

PLANNING COMMITTEE – 18th February 2025

Reference Number: 24/00933/FLH

Application expiry: 21.02.2025

Application Type: HOUSEHOLDER

Proposal Description: Garden landscaping scheme including two outbuildings (Amended Plans)

At: 7 Hornbeam Way, Stretton, Alfreton, DE55 6PA

For: M. Ward

Third Party Reps: 2 objections & 3 supporting comments

Parish: Stretton

Ward: Pilsley and Morton

Report Author: Curtis Rouse

Date of Report: February 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 Cooper requested that the application be considered at planning committee to determine the proposal in line with Local Plan Policy SDC2 (Trees, Woodland and Hedgerows) to test this policy against the decision.

2.0 Proposal and Background

Site Description

- 2.1 The application site includes a semi-detached dwelling. The front of the property is set back from the road with parking to the side. There is garden space to the rear of the property.
- 2.2 The dwelling is a newbuild and is located on a row which includes a mix of detached and semidetached properties. This property and 6 others back onto a number of protected trees within the grounds of Prospect House.
- 2.3 The existing rear garden includes a raised patio to the rear of the dwelling with steps leading down to a grassed lawn area.

Proposal

2.4 This application seeks permission for a garden landscaping scheme including two outbuildings as is illustrated in Figure 2 below.

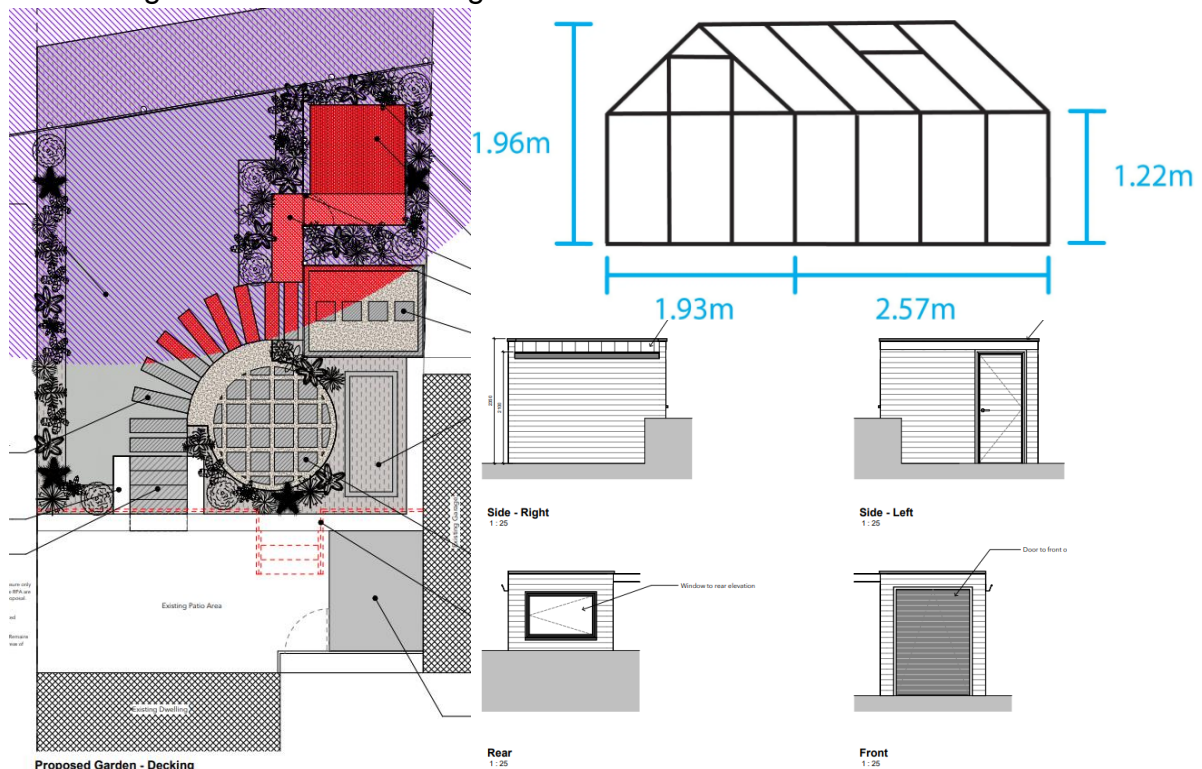


Figure 2: Proposed layout plan, greenhouse and shed details

- 2.5 The landscaping works include the formation of a low-profile sleeper pathway leading from an existing patio to a raised deck pathway. These pathways lead to a raised sleeper area for a new greenhouse and to a raised raked gravel area. Also included in the plans are a circular patch paved seating area and raised planter flower bed. An existing area of hardstanding on the patio will also accommodate a new shed. The submitted plans indicate the level of below ground works required to accommodate the proposed development.
- 2.6 The proposed greenhouse will be constructed from glazing and measure 1.93m wide, 2.57m in length, with a height to eaves of 1.22m and be a max height of 1.96m.
- 2.7 The proposed shed will have a mono pitched roof, be constructed from timber and measure 3m long, 2m wide and 2.35m high.

Amendments

- 2.8 The application was amended 07.05.2025 to include a revised Root Protection Area (RPA) impact plan, as well as removing the raised platform inside of the RPA to replace it with a permeable membrane. Additional changes were made to the layout of the gravel pathway, and the trellis panel fence was removed.
- 2.9 Clarifying plans illustrating the scale and appearance of the shed and greenhouse have been submitted.

3.0 Relevant Planning History

- 3.1 22/00884/RM | S73 application to vary condition 1 (Approved Plans) of planning approval 18/00812/RM to vary the layout and landscaping details (Major Development) (Conditionally Approved) [*Officer note: This application was granted permission and included condition 3 which removed permitted development rights for extensions, outbuildings, hard surfacing and other means of enclosure for plots abutting the trees covered by NEDDC TPO 266, in the interest of controlling development and any potential impact on these trees.*]

4.0 Consultation Responses

- 4.1 **Ward member:** Cllr Cooper called this item into committee for the reasons set out above.
- 4.2 **Parish Council:** Raised no comments.
- 4.3 **Planning Policy & Environment Team – Tree Officer:** Notes that the application site abuts 9 mature trees covered by NEDDC TPO 269 (T1-T9). The nominally calculated Root Protection Area (RPA) of the trees encroaches into the gardens of properties on Hornbeam Way.

- 4.4 The application is supported by a detailed Garden Landscaping Scheme, revision B. The Garden Landscaping Scheme includes an estimate of the extent of the nominal root protection area of adjacent trees where it encroaches into the rear garden of 7 Hornbeam Way. The Garden Landscaping Scheme describes the laying of a path using imitation low-profile sleepers, and part of this path will encroach into the nominal root protection area of protected trees. The scheme also includes the siting of a greenhouse partially within the nominal RPA, although this appears to be built using a low impact washed gravel base.
- 4.5 BS5837 (2012) is the British Standard for trees in relation to design, demolition and construction and it takes the form of guidance and recommendations. BS5837 recommends that any new permanent hard surface within the RPA should not exceed 20% of any existing unsurfaced ground within the RPA. The proposed path using imitation low-profile sleepers and proposed greenhouse positioned on raised sleepers with low impact gravel base appears well below this maximum recommended threshold of 20%. The proposed gravel paths and detail of the proposed raked gravel garden appears of suitable design and appropriate material to retain surface porosity and reduce the impact of the proposal on the nominal RPA of neighbouring trees.
- 4.6 Overall, the Tree Officer has no arboricultural concerns or objections to the scheme, subject to consideration being given to specifying a polypropylene or high-tenacity polyester geosynthetic material in place of the permeable membrane beneath the gravel base of the greenhouse. Consideration could also be given to using a cellular confinement system, such as geocell, to create a composite material when combined with the geosynthetic. This will provide better load-bearing properties than the gravel base alone. The Tree Officer notes that these are recommendations and not a requirement of any approval.
- 4.7 Officers consulted with the Tree Officer and considered that a further condition relating to specification of the greenhouse foundations be submitted before development commences in the interest of the trees to be retained will not be damaged during demolition or construction.

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 adjacent to the application site in the window of the dwelling which expires on 17/02/2025.
- 5.2 3 local residents have made representations raising the following comments supporting the proposed development:
- As an adjoined neighbour, the plans proposed are aesthetically pleasing and considered to enhance the natural habitats of both flora, fauna and the wonderful

trees we are fortunate to enjoy. As someone directly affected by any changes to this garden, I have no objections.

- We urge the committees to approve this application as we do not believe this will in no way affect the tree preservation order already in place. What is proposed will in fact allow the applicant to improve both the appearance of the area & help with the wellbeing of the residents & adjoining property owners. I am totally in favour of this application being approved by committee to improve the area and surrounding residents.
- As a close neighbour, my wife and I can both say this will have no impact on us or our property. We regard the plans as an aesthetic home improvement to their garden which we support.

5.3 1 neighbouring resident has made representations raising the following objections to the proposed development. A summary of the material planning objections is found below:

- The RPA of trees is sacrosanct. *[Officer note: the RPA is a theoretical design tool to describe the nominal RPA of a given tree, cannot be considered sacrosanct, this has been confirmed by the Councils Tree Officer].*
- No works should be undertaken within the RPA. This proposal has buildings constructed and significant works within the RPA. There is space outside the RPA. *[Officer note: SDC2 does not prevent development from taking place within the RPA. Development that results in unacceptable damage to, or loss of, or threaten the continued wellbeing of trees, woodlands, orchards, or hedgerows is not permitted under policy SDC2.]*
- Decisions must be based on the impact on the protected trees and safety of residents
- NEDDC tree officer should be consulted to give consistency as his opinion on protecting the RPA should not have changed from when he recommended the permitted development rights be removed to protect the trees. *[Officer note: Tree Officer has been consulted and provided comments on the proposal].*
- There are no details on the RPA calculation or location of the protected trees in reference to the proposed buildings. If Meadowview Homes drawings have been utilised, we are fully aware that these had incorrect diameters of the trees, inaccurate tree locations and therefore inaccurate RPA's.
- Tree types and TPO nomenclature represented for clarity and consistency, trees should be measured, tree locations plotted RPA depicted accurately with full details and drawings including the trees should be submitted to ensure works are outside the RPA.
- No control measures are stated to protect damage to the roots whilst construction takes place. Most construction works near an RPA require Herras fencing to be erected to prevent damage to the RPA.
- It is noted the wildlife corridor between the 2 properties is maintained. For officers' information this was a request of Derbyshire Wildlife Trust in previous Meadowview applications and now forms part of a Boundary Agreement. Whilst this is a civil legal matter it is better planning officers are informed so as not to

encroach on a civil matter if it was amended in future applications. [*Officer note: this is immaterial to the determination of this application and is a civil matter*]

- There are no details on the location of the protected trees in reference to the proposed buildings. [*Officer note: This is not required because the trees are not in the applicant's garden and the outbuildings do not impact the trees.*]
- The RPA shown is wrong and too small. NEDCC tree officer has information to prove this. [*Officer Comments. The RPA accuracy has been dealt with in the design and impact section of the report, the plan is however an earlier superseded plan and not the approved plan submitted in relation to 22/00884/RM.*]
- NEDCC tree officer survey is over 2 years old so whilst proves the information submitted is inaccurate as trees do not reduce in size it is not relevant for the present status or health of the trees. No updated survey has been undertaken as access to Prospect House would be required to complete this accurately.
- Changing some construction methods do detract from the fact the RPA is affected and trees will be damaged.

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
SDC2 Trees, Woodlands, and Hedgerows
SDC3 Landscape Character
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 BS5837 (2012) British Standard for trees in relation to design, demolition and construction.

7.0 Planning Issues

Principle of Development

7.1 Local Plan policy LC5 supports extensions and alterations, including outbuildings which are ancillary to the main residential use, providing that they Respect the scale, proportions, materials and overall design and character of the existing property; do not harm the street scene or local area, including the loss of characteristic boundary

features and landscaping; avoid significant loss of privacy and amenity for the residents of neighbouring properties; and do not significantly and demonstrably harm highway safety. Outside any settlement development limit proposals which either individually or cumulatively involve a significant change in the scale and character of the original dwelling will be assessed as a proposal for a new dwelling

- 7.2 In view of the above, the principle of development is considered acceptable in this case, subject to an assessment against the various strands of planning policy as outlined above.

Street Scene, Landscape and Design Considerations

- 7.3 The application site is located the countryside where Local Plan policy LC5 states that extensions and alterations to dwellings or outbuildings which are ancillary to the main residential use will be permitted provided the proposal respects the scale, proportions, materials and overall design and character of the existing property and does not harm the street scene or local area, including the loss of characteristic boundary features of landscaping.
- 7.4 The application site also sits within a secondary area of multiple environmental sensitivity (AMES). Here Local Plan Policy SDC3 supports development in AMES where it will not cause significant harm to the character, quality, distinctiveness, or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity.
- 7.5 Local Plan Policy SDC12 supports high-quality design. Development should respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings
- 7.6 The applicants rear garden currently consists of hardstanding adjacent to the dwelling and steps up to a lawned garden area. The garden also has fencing on both sides of the garden, with the rear having an open view of the protected trees.
- 7.7 The proposed development includes a new garden landscaping scheme, including a glazed greenhouse and flat roof timber shed. The landscaping includes new pathways, gravelled area and raised planting area.
- 7.8 Only the upper section of the proposed shed is likely visible from Hornbeam Way to the east over an existing boundary fence. Other features proposed will not be visible from public viewpoints. The proposed works are of a scale, proportion, materials and overall design and character of what you would expect to see in a domestic garden setting, as such Officers consider the proposed development acceptable in terms of its impact on the surrounding street scene and landscape character.

Impact on Protected Trees

- 7.9 Local plan policy SDC2 supports development where it protects and integrates existing trees, woodlands, and hedgerows for their wildlife, landscape, and/or amenity value. Development that results in unacceptable damage to, or loss of, or threaten the continued wellbeing of trees, woodlands, orchards, or hedgerows is not permitted.
- 7.10 The rear garden of 7 Hornbeam Way backs onto the east boundary of Prospect House, where a narrow strip of land separates the two gardens. NEDDC TPO 269 protects nine mature trees (T1-T9) of different species within the curtilage and along the east boundary of Prospect House. As the trees are located along the east boundary of Prospect House, the nominally calculated root protection areas of these trees will encroach into the rear gardens of properties along Hornbeam Way.
- 7.11 The Councils Tree Officer has been consulted on the proposed development and notes that the proposed works within the nominal RPA are limited to low profile, low impact. The Officer concludes that the proposed works are of a suitable design and materials to retain porosity and reduce the impact on the nominal RPA of neighbouring protected trees.
- 7.12 In view of the above, the Tree Officer has no objection to the proposed works, subject to consideration being given to specifying a polypropylene or high-tenacity polyester geosynthetic material in place of the permeable membrane beneath the gravel base of the greenhouse. Consideration could also be given to using a cellular confinement system, such as geocell, to create a composite material when combined with the geosynthetic. The Tree Officer considers that this form of foundation will provide better load-bearing properties than the gravel base alone and Officers agree that these recommendations be incorporated into an appropriately worded condition which can be included in any decision.
- 7.13 Officers therefore conclude that the proposed works are acceptable, will maintain the health and amenity of the protected trees; and will therefore be in accordance with Policy SDC2 of the Local Plan.

Privacy and Amenity Considerations

- 7.14 Local Plan Policy LC5 states that development should avoid a significant loss of privacy and amenity for the residents of neighbouring properties.
- 7.15 The properties most likely impacted by the proposed development are 9 Hornbeam Way (located North), 5 Hornbeam Way (located South), Stretton, and Prospect House, Highstairs Lane.
- 7.16 Regarding No 9, the shed will be situated on the hardstanding located near the host dwelling. This is stepped down from the garden and the shed is mitigated from view by the existing boundary features. Owing to the shed not being in view and not being

a habitable space, Officers take the view it generates no overlooking or overshadowing on this neighbour. The proposed landscaping scheme affords no additional overlooking or overshadowing on this neighbour.

- 7.17 Finally, regarding the proposed green house, although it is sat on the garden, it is a non-habitable space consisting of a transparent structure which will not provide any additional overshadowing or significantly harmful overlooking to this neighbour. As such, Officers have no concerns regarding privacy or amenity.
- 7.18 Regarding No 5, the shed will be situated on the hardstanding located near the host dwelling. This is stepped down from the garden and the shed is partially mitigated from view by the existing boundary features. Owing to the limited views of the shed and it not being a habitable space, Officers take the view it generates no overlooking or overshadowing on this neighbour. The proposed landscaping scheme affords no additional overlooking or overshadowing on this neighbour.
- 7.19 Finally, regarding the proposed greenhouse, although it is located within the applicant's garden, it is a non-habitable space consisting of a transparent structure which will not result in any additional overshadowing or significantly harmful overlooking to this neighbour. As such, Officers have no concerns regarding privacy or amenity.
- 7.20 Regarding Prospect House, the proposal sits approx. 55m away from this neighbour and is obscured from view by the existing trees that sit between the host dwelling and this neighbour. Given the boundary features and the separation distance, Officers conclude the shed, green house, and garden landscaping proposals will have no privacy or amenity impacts on this neighbour.
- 7.21 Officers consider that the proposed development will avoid any significant loss of privacy and amenity for the residents of neighbouring properties.

Highway Safety Considerations

- 7.22 Given this development at the rear of the property, it's clear that it does not impact any accessibility to the public highway, result in the loss of any off-street parking spaces or highway safety.
- 7.23 As such, Officers consider that the proposed development would not lead to an unacceptable impact on highway safety.

8.0 Summary and Conclusion

- 8.1 It is considered the proposed development is acceptable and in accord with Development Plan policies. Officers therefore recommend this application be approved, subject to the following conditions.

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
1.	The development hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.
2.	<p>The development hereby approved shall be carried out in accordance with the details shown on the following drawing numbers</p> <ul style="list-style-type: none">• 2003 Rev A (Shed Design Detail)• Greenhouse Image: date scanned 31.01.25• Greenhouse Dimensions: date scanned 31.01.25• Greenhouse Details/Spec: date scanned 31.01.25• 2002 Rev A (RPA Impact Plan)• 2001 Rev C (Existing and Proposed Garden Layout) <p>unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.</p>	For Clarity and avoidance of doubt.
3.	<p>Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a specification for the foundation of the greenhouse, shall be submitted to and approved in writing by the Local Planning Authority. The specification is to comprise of planar reinforcement and 3-dimensional reinforcement combined, and to include:</p> <p>a) Base geotextile made from polypropylene or high-tenacity polyester geosynthetic material (planar reinforcement)</p>	Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance

	<p>b) Cellular confinement system made of high-density polyethylene to create a 3-dimensional matrix that can be filled with aggregate (3-dimensional reinforcement)</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p>	<p>with NEDDC Local Policy SDC2 and pursuant to section 197 of the Town and Country Planning Act 1990.</p>
--	---	--

Informatives

- a) NMA
- b) High Coal Risk
- c) BNG note 2