

PLANNING COMMITTEE – 14th January 2024

Reference Number: 24/00303/FLH

Application expiry: 17/01/2025

Application Type: FULL

Proposal Description: Amendments to raising of ridge height and reduction in size of rear extension and atrium approved under planning application 19/00591/FLH.

At: 41 Rose Way, Killamarsh

For: Mr. Lee Dibble

Third Party Reps: 6 letters of objection received. (4 from a single correspondent.)

Parish: Killamarsh

Ward: Killamarsh West Ward

Report Author: Ken Huckle

Date of Report: 02/01/2025.

MAIN RECOMMENDATION: GRANT permission subject to conditions



Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Lacey requested that the application be considered at Planning Committee for the following reasons:
- The revised scheme on the property leads to an unacceptable impact in terms of loss of light and overshadowing.
 - The overbearing impact of the revised dwelling as currently built.
 - The lack of consistency with the previously approved plans

2.0 Proposal and Background

Site Description

- 2.1 The application site was originally occupied by a single storey brick-built bungalow with a hipped roof located at the end of a cul-de-sac. The surrounding street scene is a mix of detached bungalows and two-storey dwellings, with semi-detached dwellings to the north on Rectory Road. The site is located within the Settlement Development Limit for Killamarsh.
- 2.2 Planning permission has been previously approved, under reference NED/18/01153/FLH and NED/19/00591/FLH, for the demolition of an existing garage and the erection of single-storey extensions to the side and rear, a two-storey front extension, the raising of the ridge height to create rooms in the roof space, a new double garage and a new 1.8m high boundary wall and entrance gates. The 2019 permission sought to finish the resulting dwelling in red brick compared to an approved render finish as approved in the 2018 permission. A further application, NED/ 19/01190/FLH, approved changes to the garage.
- 2.3 Building work has commenced on site and the dwelling and garage are both largely complete, although not in accordance with the previously approved plans. This application seeks to regularise this situation.

Proposal

- 2.4 This application, as set out above, seeks permission for amendments to the previously approved schemes including a further raising of the ridge height of the dwelling by 0.2m and a reduction in the length of the proposed rear extension and atrium on the dwelling, additional rooflights and amended positions of the rooflights and amendments to the height and appearance of the garage.
- 2.5 The proposal represents a departure from the previously approved schemes: the dwelling has a higher overall height, but it is smaller in both length and width, and the proposed garage differs in its overall height and design.

Amendments

- 2.6 There have been no further amendments to the proposal per se in respect of its scale and mass although amended plans have been submitted that now match the on-site situation and show the correct number and location of all the rooflights for which consent is sought.
- 2.7 Officers consider that the application can be properly assessed using the submitted information as it is clearly understood what has been constructed on site, and so what is applied for, as evidenced by the representations made.

3.0 Relevant Planning History

- 3.1 94/00614/FL | Construction of One Bungalow with Detached Garage on Plot 14 (Substitution of House Type) (Conditionally Approved)
- 3.2 18/01153/FLH | Demolition of existing garage and erection of single-storey extensions to side and rear, two-storey front extension, raising of ridge height to create rooms in roof space, new double garage and new 1.8m boundary wall and entrance gates (amended plans) (amended title) (Conditionally Approved)
- 3.3 19/00591/FLH | Demolition of existing garage and erection of single-storey extensions to side and rear, two-storey front extension, raising of ridge height to create rooms in roof space, new double garage and new 1.8m boundary wall and entrance gates (Revised scheme of 18/01153/FLH) (Conditionally Approved)
- 3.4 19/01190/FLH | Amendments to proposed detached garage which was approved as part of planning application 19/00591/FLH (Conditionally Approved)

4.0 Consultation Responses

- 4.1 Ward Member – No comments received except for the call-in request.
- 4.2 Parish Council – No comments received.
- 4.3 DCC Highways – No objections received.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice. A site notice was placed close to the application site on a lamp post adjacent the public highway.
- 5.2 6 representations (one showing a photograph) have been made by 3 local residents raising the following comments objecting to the proposed development:

- The increased height and addition of windows will result in overlooking impacts and a loss of privacy for residents on Rectory Road in particular.
- The built form on site results in overshadowing of surrounding neighbouring properties and gardens with Rectory Road in particular adversely affected.
- The built form of the property will result in an overbearing structure that is incongruous with the surrounding design of dwellings. The impact is accentuated by the sloping land.
- The render finish will also be incongruous within the street scene.
- Can the pitch of the roof be taken down at least even if the extension is allowed to remain.

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:

LC5 Residential Extensions
 SDC12 High Quality Design and Place Making

National Planning Policy Framework (NPPF)

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

Other Material Planning Considerations

6.3 Successful Places Planning Guidance, (“Successful Places”)

7.0 Planning Issues

Principle of Development

7.1 The site is located within the Settlement Development Limit (SDL) for Killamarsh where the principle of domestic extensions and residential development is generally supported in principle.

- 7.2 Local Plan policy LC5 supports extensions and similar development, provided that it is appropriate in scale, proportion and materials and in its overall design and character. Similarly, a proposal should avoid significant loss of privacy and amenity for the residents of neighboring properties.
- 7.3 The principle of development on the site and extensions to the dwelling have been established through the granting of the previous planning permissions and Officers consider this continues to be the case.

Previous Approvals

- 7.4 Planning permission has been previously approved for the demolition of the original garage and the erection of single-storey extensions to the side and rear of the dwelling, a two-storey front extension, the raising of the ridge height to create rooms in the roof space to the dwelling, a new double garage and a new 1.8m boundary wall and entrance gates, under reference NED/18/01153/FLH and subsequently under reference NED/19/00591/FLH. The latter permission differed from the 2018 permission in that the materials proposed for the extension were to be brick rather than rendered blockwork. A further approval, reference NED/19/01190/FLH, sought to agree a taller (increase from 4.771m to 5.200m) and slightly redesigned garage.
- 7.5 The key consideration in the determination of this application is, therefore, whether the further changes in volume, height, dimensions and design of the dwelling and garage result in them now still being acceptable in terms of their design and appearance and/or their impact on the amenity of the residents of neighbouring properties.

Design/Streetscene Considerations

- 7.6 The proposal seeks permission to increase the ridge height of the dwelling, reduce the size of the rear extension and atrium, as previously approved, and increase the number of roof lights in the dwelling and remove the angled rear elevation, increase the ridge height, insert a window to the front gable end and add roof lights to the western roof plane [so forming a home gym in the roof space] to the previously approved garage.
- 7.7 The application site is located within the SDL for Killamarsh. Here, LP policy LC5 supports development provided that it is appropriate in scale, proportion and materials and overall design and character. Similarly, a proposal should avoid significant loss of privacy and amenity for the residents of neighbouring properties.
- 7.8 LP Policy SDC12 also states that all new development should be of high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they: Respond positively to local character and context to preserve and, where possible, enhance

the quality and local identity of existing communities and their surroundings; Protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts; Make provision for private amenity space, storage and recycling facilities, and vehicle and cycle parking.

7.9 The proposal changes the dimensions of the dwelling in terms of its height and length (and rooflight number and configuration). At the same time the garage would be amended in terms of its height, length (reduced) and width (reduced), and with the addition of windows in the front gable end and western roof plane. The changes to the dimensions of the dwelling and garage are set out in the two tables below with the relevant site plans (only) shown in Figures 2, 3 and 4 below:

DWELLING	Ridge Height	Eaves Height	Length	Width
Previously approved application	6.4m	2.4m	19.8m	8.7m
Proposed dwelling through this application	6.6m	2.8m	17.3m	8.7m

GARAGE	Ridge Height	Eaves Height	Length	Width
Previously approved application	5.2m	2.6m	8.9m	8.6m
Proposed garage through this application	5.4m	2.9m	6.1m	5.3m

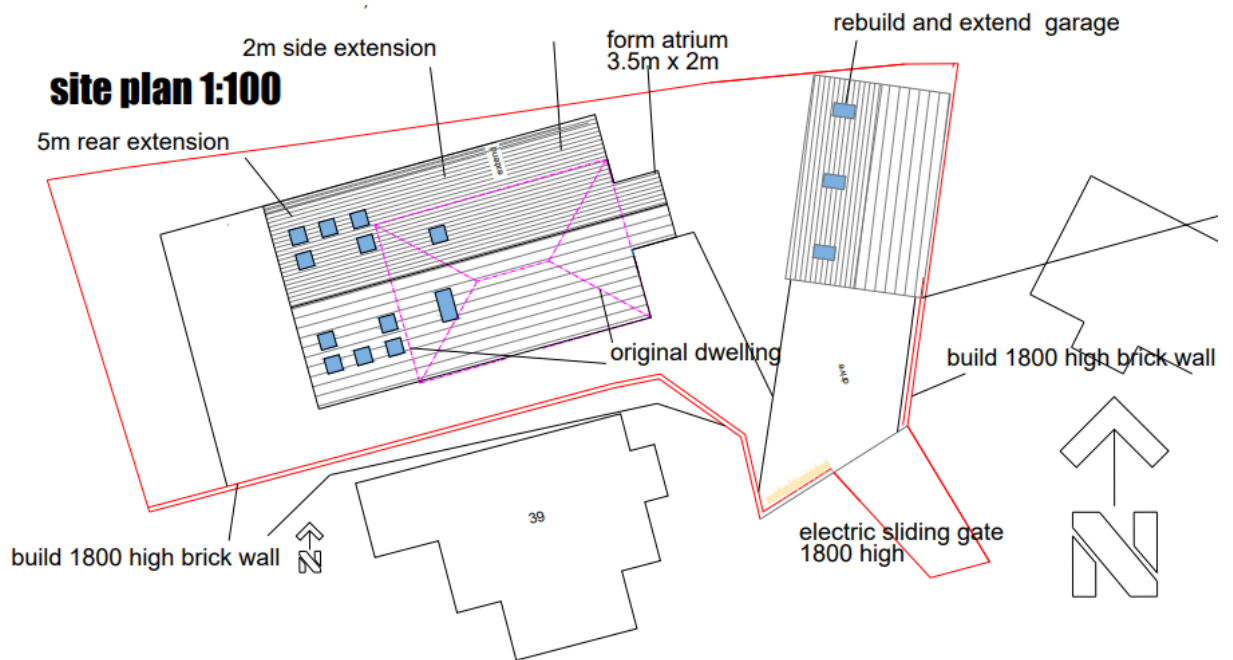


Figure 2: Site plan (only) as proposed (NED/24/00303)

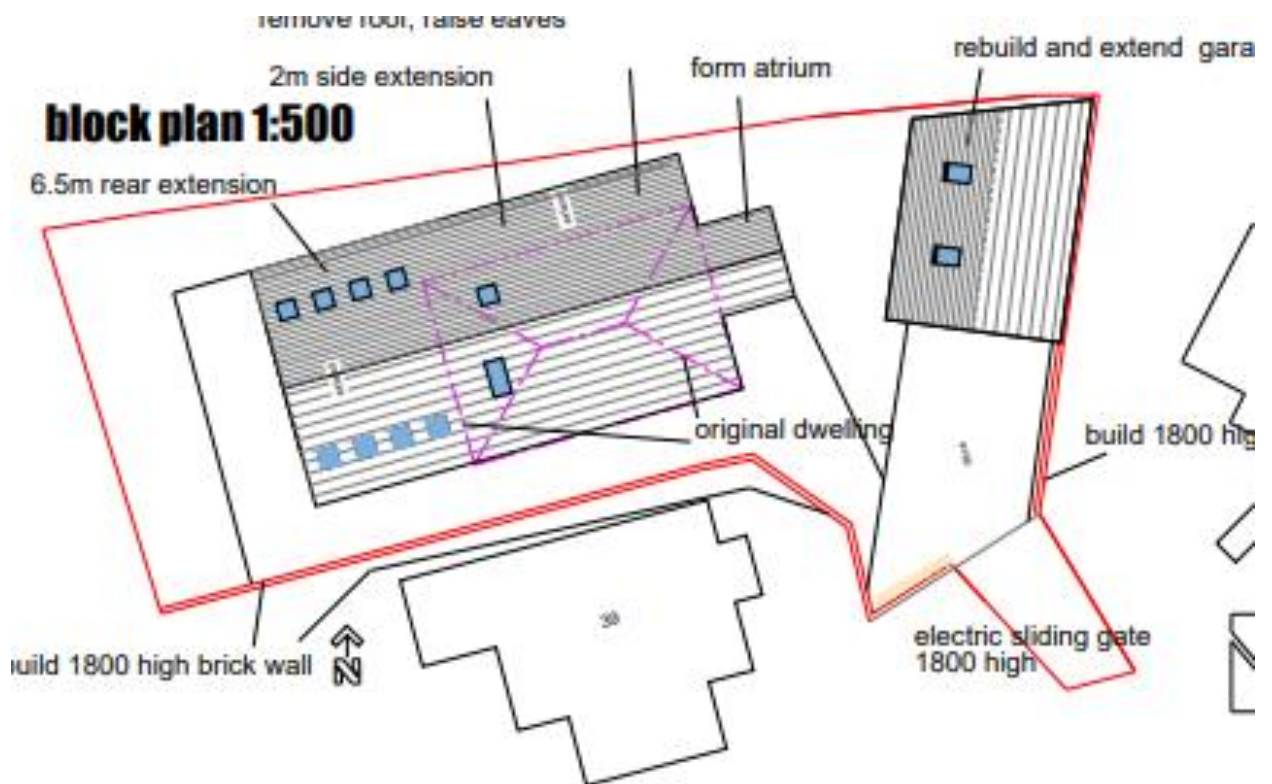


Figure 3: Site plan as approved under NED/18/01153/FLH



Figure 6: Photograph showing the north elevation as built.

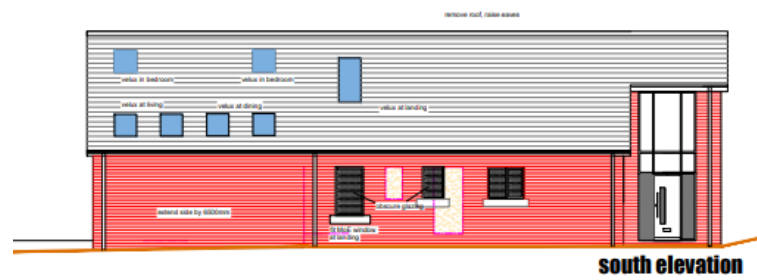


Figure 7: Approved south elevation



Figure 8: Photograph showing south elevation as built

7.12 The proposed garage changes are shown in Figure 9 below.

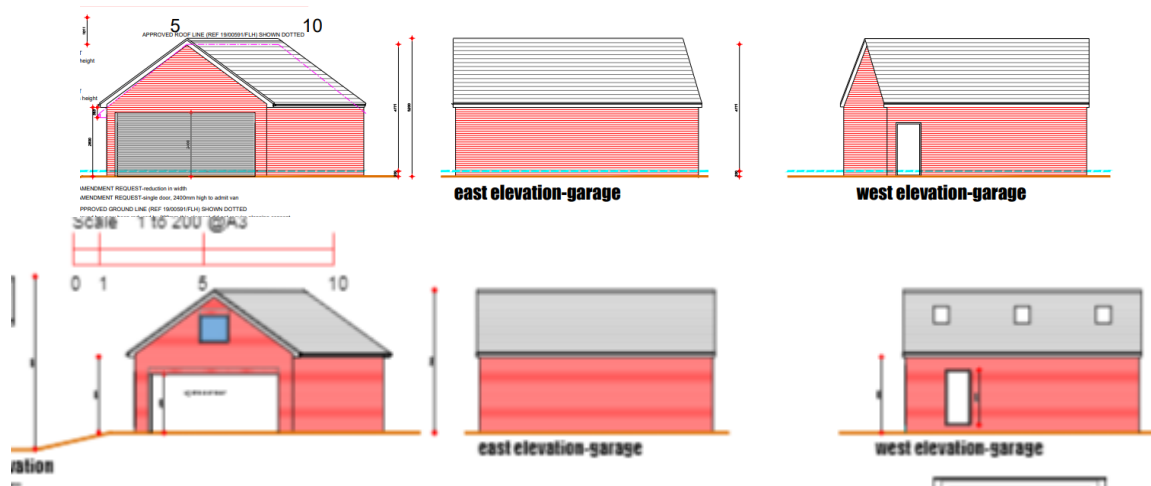


Figure 9: Existing garage (top) compared to proposed garage

7.13 The proposed dwelling will have a rendered finish, which differs from the previously approved (NED/19/00591/FLH) brick finish. The brick finish will however remain on the garage. Rose Way is a predominantly brick built cul de sac and the materials proposed are a departure from this. However, the properties on Rectory Road are of a render finish and so, on balance, Officers consider this choice of material to be acceptable.

7.14 Overall, it is considered that the changes now proposed, when compared with the previously approved scheme(s), are modest in overall extent, have limited impact outside the site itself due to the limited public visibility of the site and that their

impact on the design and appearance of the host dwelling and surrounding street scene is acceptable.

Privacy and Amenity Considerations

- 7.15 LP policy LC5 supports development provided that proposals avoid significant loss of privacy and amenity for the residents of neighbouring properties. Furthermore, policy SDC12 seeks to protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts.
- 7.16 The application site is surrounded by residential properties and the main consideration here is the impact on the privacy and amenity of the residents of neighbouring properties as a result of both the increased height of the dwelling and garage and the potential for any overlooking/overbearing most notably as a result of the additional rooflights/windows installed in the buildings.
- 7.17 Neighbouring properties are illustrated in the plan below (Figure 10). Affected dwellings on **Rectory Road** are located to the north of the application site, the dwellings taking odd numbers from east to west.
- 7.18 No's 75 and 77 have a stronger relationship to the proposed garage than that of the main dwelling. There are no windows included in the rear elevation of the garage and as a result there is no additional overlooking back towards these properties. In terms of overshadowing, the building passes the 25° rule as set out in Successful Places and so leads Officers to conclude that along with the separation distance of 13m this will ensure that the relationship between the proposed garage and neighbouring dwellings is acceptable. Notwithstanding this, it is considered that the height and number of the windows should be limited to their current dimensions by the removal of further permitted development rights by condition of any planning permission granted, allowing the Council to assess any further windows proposed.



Figure 10: Plan showing the site and relationship to neighbouring dwellings

- 7.19 The positioning of the dwelling on the site, both in original and extended form, is closest to No. 79. The dwelling's height, when the 25° rule, as set out in Successful Places, is applied, results in no unacceptable overshadowing of the windows of any habitable rooms in No.79 and by reason of the extent of the rear garden, it is 14m in depth, Officers also conclude that there is no unacceptable impact on the overall outside amenity space of the property as this depth exceeds the 12m normally required from the rear elevation of one dwelling to the side elevation of another.
- 7.20 With regards to the impact on No.81, (see Figure 6 above) the proposed extended dwelling would be marginally further away than to No. 79, due to the angle in which the property addresses the boundary and, despite the extension to the rear of this dwelling, the habitable windows and private amenity space remain unaffected by overshadowing due to the length of the rear garden of 12 metres (to the extension) and the fact the application dwelling also passes the 25° rule.
- 7.21 No.'s 83 and 85 form a further pair of semi-detached dwellings. No.83 is the closest property to the application dwelling, but it is even further from it than No.81, due to the angle the boundary is addressed, and it has a rear garden depth of 14 metres. This relationship is also considered acceptable and the impact on No.85 is further reduced.

- 7.22 The rooflights proposed in the northern elevation of the extended dwelling will serve a ground floor kitchen and living room, along with bedrooms and bathrooms at upper storey level. These rooflights are all high level and will not, in the opinion of Officers, result in detrimental overlooking back towards any of the properties to the north on Rectory Road due to the high level of the rooflights in the rooms that they serve and their limited size.
- 7.23 The proposed western elevation will comprise of bifold doors at ground floor level, and no additional windows to the first floor. As a result of this, and the 1.8m wall to the boundary, there are no potential overlooking impacts in that direction.
- 7.24 No's 87 and 89 are located in excess of 25m from the extended dwelling and set at a 45 degree angle to the site. Given the relationship with the application dwelling and the separation distances involved, Officers are satisfied that there will be no adverse impacts to either of those neighbouring properties.
- 7.25 The properties to the west of the application site at No.'s 25/27 **Rose Way** have in excess of a 21-metre separation distance from the dwelling and good sized private rear gardens. Officers therefore conclude that there would be no negative overshadowing effects on them or other unacceptable impacts on their amenity, particularly when taking into account the reduction in the length of the dwelling from that previously approved. These dwellings also face a blank wall at first floor level and as a result there is no potential for any overlooking.
- 7.26 No. 39 Rose Way (Figure 8) is located immediately south of the application site and views of the property are partly obscured by the 1.8m high wall along the boundary between the two properties. The result is that the potential for overlooking is limited as a result of the window arrangement, and this is further mitigated against by the wall. In addition, due to the proposal being to the north of this dwelling there is no opportunity for any harmful overshadowing. In terms of overlooking impact, the southern roof slope includes high level windows serving a kitchen and dining room, along with high level rooflights serving bedrooms and a landing at the upper storey level. The primary outlook from these openings will be skywards rather than down towards No.39. Coupled with the limited size of these openings it is considered an acceptable relationship.
- 7.27 The property across Rose Way from the application site, No.28, is side on to the application site and has buildings in between. It is concluded, therefore, there is no adverse impact on this dwelling.
- 7.28 In view of the above, the proposal is therefore considered, overall, to be acceptable in regards its impact on the privacy and amenity of neighbouring residents.

Highways Considerations

- 7.29 The proposal includes plans for 1.8m tall electric sliding gates to the front (Figure 8).

7.30 The Highway Authority has commented on the proposal and conclude there will be no material impact on the highway.

7.31 As a result, Officers consider that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.

8.0 Summary and Conclusion

8.1 Whilst the proposal does result in a modest increase in the ridge and eaves heights of both the dwelling and garage over those of the previously approved scheme(s) Officers conclude that the impact of these changes to be acceptable in respect of the overall design and impact on the surrounding street scene.

8.2 Furthermore, Officers are satisfied that the revised dimensions of the buildings, their increased height but reduced overall footprint, and the altered fenestration detailing would not result in an unacceptable impact on the privacy and amenity of any neighbouring occupiers.

8.3 Matters relating to highway safety are considered acceptable.

8.4 Officers therefore conclude that the proposed development would accord with policies LC5 and SDC12 of the North East Derbyshire Local Plan and the overarching aims of the National Planning Policy Framework.

9.0 Recommendation

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

Conditions –

No	Condition	Reason	Pre-commencement agreement
1.	The development hereby approved shall be carried out in accordance with the details shown on drawing number XXXX	For clarity and avoidance of doubt	N/A
2.	Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General	In the interests of the amenity of neighbours to the property.	N/A

<p>Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), no additional window openings other than those shown on the approved plans, shall be installed within the northern or southern roof planes of the dwelling, as extended, or the eastern or western roof slope of the garage.</p>		
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