

PLANNING COMMITTEE – 20 DECEMBER 2022

Reference Number: 21/01159/FLH

Application expiry: expired

Application Type: Householder

Proposal Description: Proposed second storey extension to create rooms in roof space and two storey extension to front (revised scheme of 21/00774/FLH) (Amended Plans)

At: 20 Bents Crescent, Dronfield

For: Mr Steven Kay

Third Party Reps: 22 objections received from 10 local residents

Parish: Dronfield

Ward: Coal Aston

Report Author: Graeme Cooper

Date of Report: November 2022

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Foster requested that the application be considered by members of planning committee due to the impact of development on the surrounding street scene, the negative impact on neighbouring privacy and lack of notices/consultation with neighbours.
- 1.2 The above request was made out of time, so agreement with Chair of Planning Committee was required. The late call in request was allowed and as such is being considered by members of planning committee.

2.0 Proposal and Background

Site Description

- 2.1 The application property is a detached bungalow with a single storey rear extension set well down from the highway in a row of similar properties.
- 2.2 The properties immediately opposite the application site are two storey dwellings, whereas those to the rear on Holmesdale Close are similar bungalows: the land sloping steeply down from north to south.
- 2.3 Properties either side of the application site are hipped bungalows, with number 22 having a boxed dormer on its roof, as seen in the photo below.



Figure 2: Photo taken from Bents Crescent

- 2.4 The application site is located in the Settlement Development Limit for Dronfield.

Proposal

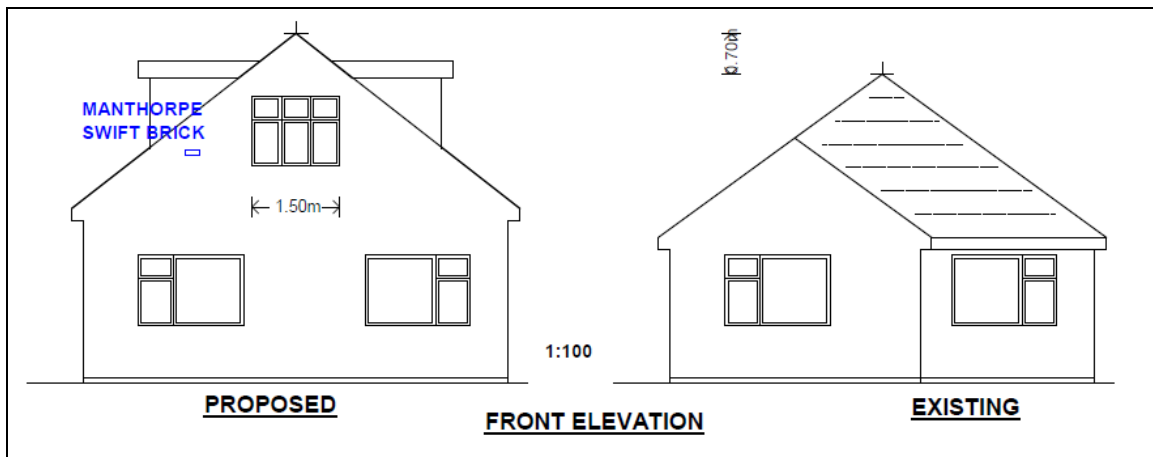
- 2.5 The proposal is to raise the eaves and ridge height of the dwelling by 0.7m. Side facing box dormer windows are proposed to create rooms in

the roof space and a front extension is proposed to infill a front portion of the dwelling.

- 2.6 The additional accommodation provided would comprise an extended bedroom at ground floor level with an additional bedroom, en-suite bathroom and new living room at first floor level.

Amendments

- 2.7 Amended plans were submitted to take into account neighbour concerns, officer comments and to include biodiversity enhancements. Essentially the changes include the removal of 3 windows in the first floor dormer sides, obscure glazing and inclusion of a Manthorpe swift brick to the front elevation.
- 2.8 Due to a drafting error on the amended plans illustrating too many openings on the proposed floor plan clarifying plans were submitted on 28 October.
- 2.9 The latest amended front, rear and side elevations can be found below in Figure 3 and 4.



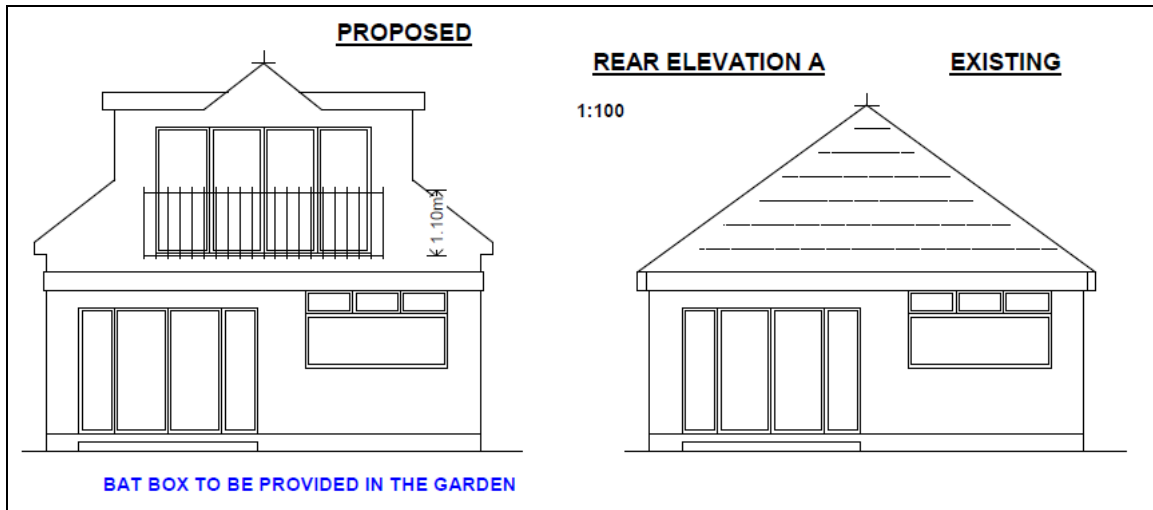


Figure 3: Existing and Proposed Front and Rear Elevations

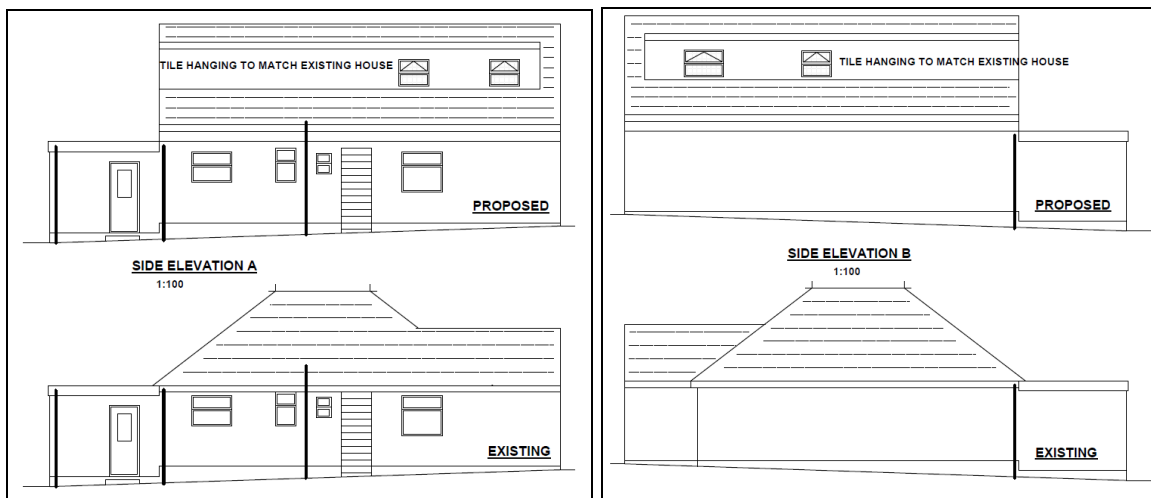


Figure 4: Existing and proposed side elevations (east left, west right)

3.0 Relevant Planning History (not the full site history)

- 3.1 21/00774/FLH - proposed raising of roof height to create two-storey dwelling and incorporating a two-storey front extension - Refused

4.0 Consultation Responses

- 4.1 **Parish Council** no comments.
- 4.2 **Ward Member** requested that the application be considered by planning committee due to the impact of development on the surrounding street scene, the negative impact on neighbouring privacy and lack of notices/consultation with neighbours.

- 4.3 **Highways Authority (HA)** no objections subject to no loss of parking.
- 4.4 **Derbyshire Wildlife Trust (DWT)** reviewed the submitted Bat Survey Report (Helen Hamilton Ecology, 2022) and although the nocturnal surveys were completed during the end of the survey season, we consider the conditions to be suitable and the report is in line with Good Practice Guidelines (Collins, 2016). No bats were observed to emerge from 20 Bents Crescent, and no further surveys regarding bats is considered necessary. Therefore, bats should not present a constraint on this development.
- 4.5 DWT advise that sufficient information regarding bats has been submitted to enable the Local Planning Authority to reach an informed decision in accordance with Circular 06/2005 and to discharge its duty in respect of the requirements of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. If the council is minded to achieve a net gain for biodiversity a suitably worded condition is recommended to cover bird and bat box mitigation.

5.0 Representations

- 5.1 The application was originally publicised by way of neighbour letters and the display of a site notice adjacent to the site. A site notice was placed adjacent to the site on a lamp post, which expired on 12 November 2021.
- 5.2 Following the receipt of amended plans a further 14 day consultation period, in line with the Councils Statement of Community Involvement, was undertaken with neighbours and objectors. This consultation period ended on 9 November 2022.
- 5.3 A number of local residents made representations raising the following comments objecting to the proposed development (in summary):-
- The revised application differs little from the previously refused application [*Officer note: the previously refused scheme was for a second storey and refused under delegated powers*]
 - The proposal would not be in keeping with the rest of the row of bungalows [*Officer note: this is covered in the assessment below*]
 - Potential overlooking from dormer windows and loss of privacy [*Officer note: this is covered in the assessment below*]
 - The unbroken flat roof dormers will appear ugly and out of character [*Officer note: this is covered in the assessment below*]
 - The open platform from the Juliette balcony will allow overlooking and loss of privacy [*Officer note: this is covered in the assessment below*]

- The plans do not show any pipework relating to the new first floor bathroom
- Two-storey front extension will result in overshadowing and loss of natural daylight and warmth [*Officer note: this is covered in the assessment below*]
- The construction works would result in partial closure of a busy thoroughfare [*Officer note: the relevant permission of the Highways Authority would be required to close any public road.*]
- There was a delay in the displaying of the site notice reducing the amount of time for persons to comment [*Officer note: the site notice was displayed by the case officer with dates altered to allow a 21 days consultation period*]
- The applicant's property may contain asbestos [*Officer note: this would be covered by separate legislation*]
- The location plan submitted with the application is incorrect and shows Bents Road in Sheffield [*Officer note: the application was invalidated and the corrected application re-consulted*]
- Potential impact of proposal on drainage
- Increased potential for noise pollution from first floor accommodation [*Officer note: this would be covered by separate legislation*]
- The proposed extension has an excessive amount of glass and does not comply with current standards on energy efficiency [*Officer note: energy efficiency is not a material consideration*]

5.4 Further objections were received to the amended plans, raising the following material points (in summary):

- Resulting dwelling would still be prominent in the street scene
- Proposal will have overbearing impact on neighbours, as a result of its overall massing, particular to those residents on Holmesdale Close due to changes in levels
- Amended scheme would still result in overlooking from side and rear upper floor windows
- Visual intrusion and loss of natural light
- Overlooking towards properties on Holmesdale Close due to elevated position of the proposed dwelling [*Officer note: the above points are covered in the assessment below*]
- No electric car charging point [*Officer note: there is no requirement for householder applications to make requirements for car charging points*]
- Request for more time to respond [*Officer note: the consultation periods set out in the Statement of Community Involvement have been adhered to, in this case an initial 21 days, then a further 14 days for amended plans*]
- Concern that not all residents have been consulted [*Officer note: for clarity numbers 14, 16, 18, 22 and 25 Bents Crescent and 5, 7, 9 and*

11 Holmesdale Close have been consulted on both original and amended plans]

- Plans being rushed through [*Officer note: initial consultation period is 21 days, with amended plans being consulted for 14 days*]
- Development would not preserve the character of the area.
- Development will impact road network
- Two windows in side elevation [facing No 18] are unnecessary and should be removed
- The applicant should consider amending the scheme in line with neighbour comments [*Officer note: the applicant has already made several amendments to the scheme in an attempt to satisfy objectors and officer comments. No further amendments submitted.*]

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

- 6.1 The following policies of the LP are material to the determination of this application:

SS7 (Development within Settlements)
LC5 (Residential Extensions)
SDC4 (Biodiversity and Geodiversity)
SDC12 (High Quality Design and Place Making)

Dronfield Neighbourhood Plan (DNP)

- 6.2 The Dronfield Neighbourhood Plan (DNP) has been accepted at referendum and the District Council adopted the Plan on 5 November 2019. The relevant policies should therefore carry weight in any decision:

D3 (Good Design)
ENV4 (Ecology)

National Planning Policy Framework (NPPF)

- 6.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Other Material Planning Considerations

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013.

7.0 Planning Issues

Principle of Development

- 7.1 The applicant's property is located within the defined settlement development limit for Dronfield where domestic development is acceptable in principle.

Impact on Street Scene

- 7.2 Adopted Local Plan Policy LC5 requires that domestic extensions should be in keeping with the existing property and street scene in terms of their style, proportion and materials and should avoid significant loss of privacy and amenity for neighbouring residents.
- 7.3 Policy D3 of the Dronfield Neighbourhood Plan (DNP) states that proposals must respond positively to the character and historic context of existing developments within the town. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context. Proposals must reflect the design principles listed in the policy, including reflecting the building character of the area and using appropriate materials.
- 7.4 The proposed development would involve the raising of the eaves and ridge by 0.7m, creation of front and rear gables and two side dormer windows. The proposed dormers would be set down from the newly formed ridgeline and be constructed from hanging tiles to match the existing house.
- 7.5 The surrounding street scene is a mix of bungalows and semi-detached properties. The properties on the south side of Bents Crescent are single storey in nature and set down from the road. These properties are predominantly hipped with some having projecting pitched roof gables. On the north side of Bents Crescent are two storey semi-detached properties which are set in an elevated position. To add to this, the neighbouring property (number 22) has a boxed dormer perched above the ridgeline.
- 7.6 In view of the mixed street scene, Officer's consider that the proposed extension would be of an acceptable style, proportion and materials which would complement the mixed surrounding street scene.

Impact on Neighbour Amenity and Privacy

- 7.7 Local Plan Policy LC5 requires development to avoid significant loss of privacy and amenity for the residents of neighbouring properties.

- 7.8 In terms of the impact on the privacy and amenity of neighbouring residents the properties most likely to be impacted by the development are those immediately adjacent to the application site.
- 7.9 The proposal includes raising the eaves and ridge by 0.7m, introducing side facing dormers and the creation of front and rear gables. The proposal includes 2 west facing first floor windows that would serve a bathroom and secondary window to a bedroom. To the eastern elevation 2 further windows are proposed serving a bedroom and stairwell. All 4 upper floor windows are identified as being obscured in nature with only high level openings. In order to protect the privacy and amenity of neighbouring residents it is considered that these windows can be obscure in nature accordingly with a suitable worded condition.
- 7.10 In addition to the proposed side facing windows, the amended scheme includes front and rear facing gable windows. The opening to the rear being a more substantial 4 pane full height opening with Juliet balcony. These openings will allow views to the north and south of the application site. Views north would be across a public road, with views south towards properties on Holmesdale Close. These properties to the south are in excess of 28m away, it is however appreciated that these properties are much lower than the application site. The minimum separation distance between two rear elevations is 21m and is set out in the Councils Successful Places Interim Planning Guidance, however this distance has to take into account any changes in levels between the two properties and is guidance only. Having reviewed this relationship, Officer's consider that this relationship would not result in significantly harmful overlooking impacting neighbouring residents' privacy.
- 7.11 Whilst it is accepted that the proposal will increase the overall bulk of the property, Officer's do not consider that the resulting massing would have an overbearing impact on neighbouring residents.
- 7.12 Concern has also been raised at the proposed Juliet balcony opening out onto a flat roof area which could potentially be used as a permanent balcony. The applicant has confirmed that this is not the case, regardless officer's consider that a condition can be included in any decision to confirm that permission would be required to use this space as an outdoor seating/balcony area as its use as a balcony has not been assessed during the course of this application.

Highway Safety Considerations

- 7.13 The proposal would have no impact on the level of parking on site and the highways authority have raised no direct concerns, subject to there being no loss of overall parking on site. As such it is not considered that the

proposed development would result in an unacceptable impact on highway safety.

Ecological Considerations

- 7.14 Following concerns being raised by local residents to the potential presence of bats on site, a Bat Survey Report, prepared by Helen Hamilton Ecology dated September 2022 was submitted in support of the application.
- 7.15 Derbyshire Wildlife Trust (DWT) reviewed the submitted report and concluded that bats should not present a constraint on the proposed development and subject to a condition requiring biodiversity enhancement including 1 integrated or external bat box and 1 integrated Swift brick there is no objection from DWT.
- 7.16 The amended plans illustrate the inclusion of a Swift brick to the front elevation of the dwelling. No bat mitigation is proposed, but given no bats were observed Officer's do not consider it prudent to require such mitigation, furthermore there appears limited opportunity to provide such measures on site.
- 7.17 In view of the above, Officer's are minded to conclude that the proposed mitigation measures are acceptable in this instance. A condition can be included to ensure that the swift brick is installed and retained as such in perpetuity.

8.0 Summary and Conclusion

- 8.1 Overall Officer's conclude that the proposed development would be in keeping with the style, proportion and materials of the surrounding street scene, would safeguard the privacy and amenity of neighbouring residents, would not give rise to highway safety concerns and would provide some ecological mitigation.
- 8.2 As such Officer's consider that the proposal conforms with the Development Plan, Dronfield Neighbourhood Plan and National Planning Policy Framework and should be conditional approved.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED**, with the final wording and content of the conditions delegated to the Planning Manager (Development Management):

Conditions

- 1) The development hereby permitted shall be started within 3 years from the date of this permission.

[Reason: To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.]

- 2) The development hereby approved shall be carried out in accordance with the details shown on the following drawings:

- Amended First Floor Plan (date scanned 28th October 2022)
- Amended Front Elevation Plan (date scanned 28th October 2022)
- Amended Rear Elevation Plan (date scanned 28th October 2022)
- Amended Existing and Proposed Ground Floor Plan (date scanned 26th October 2022)
- Amended Side Elevation A (east) Plan (date scanned 26th October 2022)
- Amended Side Elevation B (west) Plan (date scanned 26th October 2022)
- Location and Block Plan (date scanned 19th October 2022)

unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

[Reason: For clarity and the avoidance of doubt.]

- 3) The proposed materials shall match those of the existing building as closely as possible.

[Reason: In the interests of the appearance of the area and in accordance with policies SS7 and LC5 of the North East Derbyshire Local Plan and policy D3 of the Dronfield Neighbourhood Plan.]

- 4) The bat and bird mitigation measures illustrated on the approved plans shall be incorporated in full prior to the first use of the first floor extension and retained as approved thereafter.

[Reason: In the interest of providing ecological mitigation measures, in accordance with policy SDC4 of the North East Derbyshire Local Plan and ENV4 of the Dronfield Neighbourhood Plan.]

- 5) The flat roof above the existing kitchen to the rear of the property shall not be used as a raised platform or balcony.

[Reason: For clarity and the avoidance of doubt.]

- 6) Prior to the first use of the first floor extension hereby approved, the windows serving a bedroom, landing and bathroom in the first floor east and west elevations of the dwelling shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. The windows shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The windows shall then be retained as such thereafter at all times.

[Reason: To protect the privacy and amenity of neighbouring residents at numbers 18 and 22 Bents Crescent, Dronfield.]