.
- The scale and mass of the proposed dwelling represents an over-intensive use of the site. This by itself would be detrimental to the amenity of neighbouring properties by means of overshadowing and intrusion into reasonable outlook. Furthermore, the proposal fails to comply with relevant standards set out in Supplementary Planning Documents adopted by the Council.
- The document provides guidance on the means by which the occupiers of existing dwellings can be protected from overlooking, referring to both minimum separation distances and view sectors. The proposed development fails to achieve compliance with both the technical standards set out within that Supplementary Planning Document (SPD) and its general intent.
- The southern elevation of the proposed dwelling includes windows serving 'bedroom 2' (first floor) and 'bedroom 5/play area' (second floor). These are the only windows serving these rooms (although bedroom 5 would also be served by a rooflight). As such, those windows would provide the primary outlook from those bedrooms and would directly overlook the existing dwelling to the south. The separation in this respect of the existing dwelling and proposed dwelling falls below the expectations set out in the SPD, being prejudicial to the amenity of the existing and any future occupants of that property.
- The northern elevation of the proposed dwelling includes a large (full height) window serving the proposed landing. No screening of views from that window across the common boundary to the north would be possible. The window would afford direct views into that part of the rear garden that is immediately adjacent to the existing dwelling to the north.
- Circulation space is restricted; the proposal requiring a 'shared driveway' to afford access to both existing and proposed dwellings. The submitted plans do not however

define the extent of parking or turning areas for either dwelling nor the extent of any 'shared' area. As such, it is unclear if such an arrangement would not be detrimental to safe and convenient access, or indeed conducive to highway safety if vehicles were unable to turn around within the site and therefore necessitate reversing on to the highway. It is therefore clear that the acceptability of the principle of the proposed development has not been established.

- The proposed development would fail to conserve and enhance the quality, character and appearance of the immediate locality and local area more generally. The failure of the proposed dwelling, and the plot within which it is intended to be accommodated, to be well designed is critical to the balance of sustainability. The proposed development is, on balance of all planning matters, unsustainable. It is contrary to relevant provisions of both the Development Plan and national policy. As such, the application should be refused. There are no material considerations that indicate otherwise.

Planning history

None relevant.

Development Plan Policies

The relevant policies are:

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence) and INF2 (Sustainable Transport).

2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development), H26 (Residential Gardens in Rural Areas), BNE5 (Development in Rural Areas).

National Guidance

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

Local Guidance

South Derbyshire Design Guide

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 issues central to the determination of this application are:

- Principle of Development and Visual Impact;
- Impact on Amenity; and
- Highways Issues.

Planning Assessment

Principle of Development and Visual Impact

The site is located outside of the settlement boundary for the village of Weston on Trent. The site is positioned between two existing dwellings on a strip of ribbon development. The immediate neighbouring properties are large dwellings that are built up to the side boundaries of the site, with large gardens to the rear due to being positioned within long plots.

Concerns have been raised by local residents with regard to the site falling outside of a settlement boundary, however, policy BNE5 of the Local Plan allows for infill development of no more than two dwellings that are in keeping with the character of the locality. The proposal seeks consent for one dwelling which would not encroach outside of the current line of development along Weston Road. The proposed dwelling in terms of its size, scale and position within the plot would be in keeping with the size and proportions of the immediate adjacent properties. There have been various applications at various sites along Weston Road for the replacement of existing dwellings, this has gradually increased the size of the dwellings along the street scene and the overall character of the surrounding area. On the basis of this, it is considered that the proposed dwelling would not encroach out into the open countryside and would be reflective of the character of the immediate area. On the basis of this, it is considered that the proposed dwelling would comply with policies BNE1 and BNE5 of the Local Plan.

Impact on Amenity

Amended plans have been submitted which have omitted “bedroom 2” on the first floor. This has removed a side facing window which would have been the primary outlook from the proposed room. The amended plans have changed to reflect a larger ensuite and walk-in wardrobe and the side facing window has been omitted from the plans. This results in a better level of amenity for future occupiers of the dwelling and removes the ability for neighbouring properties to be overlooked.

The proposed dwelling would comply with the minimum separation distances as contained within the Councils Design SPD. Concerns have been raised regarding the side facing landing window and the side facing bedroom window at second floor level. It is possible for these windows to be obscure glazed as one serves a non-habitable room (hallway) and the other window does not provide a primary outlook from the proposed bedroom. As a roof light is proposed to the rear elevation which is longer so it provides a full outlook to the rear, it is therefore possible for the side facing second floor bedroom window to be obscure glazed. Whilst concerns have been raised by local residents, it is considered that on the basis of this, the proposed dwelling would be consistent with the minimum separation distances as contained in the Councils Design SPD and would comply with policy SD1 of the Local Plan.

Highways Issues

Concerns have been raised by local residents with regard to the proximity of the access to a bus stop and the extent of turning space within the site. The access is existing and currently serves the immediate neighbouring property; therefore the principle of the use of the access has already been established. There have been no objections raised by County Highways as there is sufficient space within the red line of the application and the blue line of the land within the applicant's ownership to provide sufficient parking and manoeuvring space for two properties and to create two spaces per dwelling. On the basis of this, it is considered that the proposed dwelling would have a safe and suitable access and would comply with policy INF2 of the Local Plan.

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:	14/12/2018	
Recommendation agreed:	18/12/2018	Agreed by: APS