
Delegated report Officer: Teresa Turner

Application ref. DMPA/2025/1213

Replacement windows and door to a dwelling house at 29 Ashby Road, Ticknall, Derby, DE73 7JJ

Valid date: 16/09/2025

Consults expired: 31/10/2025

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

9/2000/1044/F – Retention of conservatory – Planning permission (PP) granted 5th January 2001.

9/2005/1251/FH – Replacement garage – PP refused 13th December 2005 due to overall design with its modern reinforced concrete side panels, shallow pitched fibre cement corrugated roof and metal up and over door and its prominent position having a detrimental effect on the character of the conservation area.

9/2026/0046/FH – Replacement garage – PP granted 30th March 2006.

Responses to consultations and publicity

The Conservation Officer has no objection and agreed with the case officer's initial assessment during discussions. The proposal would cause no harm to the character of the host property or the character and appearance of the conservation area.

No further comments or objections received as a result of publicity and consultation.

Relevant policy, guidance and/or legislation

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 comprises a statutory duty to give special consideration to preserving or enhancing the character or appearance of a conservation area.

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.

Emerging Local Plan

On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications.

The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the period for comments concluded on 25 April and these comments are being reviewed in advance of a report to Environmental and Development Services committee on 6th November 2025. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been

published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to polices in the publication version of the Local Plan is low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies.

Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination. The plan is intended to be submitted for examination in Autumn 2025.

The relevant Development Plan Policies are:

- 2016 Local Plan Part 1 (LP1): Policy S2 (Presumption in Favour of Sustainable Development), Policy BNE1 (Design Excellence), Policy BNE2 (Heritage Assets)
- 2017 Local Plan Part 2 (LP2): SDT1 - Settlement Boundaries and Development, H27 (Residential extensions and other householder development), BNE10 (Heritage)

The relevant local guidance:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)
- Ticknall Conservation Area Character Statement 2013 (CACS)
- Ticknall Article 4 Direction – 24th November 1983 (SPG)

The relevant national policy and guidance:

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

Planning considerations

Taking into account the application made, the 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:

- Impact upon the host building and the character and appearance of the conservation area.

Planning assessment

Application Site and proposed development

The application property is a 2-storey semi-detached house, constructed of red brick with a plain tiled roof and white painted timber flush fitting casement windows and painted solid timber front door. The application site is located within the defined settlement boundary of Ticknall, which is defined as a local service village under the settlement hierarchy set out within Policy H1 of the Local Plan, and within the Ticknall Conservation Area.

The host property has been identified as a building that contributes positively to the special historic and/or architectural character of the conservation area in the Ticknall CACS and the building is also subject to the Ticknall Article 4 Direction.

The application seeks planning permission for the replacement of the existing painted timber windows with flush fitting Residence 9 composite uPVC double glazed windows in a 'clotted cream' colour and the replacement of the existing front door with a Monmouth composite door in Chartwell Green.

The current application is required by virtue of the Article 4 Direction which states that making any alterations to an existing building, even those changes which would normally be classed as permitted development, which is the case here, would require planning permission to be sought.

Impact upon the host building and the character and appearance of the Conservation Area

Policy H27 supports householder development provided proposals are of a scale and character in keeping with the host property and are not unduly detrimental to the living conditions of adjoining properties or the general character and appearance of the area.

Policy BNE1 states that new development should be visually attractive, appropriate, respect important landscape, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality.

Policy BNE10 seeks to ensure that heritage assets are either protected, conserved or enhanced in accordance with the applicable national guidance. In this case these policies concern the setting of the wider Ticknall Conservation Area in which the property lies.

The current windows are of a common flush fitting painted timber casement style and not any one of the more bespoke examples that are special to the conservation area that are detailed in the online Ticknall Conservation Area Character Statement (CACS). Given the age of the property and the condition of the current windows, which seem to be in a reasonable state of repair, it can be assumed that they are replacements and not original surviving joinery. The current window pattern would be replicated in the proposed Residence 9 windows and given the distance from the public highway (just over 7m) it would be hard to distinguish the non-traditional (uPVC) material the new windows would be made from to the extent it would be difficult to argue that the proposal would have a detrimental impact on the character and appearance of the conservation area, given that the style of window would remain the same as the existing.

The existing door does not follow any of the traditional door patterns seen in the Ticknall CACS or the Historic South Derbyshire Appendix of the Council's Design SPD. The proposed replacement door pattern would be considered to be more in line with a traditional ledged and braced boarded door, a style advocated in the above-mentioned guidance.

As there are no historic or architectural features of significance that would require protecting and/or preserving, the aim of the Article 4 Direction would be, in this instance, to ensure that any alterations made to the property would be sympathetic to its character and that of the surrounding area so as to not further erode the special architectural and historic character of the Ticknall Conservation Area.

As such there would be no harm to the special character and appearance of the wider conservation area within which the host building sits, as is described as a desirable objective within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would be deemed to accord with Policies BNE1 and BNE2 of the LP1 and Policy BNE10 of the LP2 along with the Council's SPD (principally the Ticknall Article 4 Direction) and the NPPF.

Conclusion

It should be noted that planning permission is only required by virtue of the Article 4 Direction which aims to limit any detrimental impacts that a proposed development would have on a host building and the character and appearance of the conservation area in which the building sits and to retain all historic architectural details that survive or encourage the reinstatement of such [lost] detail. The proposed replacement of existing windows would normally be permitted development by virtue of Class A (other alteration of a dwellinghouse) of Part 1 (Development within the curtilage of a dwellinghouse) of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and as such an assessment of the impact on neighbour amenity would not apply – albeit the replacement of existing windows in their original openings would not give rise to undue harmful impacts through overbearing effects, loss of privacy, overshadowing or loss of natural light to

the adjacent neighbours.

The proposed development by virtue of its character, design and finish would not harm the character and appearance of the conservation area, preserving its special character and would therefore conform to the aims of the Ticknall Article 4 Direction. The proposal would conform to the aforementioned policies of the development plan and the SPD, together with national guidance.

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:	20/11/2025
Report agreed:	24/11/2025
Authorised officer:	Sarah Beeby
