

# Planning Committee 24<sup>th</sup> January 2022

<b>APPLICATION NUMBER</b>		22/00799/FUL	
<b>SITE ADDRESS:</b>		4 The Channel, Ashbourne.	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of bungalow	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Mr A Eacott
<b>PARISH/TOWN</b>	Ashbourne	<b>AGENT</b>	Mr Nigel Gould - Heatons
<b>WARD MEMBER(S)</b>	Cllr S Lees Cllr S Bull	<b>DETERMINATION TARGET</b>	11 <sup>th</sup> October 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	5 Objections	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Design and character</li> <li>- Impact on residential amenity</li> <li>- Highways Issues</li> </ul>

<b>RECOMMENDATION</b>
Planning permission be granted with conditions

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located just north west of the Market Place in the centre of Ashbourne. The site forms part of the rear garden of 4 The Channel which is part of a long Victorian terrace which is accessed from the footpath to the front that links with North Avenue to the North West. The properties have long rear gardens with extensions and outbuildings within them and to the rear of No's 2 and 3 is Whitehorse Barn converted to residential from its former use as a Scout Hut. The site is outside but adjacent to the Ashbourne Conservation Area.



## 2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the erection of a one bedroom 'L' shaped bungalow 9.8m from the rear of No.4 with pedestrian access only via the existing 1m wide passageway between No's 4 and 5. The proposed property would be sub-divided with a fence or wall and the property would be provided with a 2.2m front garden which would incorporate a ramp and steps while retaining a 7.6m rear garden for No.4. The bungalow would have a gabled roof with a height of 2.3m to eaves and 4.2m to ridge. The south eastern elevation adjacent to the boundary with Whitehorse Barn would be blank, as would be the north western elevation nearest to the boundary with No.5. Patio and bi-fold doors would serve the bedroom and sitting room on the rear of the property facing the garden area and the trees over the boundary. The submitted topographical survey shows the land level of the site to be similar to the level of the rear garden of No.4 immediately to the rear of the dwelling and this is 2.4m higher than the stop level on Whitehorse Barn nearest the north western boundary.

### **3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

#### 3.1. Adopted Derbyshire Dales Local Plan 2017

S3 Development within Defined Settlement Boundaries  
PD1 Design and Place Making  
PD2 Protecting the Historic Environment  
PD6 Trees, Hedgerows and Woodlands  
PD7 Climate Change

#### Ashbourne Neighbourhood Plan 2021

3.2 HOU1 – Housing Mix  
DES1 – Design  
AH1 – Ashbourne Heritage  
TRA1 - Transport

#### 3.3 Other:

The National Planning Policy Framework (2021)  
National Planning Practice Guide

### **4.0 RELEVANT PLANNING HISTORY:**

None

### **5.0 CONSULTATION RESPONSES**

#### Ashbourne Town Council

5.1 Object as members stated that there is no vehicular access to the property or for construction vehicles. There is a shared access between number 3 and 4 The Channel.

#### 5.2 Highways Authority

Initially concerns were raised regarding the lack of a vehicular access for construction purposes. The agent has confirmed that the applicant owns No.4 The Channel and is confident that the dwelling could be constructed using a mini digger that can access the site through the passageway. All materials would be man handled to site. The applicant is fully aware of the operational difficulties of the site as he has resided there for many years, is a builder by trade and has recently completed the conversion works on Whitehorse Barn. On the basis of this additional information the Highway Authority raise no objections.

### **6.0 REPRESENTATIONS RECEIVED**

6.1 Five letters of objection have been received and are summarised below:-

- a) The only way to get materials to the site and spoil away is via The Channel which is pedestrian only.
- b) The use of The Channel for construction would cause disruption to residents and pedestrians that use it.
- c) The Channel is bending and only 1m in places.
- d) Lorries are likely to block the top end of The Channel onto North Avenue as it is the only place for materials to be delivered.
- e) The modern bungalow is not in keeping with the Victorian terrace.
- f) The existing footpath may be damaged.
- g) The height and floor level of the bungalow is not known.
- h) The gaps between no. 4 and 5 and 4 and 6 do not exist.
- i) Any tree removal would involve disturbing bat and barn owl nesting areas.
- j) A hipped roof should face No's 5 and 6 and materials in keeping with surrounding properties.

- k) A time limit on the length of construction is required together with cleaning of The Channel from building materials.
- l) Refuse collection is a concern as bins block the route on bin day.
- m) The removal of the buttress supporting wall of the former toilet block in No. 4 garden that adjoins outbuildings of No. 5 and 6 could effect their stability.
- n) The red line location plan does not include land to the highway and a block plan has not been submitted.
- o) The access shown is shared with 3 and 5 and not in the sole ownership of the applicant.
- p) The location plan should show the other land owned by the applicant in blue.
- q) There is no roof plan.
- r) Existing and proposed land levels have not been submitted and the site sections supplied are incorrect and in fact show an increase in ground levels.
- s) The Local Plan and Neighbourhood Plan have identified little need for 1 bed dwellings.
- t) If the raising of ground levels is proposed this would be visually intrusive and overbearing on No.s 4 and 5 The Channel.
- u) The bungalow would overshadow the rear garden of No.5 and block their view and if the roof was hipped it would be reduced.
- v) The dwelling would overlook Whitehorse Barn.
- w) A construction site compound plan is required.
- x) If the access between No. 4 and 3 is not secure it is a security risk for residents.
- y) There was an old right of way from North Avenue down what is now the driveway of 6A running to the north of the site and past Whitehorse Barn and the Scout Hall.
- z) The site has been filled with materials to increase its land level to higher than that of the level of the hedge on the boundary with 2 Buxton Road.
- aa) The stability of the land for construction is a concern due to the infilling with building materials.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Design and character
- Impact on residential amenity
- Highways Issues

### Principle of development

- 7.1 The site is located within the settlement boundary of Ashbourne, a first tier settlement where there is a primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. Policy HOU1 of the Neighbourhood Plan identifies that 1 and 2 bed bungalows are needed within the area. On the basis that the site is in a sustainable location within the settlement boundary and therefore the principle of the proposed development is acceptable.

### Design and character

- 7.2 Policy S3 states that proposed development should be of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located. Policy PD1 requires all development to be of high quality design that respects the identity and context of townscapes and landscapes. Developments on the edge of settlements should enhance and/or restore landscape character and contribute positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. Securing good design is also part of the rationale for Policy DES1.

- 7.3 The scale of the dwelling and height respective of the existing properties in the terrace and Whitehorse Barn is appropriate and in keeping with the character of the area. The eaves level at 2.3m is similar in height to the 2m high boundary wall on the north western boundary and the land level of no.5 The Channel is higher as the terraces step up towards the North West, with an eaves height 4.9m higher than the proposed bungalow this further reduces impacts.
- 7.4 The design is a pitched roof dwelling of modest proportions in relation to the plot size and a fence would demarcate the boundaries between the new dwelling and no.4. Adjacent to Whitehouse Barn a dwelling to the rear of the terrace which is enclosed from surrounding areas and not visible from the public realm is considered to be in character of the surrounding area and in accordance with Policies S3 and PD1. Based on land level differences and physical screening of the site the development would not have a harmful impact upon the significance of the adjacent Conservation Area to the north east and thus accords with Policy PD2.

#### Impact on residential amenity

- 7.5 Policy PD1 requires development to achieve a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. The nearest property is No.4 which is within the same ownership as the application property. The existing 2m high wall on the north western boundary and the erection of a 2m fence to the front of the proposed dwelling would obscure the ground floor windows of the proposed bungalow preventing significantly overlooking between the first floor windows on the rear of No's 4 and 5. Blank elevations are proposed adjacent to the north western and south eastern boundaries and as the eaves height would be only slightly above the existing boundary treatment there would not be a significant impact on light or an overbearing impact on No.5, Whitehouse Barn or No. 3. On this basis the residential amenity of neighbouring properties would not be adversely affected in accordance with Policy PD1.

#### Highways Issues

- 7.6 The Channel is not a public right of way, however it does link the town centre to Ashbourne Footpath No. 4 which runs between properties on North Avenue directly opposite where the The Channel meets North Avenue and then the route goes North West. The proposed development would not have vehicular access or parking provision in common with nearby properties, access would be limited to pedestrians. The Highways Authority have no objection to the application in this sustainable town centre location where there is access to other modes of transport and they recognise that during construction the only access would be via The Channel and the passageway between properties. Access would be more challenging and labour intensive during construction, however, this is not a reason to refuse planning permission.
- 7.7 The impacts on the existing trees have been investigated and discussed with the Tree Officer and he considers that they do not represent a constraint to development. On this basis the proposed is considered to accord with Policy PD6.
- 7.8 In relation to PD7 Climate Change, no details have been supplied within the Planning Statement and thus a condition is recommended to secure appropriate mitigation of climate change impacts.

#### Conclusion

- 7.9 The proposed development is in a sustainable location within Ashbourne and is therefore acceptable in principle in accordance with adopted housing policies. The development is an

appropriate design and would conserve the character, appearance and amenity of the local area, the setting of the Conservation Area and the amenity of neighbouring properties. The development would not be served by a vehicular access or off-street parking but this is considered to be in-keeping with the character of the area and appropriate in such a highly sustainable location.

- 7.10 Having had regard to all other matters raised the proposal is considered to be in accordance with the relevant policies of the development plan. It is also noted that the Council is currently unable to demonstrate a five year housing supply and therefore the presumption in favour of sustainable development set out by paragraph 11 of the National Planning Policy Framework also applies. The application is therefore recommended for approval, subject to planning conditions.

**WARD MEMBER CONSULTATION:**

No written response has been received from the Ward Member(s), within the 21 days before the date on which an application should not be determined, which would otherwise require the application to be presented to the Planning Committee.

**DELEGATED DECISION:**

Granted with Conditions

**CONDITIONS:**

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans: Location Plan scale 1:1250 received by the Local Planning Authority on the 5<sup>th</sup> July 2022, Site Sections received on the 16<sup>th</sup> August 2022 and Proposed Plans Rev 5 received on the 21<sup>st</sup> November 2022, subject to the following conditions.

Reason

For the avoidance of doubt.

3. Samples of new materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development and use of appropriate materials to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Details of all new external window and door joinery (including rooflights) and/or metal framed glazing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details

of heads, cills, lintels, external finish and elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the dwelling and preserve the character of the area in accordance with policies HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the completion or first occupation of the development hereby approved, the details of which shall include :-
  - a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
  - b) means of enclosure including any retaining walls and ramps
  - c) hard surfacing materials;
  - d) timescale for implementation.

The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory landscaped setting for the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. Prior to works beginning on the superstructure a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved programme.

Reason:

To ensure the delivery of measures to address the requirements of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

7. No development, including preparatory works, shall commence until details of the finished floor levels of the buildings hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason:

To protect the amenities of adjoining properties and the appearance of the area generally in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:



To preserve the character and appearance of the surrounding area and the amenity of occupants of the development and neighbouring properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to highways concerns and impacts on trees and land levels.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This permission relates solely to the application  
Location Plan scale 1:1250  
Proposed Plans Rev 5  
Topographical Survey 42151\_T Rev O  
Planning Statement