



PLANNING CONTROL COMMITTEE
1 June 2017

ITEM 7

Report of the Director of Strategic Partnerships,
Planning and Streetpride

Applications to be Considered

SUMMARY

- 1.1 Attached at Appendix 1 are the applications requiring consideration by the Committee.

RECOMMENDATION

- 2.1 To determine the applications as set out in Appendix 1.

REASONS FOR RECOMMENDATION

- 3.1 The applications detailed in Appendix 1 require determination by the Committee under Part D of the Scheme of Delegations within the Council Constitution.

SUPPORTING INFORMATION

- 4.1 As detailed in Appendix 1, including the implications of the proposals, representations, consultations, summary of policies most relevant and officers recommendations.

OTHER OPTIONS CONSIDERED

- 5.1 To not consider the applications. This would mean that the Council is unable to determine these applications, which is not a viable option.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Ian Woodhead
For more information contact: Background papers: List of appendices:	Ian Woodhead Tel: 01332 642095 email: ian.woodhead@derby.gov.uk None Appendix 1 – Development Control Monthly Report

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1	1 - 8	01/17/00103	Site of 10 Farley Road, Derby.	Demolition of dwelling and erection of replacement dwelling house - Variation of Conditions 2 and 4 of previously approved planning permission Code No. DER/12/14/01690 to amend the approved plans to accommodate rear elevation raised patio and associated ground works.	To grant planning permission with conditions

1. Application Details

Address: Site of 10 Farley Road, Derby.

Ward: Abbey

Proposal:

Demolition of dwelling and erection of replacement dwelling house - variation of conditions 2 & 4 of previously approved planning permission Code No. DER/12/14/01690 to amend the approved plans to accommodate rear elevation raised patio and associated ground works

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/01/17/00103>

This application is a resubmission of planning application reference DER/12/14/01690. It seeks to vary Condition 2 and Condition 4 imposed on the earlier application which relate to the approved plans for the development and details of boundary treatment. The approved scheme granted planning permission for the demolition of the existing dwelling at No. 10 Farley Road and the erection of a replacement dwelling on the site. It was considered by Members at the Planning Control Committee meeting held on the 14th May 2015.

The main changes between the scheme approved under application reference DER/12/14/01690 and the development now before you is the introduction of a raised terrace to the rear of the new dwelling and the introduction of replacement planting scheme of shrubs and trees in the rear garden, to mitigate for the removal of trees and vegetation which was previously within the rear curtilage.

There is a marked fall in the land levels from the front to the back of the application site and as a result, a raised terrace (approx. 1.5 metres high above the made up ground levels on site, approx. 2.1m above the former garden levels) has been created to provide a level patio area at the rear of the dwelling, which can be accessed from the property's main living area. This raised terrace did not form part of the original approval. In addition to the raised terrace the finished floor levels to the rear of the new dwelling have been raised (by approx. 1.5m above the made up ground levels at their highest point, approx. 2.2m above the former garden levels) to enable the dwelling to be built at one level. The applicant seeks permission to retain this arrangement.

Following on from the site visit by Members on the 30th March 2017 amended plans have now been submitted – Drawing No. 14/391/P01 rev: F. The revisions to the scheme are as follows:

- The raised terrace has been pulled away from the boundary with No. 2A Cathedral View located to the North of the site and No. 8 Farley Road to the South of the site.
- The introduction of high-level screens on both sides of the raised terrace

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- The removal of the banked land levels around the terrace and replacement with steps located centrally within the terrace to access the lower level garden.
- The introduction of a much smaller window within the rear elevation of the kitchen area.
- The use of obscure glazing within the side facing windows of the family room (Northern side elevation).

The latest amended plan Drawing No. 14/391/P01 rev: F has also revised errors on the submitted elevations, which incorrectly showed the dwelling projecting an extra 1m into the garden area.

The application is accompanied by a Planting Proposals and Method Statement for the new planting scheme, which includes quick growing native trees and evergreen shrubs to be planted around the perimeter of the rear curtilage.

2. Relevant Planning History:

Application No:	12/14/01690	Type:	Full Planning Permission
Decision:	Granted conditionally	Date:	20/05/2015
Description:	Demolition of dwelling and erection of replacement dwelling house		

Application No:	12/13/01481	Type:	Full Planning Permission
Decision:	Refused	Date:	13/02/2014
Description:	Extensions to dwelling house (garage, study, kitchen, sitting room, dining room, porch, 2 bedrooms, enlargement of bedroom, en-suites and balcony		

Reasons for refusal:

- 1) *In the opinion of the Local Planning Authority, the proposed extensions by reason of their scale, mass, design and external appearance would have a significant adverse effect on the character of the application property and the character of the surrounding area. The existing property makes a positive contribution to the streetscene along Farley Road and it is considered that the extensions fail to respect the character and distinctiveness of the property and as a result of their size and design would overwhelm the original property thus having a detrimental impact upon the building's overall appearance. Accordingly the proposal would fail to comply with saved policies GD4, E23 and H16 of the adopted City of Derby Local Plan Review.*
- 2) *In the opinion of the Local Planning Authority the proposed rear balcony would result in a loss of privacy and general amenity for the occupiers of neighbouring dwellings through overlooking of their windows and private garden areas. Accordingly the proposal is considered to be contrary to saved policies H16 and GD5 of the adopted City of Derby Local Plan Review.*
- 3) *In the opinion of the Local Planning Authority the proposed extensions as a result of its overall height, scale, siting and degree of projection along the boundary with no. 12 Farley Road would create an over dominant feature which would have a detrimental impact on the residential amenities of the occupiers of*

no. 12 Farley Road through loss of light and massing/overbearing impact upon their private garden area. Accordingly the proposal is considered to be contrary to saved policies GD5 and H16 of the adopted City of Derby Local Plan Review.

- 4) *In the opinion of the Local Planning Authority insufficient information has been submitted with the application to demonstrate that the proposed development can be constructed without causing harm to the health and therefore the visual amenity value of the nearby protected Oak tree (T39 of TPO No: 279). Accordingly the proposed is considered to be contrary to saved policy E9 of the adopted City of Derby Local Plan Review.*

3. Publicity:

Neighbour Notification Letter – 5 letters

Site Notice – Yes

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

4. Representations:

Three neighbour objection letters have been received following consultation on the proposals. Objections have been received from Nelsons Solicitors, on behalf of the occupiers of No. 2A Cathedral View, 2 Cathedral View and 8 Farley Road.

The issues raised are summarised below:

- The terrace will result in overlooking of 2 Cathedral View, upstairs, downstairs and the whole garden.
- All of the trees and shrubbery, which formed the original planning conditions, have been removed. There appears to be no effort to replace these and no real action from the council regarding this breach.
- The rear ground floor elevation is already so high as to project adversely onto the neighbouring properties and their gardens and this change will add further to the overbearing nature of the structure and loss of privacy. The proposed fence screening is inadequate and intrinsically ugly in nature. In itself it creates an overbearing structure. The proposed planting only replaces a small number of the mature trees that the applicant has already removed entirely from the rear garden, despite the approved planning application stating that these would be retained.
- The proposal will be overbearing and will significantly impinge on the privacy, outlook and enjoyment of 2A Cathedral View.
- The terrace will entirely overlook the rear lounge and dining area at ground floor level as well as the full extent of 2A Cathedral View's garden area.
- The proposed glazed panels are oppressive, overbearing and stark in appearance. The amended design is contrived. The glazed panelling will not assimilate well with its surrounding and will be an unsightly feature to

neighbouring properties and detrimental to visual amenity. This will lead to a loss of outlook from the rear lounge and dining area at 2A Cathedral View.

- With the introduction of the terrace and glazed panels there will be an increased feeling of being enclosed.
- The raised terrace remains open across the majority of the east elevation and as a result, there is no protection in terms of loss of privacy from this part of the raised terrace.

At the time of writing the report neighbours have been given 7 days to comment on the amended plan. Neighbours have been supplied with a copy of the amended plan and any additional comments will be circulated in advance of the meeting or updated orally at the meeting itself.

5. Consultations:

Highways Development Control:

The Highway Authority has no objections to the proposals.

Natural Environment:

No comments to make.

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP16	Green Infrastructure
CP19	Biodiversity
CP23	Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%202017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Background context
- Impact on the amenity of neighbours

Background context

Construction work on the approved development to erect a replacement dwelling on this site has commenced on site. The detached dormer bungalow which had previously occupied the plot has been demolished and the exterior of the replacement dwelling is now substantially complete. The newly erected dwelling is a contemporary brick-built two-storey property with a forward projecting gable. Although not yet complete, the development integrates acceptably with the character of the streetscene along Farley Road in terms of its siting, scale and external appearance, and the scheme, as amended, would be visually acceptable when viewed from public vantage points. In terms of its visual appearance and impact on the character and appearance of the locality the development is still deemed to be acceptable.

Within the front garden area of the application site there is a large Oak tree protected by a Tree Preservation Order (T39 of TPO No: 279). As per the previous application, and subject to tree protection measures, the development is considered to be acceptable in terms of its impact upon the protected Oak tree.

Impact on the amenity of neighbours

The key issue to be considered in this instance is the impact that the proposed amendments will have on the amenity of neighbouring properties. To the north the site abuts the garden areas of No's 2 and 2A Cathedral View. No. 2A Cathedral View, in particular, has a fairly shallow garden and is situated at a lower level compared to the application site. To the south the site abuts No. 8 Farley Road. Objections have been received from the occupiers of all three of these properties which are outlined within Section 4 of this report. The main concerns relate to overlooking/loss of privacy from windows within the development and the raised terrace, together with overbearing impact/loss of outlook and concerns about the visual appearance of the development.

Sadly the applicant has removed a substantial amount of vegetation within the rear garden area during the course of the building works, including the hedging/trees

along the northern site boundary which had assisted in screening views from No. 2A Cathedral View. In order to address this issue a replacement landscaping scheme has been submitted and a number of trees have already been planted at the site. I will seek to control the implementation and retention of this new planting through a suitable planning condition.

Due to the elevated nature of the newly erected rear terrace, in the absence of any screening in place, there is potential for overlooking of neighbouring properties to occur. The submitted amended plans propose 2 metre high obscure glazed panels along the northern and southern side of the raised terrace. With these obscure glazed screens in place, together with a condition which ensures they are retained for the life of the development, the raised terrace is considered to be acceptable in terms of its impact on neighbour amenity. The further amendments have also reduced the size of the terrace, by pulling it away from the northern boundary with No's 2 and 2A Cathedral View, and the southern boundary with No. 8 Farley Road. This will assist in minimising the impact on these properties. In addition to this a condition is recommended to control the use of obscure glazing within the side facing family room windows and dining room windows, to prevent overlooking of the garden areas at No.2 Cathedral View and 8 Farley Road.

Although there is clearly some impact on neighbours and the new dwelling is visible from neighbouring gardens, this is a large plot and with the suggested measures in place, including the tree and shrub planting scheme in the process of being implemented on the site, then I am satisfied that the development would be acceptable in terms of its impact on neighbour amenity and accord with the relevant policies of the adopted Derby City Local Plan – Part 1 and saved policies of the Local Plan Review.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The application, as amended, is considered to be acceptable in terms of its impact on neighbour amenity. The design of the development is also considered to be acceptable in terms of its impact on public views.

Conditions:

1. Standard 3 year time limit
2. Standard approved plans reference condition
3. Condition controlling external materials of construction
4. Condition controlling details of boundary treatment, to include fencing along northern site boundary.
5. Condition requiring the implementation of the approved landscaping scheme/replanting submitted in support of the application and future maintenance.
6. Condition controlling the implementation of tree protection measures

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7. Condition controlling surfacing materials/construction measures within the RPA of the protected oak tree.
8. Condition controlling the use of obscure glazing on upper floor side facing windows.
9. Condition controlling the use of obscure glazing within the side facing kitchen window/door on the northern elevation.
10. Condition requiring the submission of precise details of the screen around the raised terrace and controlling the retention of the screens to remain in situ for the life of the development

Reasons:

1. Standard reason for time limit
2. For the avoidance of doubt
3. To preserve the character and appearance of the area
4. To preserve the character and appearance of the area
5. To safeguard and enhance the visual amenities of the area
6. To safeguard the long term retention of the protected oak tree/other retained vegetation
7. To safeguard the long term retention of the protected oak tree/other retained vegetation.
8. To protect the amenity of neighbours
9. To protect the amenity of neighbours
10. To protect the amenity of neighbours

S106 requirements where appropriate:

None

Application timescale:

The 8 week target timeframe for determination of the application expired on the 31st March. An extension of time has been requested from the agent.

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