

## PLANNING COMMITTEE – 15 December 2020

**REFERENCE NUMBER:** 20/00921/FLH    Application Expiry Date: 18 December 2020  
**Application Type:** Full Planning Permission

**Proposal Description:** Application pursuant of 19/00255/FLH to allow for garage repositioning (Amended Plans)

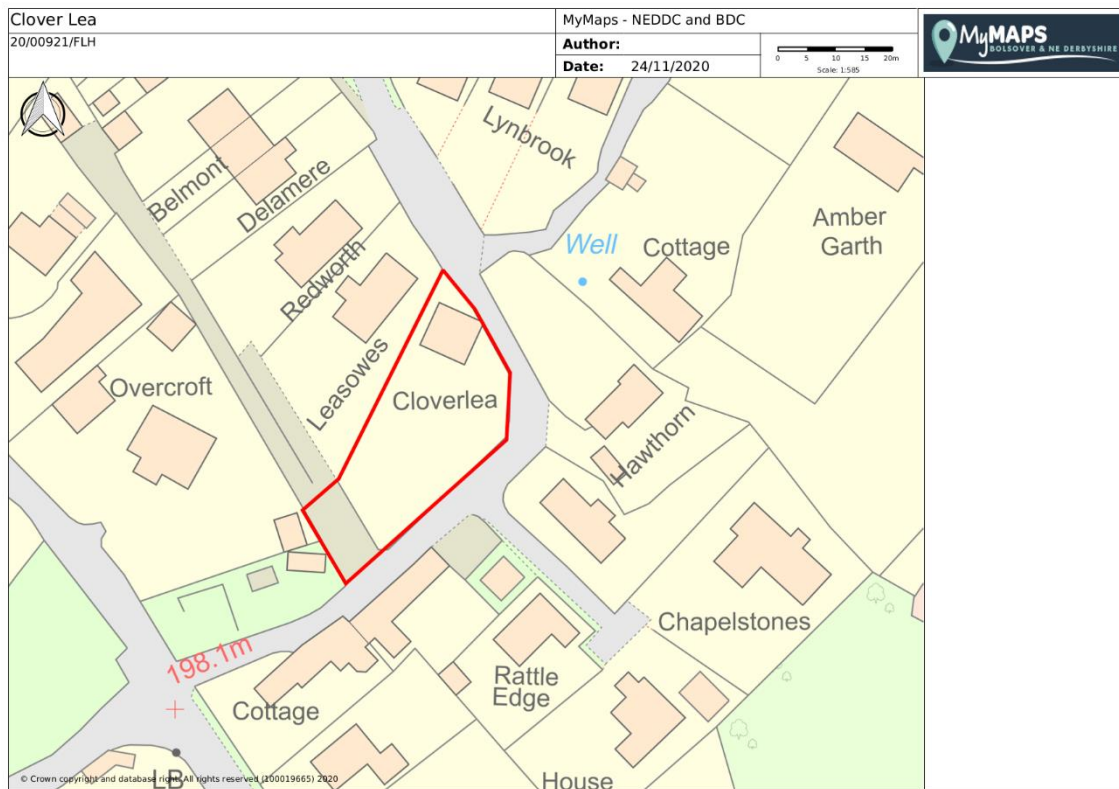
**At:** Clover Lea, Chapel Hill, Ashover

**For:** Mr Mike Weightman

**Third Party Reps:** 7    **Parish:** Ashover Parish Council  
**Ward Name:** Ashover

**Author of Report:** Alice Lockett    **Case Officer:** Alice Lockett    **Date of Report:** 30<sup>th</sup> November 2020

**MAIN RECOMMENDATION:** Approve subject to conditions

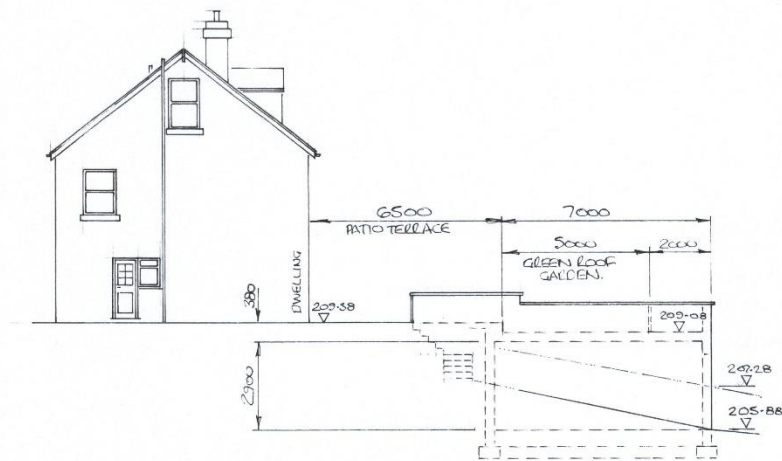


## **1.0 Reason for Report**

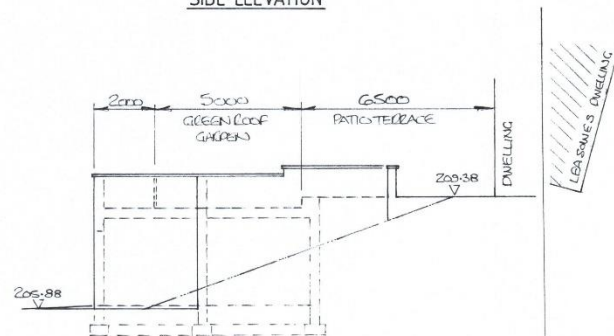
- 1.1** There have been 7 objections from neighbours and one from the Parish Council, some of which raise material planning issues. The application has been called in to committee by Cllr William Armitage.

## **2.0 Proposal and Background**

- 2.1** This application proposed to repositioning of the garage approved in planning application 19/00255/FLH.
- 2.2** Due to ground conditions discovered once work had begun, the applicant has found that it is not possible to locate the garage in the original proposed position.
- 2.3** The proposed garage will be positioned 2m further back from the house than first planned, this means that the proposed roof top garden above the garage will be 2m longer.
- 2.4** Amended plans have been submitted showing the garage to be stepped down from the patio by 0.4m.
- 2.5** The amended plans also show that the last 2m of the garden as fenced off and this makes it only accessible for maintenance and thus renders the usable garden space as the same size as that approved in the 2019 application.



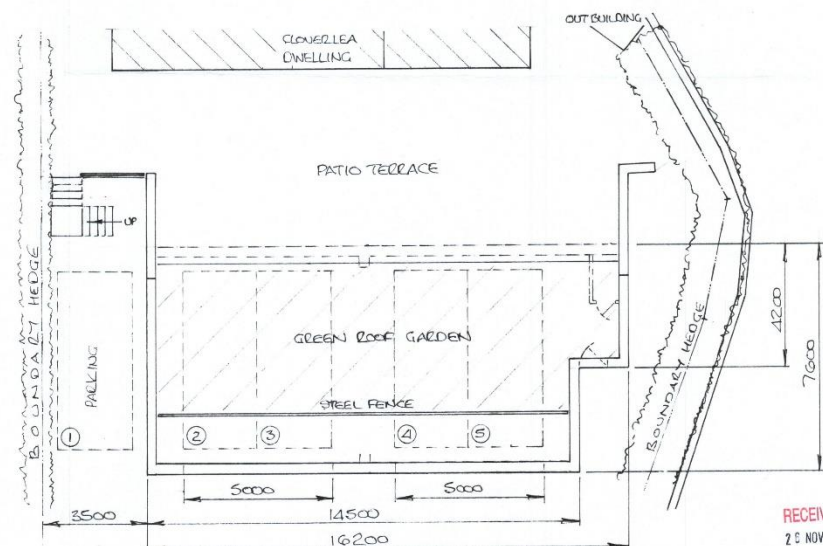
SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



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Figure 1 Proposed Plans and Elevations

PROPOSED DETACHED GARAGE DETAILS, AT CLOVER LEA, CHAPEL HILL,  
ASHOVER, FOR MR. & MRS. M. WEIGHTMAN. SCALE 1:100 DATE Nov. 2020

### **3.0 Relevant Planning History**

- 3.1** 93/00022/FL Extension to form breakfast room utility room and w.c. Conditionally Approved.
- 3.2** 02/01038/FL Proposed construction of a first floor extension and an existing single storey extension. Conditionally Approved.
- 3.3** 13/00883/FLH Replace existing conservatory with orangery and alterations to rear elevation. Conditionally Approved.
- 3.4** 19/00255/FLH Modifications to dwelling with dormers to front and removal of conservatory and construction of detached garage. Conditionally Approved.

### **4.0 Consultation Responses**

**4.1 Highways Comments:** Similar to previous highway comments in relation on application 19/00255/FLH. There are no objections subject to ancillary domestic use for proposed garage.

**4.2 Parish Council Comments:** Ashover Parish Council objects to the proposal, as by bringing the structure forward, the size of the development and relocation drastically increases the patio area and brings it in line with the first floor of the neighbouring property, therefore causing visual impact, loss of privacy, light and amenity. Groundworks appear to have diverted watercourses and causing water to fall across Chapel Hill which, in winter, may cause hazardous driving conditions.

Ashover Parish Council considers that this application does not conform to Ashover Parish Neighbourhood Plan Policy AP1 sections a), b), d) and e).

Ashover Parish Council requests that District Councillor William Armitage brings this application to a full planning committee for reasons of visual impact, loss of privacy, loss of amenity, design and appearance, potential noise impact.

### **5.0 Representations**

**5.1 Ward Member Comment:** I would like to call in the above application, I have concerns that as the patio is on top of the garage roof it offers no privacy for the next door neighbour, it also goes against the Ashover Neighbourhood Plan ,AP1 section A,B,D- [*Officer Note: -this is dealt with in section 7 below*]

**5.2** 4 Letters of objection have been received from members of the public the comments are summarized below:

- 5.2.1 Impact on residential amenity of Derwent Cottage, including concern about possible lighting and noise- [*Officer note: this is dealt with in section 7 below*]
- 5.2.2 Impact on Privacy of residents at Derwent Cottage- [*Officer note: this is dealt with in section 7 below*]
- 5.2.3 Removal of trees and shrubs- [*Officer note: this is not a material planning matter*]
- 5.2.4 Possibility of the garage being used for a car repair business. With associated noise – [*Officer note: this is conjecture and not a material planning matter however if the applicant did wish to use the garage for a business use a change of use application would be required.*]
- 5.2.5 Concern about the validity of the application plans- [*Officer note - the plans have been verified and provide the information required*]
- 5.2.6 Impact of overlooking on the privacy of the garden and house at Leasowes and the need for screening –[*Officer note: this is dealt with in section 7 below.*]
- 5.2.7 Visual impact of the garage on views from Leasowes-[*Officer note: the right to a view is not a material planning matter however the design is considered in section 7 below*].
- 5.2.8 Impact of overbearing on Leasowes – [*Officer note: this is dealt with in section 7 below.*]
- 5.2.9 Impact on the character of the area –[*Officer note: this is dealt with in section 7 below.*]
- 5.2.10 That the garage is larger than that required for a normal house- [*Officer note: this is conjecture however the design of the proposal is dealt with in section 7 below*]
- 5.2.11 Impact on privacy at Touchstone – [*Officer note: this is dealt with in section 7 below.*]
- 5.2.12 Impact on visual amenity of Touchstone. [*Officer note: the right to a view is not a material planning matter however the design is considered in section 7 below*]
- 5.2.13 The ratio of hard structure to garden- [*Officer note: the design of the proposal is dealt with in section 7 below*]
- 5.2.14 Uncertainty about the use of the roof garden- [*Officer note: this is dealt with in section 7 below*]

## **6.0 Relevant Policy and Strategic Context**

### **6.1 North East Derbyshire District Local Plan**

BE1 General Design Principles  
GS5 Settlement Development Limits  
H5 Domestic Extensions

### **6.2 North East Derbyshire District Local Plan (2014-2034)**

The Local Plan (2014-2034) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019.

Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release.

On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications, which began on the 2<sup>nd</sup> November. It is expected that the Plan will achieve adoption in spring 2021.

The emerging Local Plan is therefore at an advanced stage and, in accordance with the advice set out in paragraph 48 of the National Planning Policy Framework, significant weight should be attached to the Plan in decision making.

The most relevant policies in respect of determining this application are as follows:

- LC5 Residential Extensions
- SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
- SCD12 High Quality Design and Place Making

### **6.3 Ashover Neighbourhood Plan**

- AP1 Development within Limits to Development
- AP11 Design

### **6.4 National Planning Policy Framework**

The overarching aims of the National Planning Policy Framework(NPPF) are also material in the assessment of this application

## **7.0 Planning Issues**

### **Principal of Development**

**7.1** Clover Lea is located within the Settlement Development limits for Ashover where policy GS5 accepts development that it is not detrimental to the character and appearance of the site and its surrounding environment and would not have a detrimental effect on the amenities of neighbouring occupiers. The principal of development has been shown due to the approval of application 19/00225/FLH.



## Design and impact on the street scene



Figure 2 Clover Lea is set to the back of a long garden plot which slopes steeply from the house.

**7.2** Clover Lea is a stone built 19<sup>th</sup> or early 20<sup>th</sup> Century dwelling located to the rear of a long plot. It is surrounded by Chapel Hill on two sides and the private road to the east.

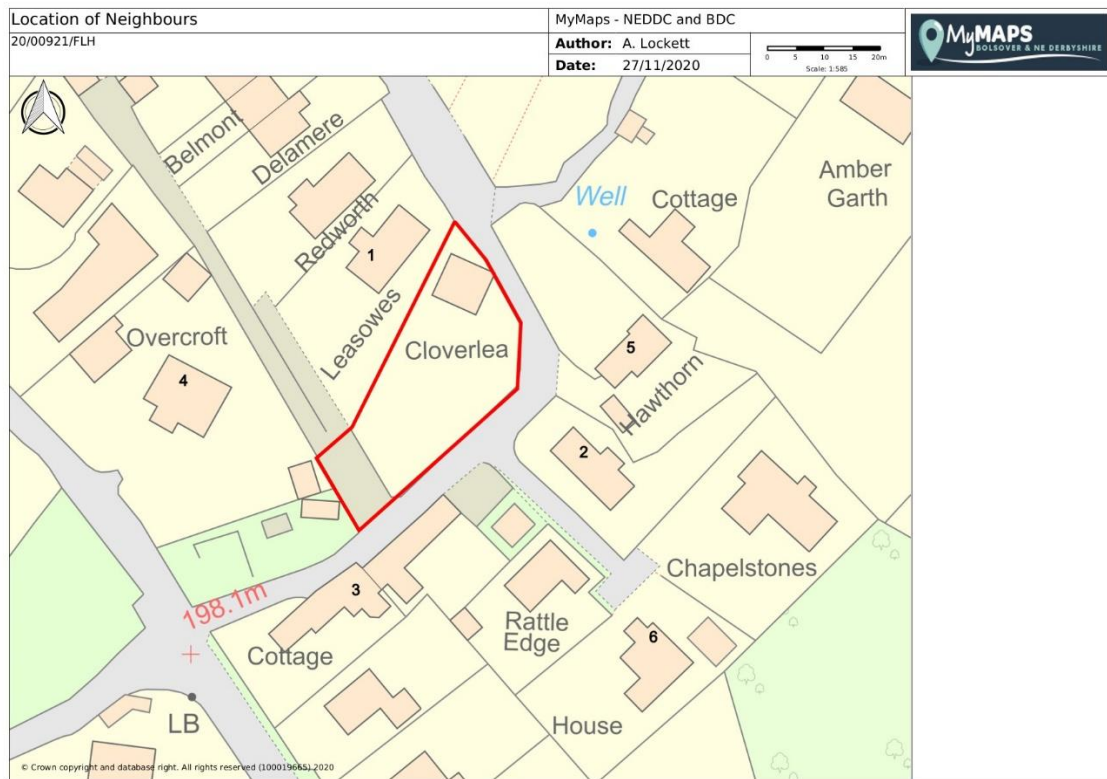


Figure 3 Elevation as viewed from the end of the garden and parts of Chapel Hill

- 7.3** This proposal is for a garage measuring 16.2m by 7.6m. The garage is to be built into the hill below the house to the front and its roof will provide a patio and garden terrace. This use has been confirmed by the applicant.
- 7.4** The roof terrace will be surrounded by a stone parapet wall. It is proposed that the roof of the garage will be set down below the level of the garden/ patio by 0.4m. The land slopes down away from Clover Lea and its neighbour Leasowes so the garage will be built into the hillside at the western elevation. The height to the top of the parapet wall at the front will be 4.5m from the drive level.
- 7.5** The proposed garage is to be constructed of natural stone to match the property. Whilst the proposal is visible from Chapel Hill, much of it will be hidden by the hedge on the south eastern boundary and there is potential to condition this hedge for thickening and retention.
- 7.6** The street scene in this area is composed of a mixture of house styles including; traditional stone built cottages, 19<sup>th</sup> century stone houses such as the applicant's property, 20<sup>th</sup> Century stone and reconstituted stone traditional style properties and 1970s modern designs.
- 7.7** Therefore it is officer's opinion that where it is visible, the fairly traditional design and use of traditional matching stone means that the proposal, although large will not be out of keeping with the existing property or the mixed character of the area.
- 7.8** By building into the hill the garage will, where visible from public spaces, respect the scale and proportion of the plot and the existing property
- 7.9** As such the proposal meets the design requirements of policies GS5, H5 and BE1 and those of the Ashover Neighbourhood Plan.



## Impact on Neighbours



**Figure 4** plan to show location of neighbours

**7.10** Policy H5 requires that extensions should avoid significant loss of privacy and amenity for the residents of neighbouring properties. The Ashover Neighbourhood plan requires that development should not adversely affect neighbouring properties by way of loss of privacy, daylight, visual intrusion or amenity.

## **Impact on Neighbour at Leasowes (point 1)**

**7.11** The plans submitted for application 19/00255/FH do show some inconsistencies with relation to the lateral position of the garage. The applicant has now re-measured the site and submitted redrawn accurate plans and elevations for this current application. These are the plans which are being considered. And it is officers' opinion that these lateral changes would not have changed the 2019 decision.

### **7.11.1 Impact on visual amenity**



**Figure 5 view from seating area in front garden at Leasowes**

The new plans show that in addition to being moved forward from the rear elevation of the house by 2m the western elevation of the garage is 3.5m from the boundary. Whilst this is 70cm closer to the boundary than originally proposed the distance is still sufficient to help ameliorate the impact of the proposal

Added to this stepping back from the boundary, there is a mature hedge on the part of the boundary closest to the houses (visible on the photograph below). This helps to screen the proposal from the house so it will not cause an adverse visual intrusion.



**Figure 6** view looking back towards Clover Lea from drive of Leasowes, the vegetation between the properties is visible on the left

The land slopes down away from the Clover Lea to the north-east and also down from Leasowes to the north-west. The amended designs step the garage down 0.4m and as a result the top of the parapet wall will be approximately 3m from the original ground level at the western elevation and 4.5m at the western elevation. Therefore because the ground slopes away from Leasowes, whilst the garage will be visible its impact will not adversely affect the property.

### **7.8.2 Impact on Privacy**



**Figure 7** location of the new garage looking back towards the side windows of Leasowes (the vegetation between the properties is shown on the left)



This vegetation and the angle of view means that users of the garden cannot see into the side windows of Leasowes and the privacy of these windows is maintained. It is true that the roof terrace will afford some visibility into the garden at Leasowes, however the part of the garden most overlooked is not that which is most closely associated with the house and as such the impact is not significant.

However despite this, the applicant has submitted amended plans which shows the last 2m of the roof terrace fenced off from the main part of the garden with the intention that this will be accessed for maintenance only and will not be an easily accessible and therefore useable part of the garden. This renders the depth from the house of the roof terrace/garden part of the proposal the same as that approved in 2019. It is proposed that a condition keeps this area separated from the main terrace in perpetuity.

### **7.9 Impact on neighbour at Touchstone (point 2)**



**Figure 8 view of the development site from Touchstone**

The garage will be visible from the front garden of Touchstone, however the step down in levels means that it will not have an adverse impact on visual amenity. Despite this there is an opportunity to condition the thickening up and retention of the boundary hedge which will help to hide the proposal from Touchstone.

### 7.10 Impact on neighbour at Derwent Cottage (point 3)



**Figure 9 view of the site from chapel road showing the relationship with Derwent Cottage on the right**

Repositioning the garage forward by 2m brings the roof garden and southern elevation of the garage 2m closer to Derwent Cottage. Derwent Cottage does not have a garden fronting the road and the part of the rear elevation closest to the proposed development has no windows serving habitable rooms. Therefore the proposal does not adversely impact the amenity, visual or otherwise or privacy of Derwent Cottage.

### 7.11 Impact on neighbour at Overcroft (point 4)



**Figure 10 the boundary between Clover Lea and Overcroft consists of a garage, a tall fence and mature vegetation**

The distance from the proposed roof terrace to Overcroft is over 30m this is well in excess of the distances between buildings recommended by Successful Places which is designed to regulate the distances between windows of habitable rooms. The proposed garage has no forward facing windows and is not classed a habitable room. The boundary between the properties consists of an existing garage, a tall fence and hedging which completely hides the properties from one another. Therefore there is no visual intrusion of the garage or overlooking.



### **7.12 Impact on Hawthorn Cottage (point 5)**



**Figure 11** view from front drive area at Hawthorn Cottage

The drive of Hawthorn Cottage looks down on to the garden of Clover Lea which is well hidden by vegetation. The proposal will not have a detrimental impact on any habitable areas of Hawthorn Cottage or the most private parts of its garden.

### **7.13 Impact on Houses on the private section of Chapel Hill (Point 6)**

The distance and angle of orientation mean that the impact on the houses on this road will be negligible. If a condition to enhance the boundary hedge is imposed the proposal will be completely hidden from all the houses on the private road to the south east of Chapel Hill.

### **7.14 Noise**

There is no evidence to suggest that this application will create more noise than would be expected from a normal family garden. However it is this officer's opinion that it would be appropriate to condition the thickening of the boundary hedgerow on top of the wall which bounds Chapel Hill as this will help to provide a barrier to reduced views into the site and noise leaving it.



## **8.0 Summary and Conclusion**

**8.1** Within settlement development limit there is a presumption in favour of sustainable development. In this case the sustainability of the development is measured against whether it meets the requirements of the development plan. Whilst the proposed garage is large, it is not out of proportion with the house and its siting, dug into the hillside reduces its impact on the local area. The design and materials are in keeping with the character of the property and the mixed street scene and as such it meets the design and street scene requirements of policies GS5, H5 and BE1 as well as Ashover Neighbourhood Plan policies AP11 and AP1.

**8.2** The proposal does not afford any additional overlooking into the windows of neighbouring properties beyond what was deemed acceptable by the 2019 application and any overlooking into the garden of Leasowes to the northeast will be minimal and will impact areas of the garden not closely associated with the house. The applicant has sought to ensure this by removing the last two metres of the garden from general everyday use.

Whilst the proposal will be visible from some parts of Chapel Hill and from the garden at Leasowes to the north east, the proposal is located in such a way that this impact on the view from Leasowes is acceptable in a densely populated street scene and will not adversely affect the neighbouring property it therefore meets policy AP1 of the Ashover

Therefore the proposal does not significantly impact the privacy of neighbours and therefore meets the requirements of policy GS5 and H5 as well as policies AP1 and AP11 of the Ashover Neighbourhood plan

## **9.0 Recommendation**

GRANT Full Planning Permission subject to the following conditions:

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

The development hereby approved shall be carried out in accordance with the details shown on drawing Proposed Detached Garage Details rev A

received 26/11/2020; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

Reason: for clarity and avoidance of doubt

Before the first use of the garage hereby approved, the hedge on the eastern boundary with Chapel Hill shall be replanted where necessary and kept at a minimum height of 1.5m above the wall (on the road side) in perpetuity.

Reason: To maintain the privacy and amenity of neighbours in accordance with policy H5 of the North East Derbyshire Local Plan

Before the first use of the garage hereby approved, the metal fence shown on the attached plans and located 2m back from the southern elevation of the garage shall be installed. This fence will be maintained in perpetuity and will prevent the 2m wide strip from being used for any other purpose than maintenance.

Reason: To maintain the privacy and amenity of neighbours in accordance with policy H5 of the North East Derbyshire Local Plan

The garage hereby approved shall be used solely for domestic purposes and shall not be used for any trade or business.

For the avoidance of doubt and to avoid the establishment of a commercial activity in an unsuitable location in accordance with Policies E8 of the North East Derbyshire Local Plan.

The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Clover Lea and shall not be severed from the main house as a separate dwelling.

Reason: Insufficient amenity space is available to serve a further independent residential unit; in accordance with Policies H2 and H12 of the North East Derbyshire Local Plan

### Informatives

In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £34 would be required) or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer.