

**PARISH**Ault Hucknall

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**APPLICATION** Demolition of existing dwelling and erection of replacement dwelling and garage (Revised Scheme)  
**LOCATION** The Croft Astwith Lane Astwith Chesterfield  
**APPLICANT** The Trustees of Jimi Kirk Julie Hardy 3 Wheatcroft Business Park  
Lanmere Lane Nottingham NG12 4DG UK  
**APPLICATION NO.** 17/00376/FUL **FILE NO.** PP-06262781  
**CASE OFFICER** Mrs Karen Wake (Mon, Tues, Wed)  
**DATE RECEIVED** 26th July 2017  
Delegated application referred to committee by: Development Control Manager  
Reason: Level of public interest

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**SITE**

Stone-built dwelling with tiled roof and some timber, some upvc windows and a upvc conservatory to the side. The dwelling has first floor accommodation within the roof space with a front facing gable containing ground and first floor windows. The dwelling is set back from the site frontage and is set higher than the adjacent highway. There are mature hedges and trees around the side and rear boundaries of the site and a low hedge along the site frontage. There is an existing access and a long driveway with parking for several cars.

**PROPOSAL**

The application is for the demolition of the existing dwelling and the construction of a new two storey dwelling (First floor accommodation in the roof space.) The proposed dwelling has 5 bedrooms, an open plan kitchen/dining/living room, a separate lounge and kitchen and a therapy/activity room. The proposed dwelling has a pitched roof double garage linked to the main dwelling by a store/entrance hall. The application is the re-submission of a previously refused scheme. The current proposal is the same design as the previously refused scheme but is slightly longer and narrower than the previously refused scheme. The footprint of the proposed dwelling has been reduced in size, the height of the dwelling has been reduced, the first floor accommodation above the entrance hall and garage has been removed and the dwelling is now set further away from the . The proposed dwelling is slightly closer to the western boundary than the original proposal and is further away from the southern boundary and closer to the northern boundary than the existing dwelling.

**AMENDMENTS**

Bat building Assessment and Dusk Emergence Bat Survey submitted. Report confirmed that the existing dwelling has a bat roost and as a result 3 nocturnal bat surveys were submitted which have been taken in the appropriate months. The dusk emergence survey carried out in September 2017 recorded no bats. The dusk emergence survey carried out in May 2018 found 3 common pipistrelle bats emerged from the gable end during the May dusk emergence Survey and no bats were recorded returning to roost during the May dawn Survey.

A preliminary environmental risk assessment report has been submitted.

## **HISTORY (if relevant)**

17/00097/FUL: Demolition of existing dwelling and construction of replacement dwelling and garage: Refused 26/04/2017

BOL393/63: Erection of a porch: Approved 8/4/1993

BOL891/387: Conversion of roof space into bedroom and construction of window in gable: Approved 18/10/1991

BOL288/83: Rebuilding of demolished barn and extension to farm dwelling: Approved 31/03/1988

BOL984/359: Change of Use from agricultural building to residential: Approved

BOL680/387: Conversion of stone barn to residential unit: Approved 5/9/1980

BOL1179/618: Change of use from barn to dwelling: Refused 28/2/1980

BOL279/64: Erection of detached dwelling: Refused 4/5/1979

BOL175/12: Erection of bungalow: Refused 10/02/1975

## **CONSULTATIONS**

DCC Highways: No objections subject to conditions requiring provision of 2m x 30m visibility splays and space provided in the site for parking and manoeuvring of vehicles: 10/08/2017

Senior Engineer: The sewer records show a public sewer within the curtilage of the site (plan enclosed). The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant should be advised to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010: 5/09/2017

National Trust: The additional accommodation required would be better achieved through modest extensions rather than replacement with a much larger dwelling. The existing building's small scale and vernacular character allow it to perform a subordinate role within the settlement despite its elevated position. The proposed dwelling will be set forward and its increased height and mass will result in a more imposing, overbearing building which together with the large paved area, modern frontage and open outlook could result in significant urbanisation of the settlement which would detract from the character and appearance of the conservation area contrary to Policy CON 1 of the Bolsover District Local Plan. The Heritage Impact Assessment does not provide an adequate description of significance or assessment of impact. However the Design and Access Statement gives some information relating to historic significance and impact and therefore the information requirement of the NPPF is considered to have been met. The garage and link building appears oversized in relation to the main building. The position and height of this structure may obscure views from Astwith Lane towards Holly Cottage behind (an unlisted building of merit) and may also therefore impact on return views. It is possible that these effects could be lessened by reducing the extent of this structure, reducing its ridge height and/or turning the garage through 90 degrees to create a companion (though lesser) gable to the main dwelling. The design of the east elevation is not in keeping with the character of the conservation area or the local vernacular. The large amount of exposed glazing facing east towards Hardwick Hall and Park, Astwith Lane and adjacent buildings is of concern as the glazed gable end in particular is of a design

not in keeping with the local character. The boundary wall is out of character with the local vernacular where boundary hedges are more characteristic. If the LPA are minded to approve suggest conditions relating to building in stone, design and specification of gate, details of windows and doors, roofing material and any hard surfacing/paving: 5/09/2017

Conservation Officer:

No objections. This revised scheme has reduced the scale of the new dwelling considerably so that it now reflects the existing building better. The proposal has been extended in length so that it is now slightly longer than the refused scheme but this is acceptable as it enables the reduction in scale. Other amendments have been made which include the removal of numerous rooflights. Overall the design of the dwelling reflects the simple styling of an agricultural/barn building. This responds to the origins of the existing building which was once a barn that was converted to residential. The building was rebuilt during the conversion and was inappropriately extended and altered over the years so that it was no longer recognisable as a converted barn and is therefore not consider a heritage asset. The new dwelling will introduce timber windows and doors whilst the existing building has upvc, this will be more appropriate in the conservation area. Required conditions in relation to samples of stone, pantiles and slate, sample panel of stone on site, large scale details of windows, doors and rooflights, details of hard and soft landscaping, details of rainwater goods on rise and fall brackets not fascia boards: 1/09/2017

Environmental Health Officer:

Environmental Health: Agrees with the findings of the preliminary environmental risk assessment report and has no objections subject to a condition requiring removal of made ground or a contamination investigation risk assessment be carried out and in the event of any contamination being found whilst carrying out the development it must be reported to the LPA and a remediation scheme be approved and implemented and if soil is to be imported to the site it must be sampled at source and approved by the LPA before being brought to site: 30/04/2018

Ault Hucknall Parish Council object to the proposal.

The development is out of keeping with the Conservation Area in size, design and overall mass in contravention of a number of planning policies including HOU8, CON1 and GEN2. The existing building is a viable, if undistinguished, small residence and the arguments for demolition are not convincing.

In general, it is out of keeping with the vernacular rural design of the existing buildings which retain the traditional appearance of the Conservation Area. The amount of glass in the window designs and the roofing proposals are of especial concern.

The Council is concerned with the creeping suburbanisation of the hamlets, Astwith in particular. The character of the conservation area is easily lost once development of this type is allowed and provides justification for further inappropriate development.

Derbyshire Wildlife Trust

Demolition of the dwelling shall not take place until a European Protected Species licence has been obtained from Natural England. Upon receipt of the licence, works shall proceed strictly in accordance with the approved mitigation which should be based on the proposed

measures outlined in the Bat Survey Report (Ramm Sanderson May 2018.) Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence will be submitted to the Local Planning Authority once granted. Confirmation will also be submitted to the Local Planning Authority once all mitigation is installed, along with a copy of the results of any monitoring works: 13/06/2018

## **PUBLICITY**

Site notice, press notice and 11 neighbours notified. Nine letters of objection letters which raise the following issues:

1. The revised scheme has not met the criteria set by the previous refusal. It is only 15% smaller, still appears all roof and is still 260% bigger than the existing
2. The style of the building is designed around a timber frame method of construction more akin to a tree growing locality than predominantly stone constructed areas. Suggest the architect visits the area as the village was part of the Hardwick estate and the language needs to be maintained.
3. Clay pantile roofs are traditionally used on ancillary buildings not as the main roof.
4. There is no mention of coal measure sandstone which is the local stone and all but two buildings are constructed in it.
5. The proposed dwelling is too big for the surrounding hamlet. Astwith is a Conservation area and this proposal ignores the character and appearance of the conservation area. It will be imposing and out of character and set close to the historic road which runs through Astwith. It is in an elevated position and will dominate that part of the village and the landscape setting of Hardwick Hall and does not relate to the character of the village.
6. The proposed dwelling still has side windows and overlooks adjacent dwellings and gardens and causes a significant loss of privacy for residents of the adjacent dwellings, overpowers the adjacent properties resulting in loss of daylight and sunlight to those properties and removing views from these properties all of which is harmful to the amenity of the residents of the adjacent dwellings contrary to Policy GEN 2.
7. Allowing the hedge to grow higher or installing a screen fence on the Holly Cottage side of the boundary will not prevent overlooking from the proposed dwelling as it would be sitting on a much higher finished floor level than the garage and garden area of Holly Cottage such that the height of the hedge would need to be at least 3m in height to achieve this.
8. The building looks more like a public care home and its size and modern appearance makes it out of keeping with the other properties in Astwith. It would be preferable for the existing building to be modestly extended on the northwest wing within the present constraints of height and width to accommodate the extra room.
9. The proposed amendments to the original application are very modest and the design is still incongruous in this rural setting. The roof line has been lowered but the building has been extended forwards to emphasise the bulk of the property which is not in keeping with a rural hamlet.
10. The hamlets of Stainsby, Astwith and Hardstoft are precious in these overcrowded times and are not the places for sharp angled, modern glass fronted creations.
11. The original proposal contravened policy HOU 8. This revised proposal still exceeds the scale of the original. It is 2m longer, remains in close proximity to neighbouring

- plots and is still not in keeping with the character of its surroundings.
12. The previous proposal was identified as contrary to Policy HOU 9 and still is as it is not essential for agriculture or forestry.
  13. No evidence of the viability of this proposal has been submitted. The dwelling was purchased for approx £370k and was habitable and could be enlarged by a modest extension to provide an additional bedroom instead of squeezing a 2600ft<sup>2</sup> new build in there.
  14. The applicant's submission states the Planning Manager indicate the council were now happy with the form and massing of the proposal which was untrue. Only one officer in the process felt the drawing was moving in the right direction which is not an overwhelming acceptance. If correspondence has taken place with the applicant and the proposal is a done deal then this documentation should be in the public domain.
  15. Previous proposals in the village have had to be amended/reduced in size to conform with Conservation and National Trust requirements. This proposal should have to do the same.
  16. It is upsetting for the community and the applicant that this planning consultancy has an agenda which completely disregards the community of Astwith which is leading to ill feeling and conflict. The community would like to welcome the new residents and suggest a meeting to come up with acceptable proposals for the dwelling which do not have such a detrimental effect on the village.
  17. Demolishing a small bungalow and replacing it with a five bedroom dwelling of this scale will adversely affect the character of the village and the conservation area and will set a precedent for future unsuitable development when, to date, other dwellings in the village have been subject to constraints imposed by the conservation team to maintain the vernacular style of the area and this has been successful.
  18. The proposal seems to be using The Croft as a building plot to build a property five times the size of the original of a design and size better suited to a suburban setting. The main building is still at least 2ft taller than the existing dwelling, the proposed eaves height is 3m rather than 2.4m as it is now and the garage is unnecessarily tall resulting in a negative impact on the street scene.
  19. Paragraph 50 of the NPPF requires councils to plan for a mix of housing based on the needs of different groups within the community. The demolition of the croft and creation of a 5 bedroom property is unnecessary. The existing two bedroom habitable dwelling provides the mix required for a smaller and therefore cheaper property in the hamlet and is ideally suited to retired people. The majority of dwellings in Astwith a large enough for families but only this one is suitable for couples wishing to retire.
  20. If the applicant wanted to buy a plot to erect an enormous tailor made property then it should not have bought a property in a conservation area.
  21. The building is of an ultra modern design and materials which insensitive and dismissive of the architecture found in this hamlet.
  22. The proportions of the building are out of character in the area creating a roof which is almost twice the height of the walls this is unbalanced and looks more like a swiss chalet such that its design is incongruous and does not comply with conservation area requirements or the recommendations of the Conservation Review and Management Plan for Astwith 2010.
  23. The mass of the proposed dwelling is such that it will totally dominate the plot and have a negative impact on the street scene and the hamlet.
  24. The building should be set lower in the ground or repositioned in the northwest corner

of the site which is much lower and therefore issues of scale and mass wouldn't greatly impact on anyone

25. The Design and Access statement suggests a tree protects the privacy of Rose Cottage. This tree is deciduous and is therefore no protection at all for 6 months of the year. If the tree is fundamental to the consent it should be given a Tree Preservation Order.
26. The proposal is harmful to the setting of the conservation area and the setting of Hardwick Hall.
27. The site is within the conservation area. It wasn't a conservation area at the time the barn was demolished and a bungalow was built but it is now and as result it has a right to be preserved in its current state and size.
28. The existing bungalow was bought knowing the size of the building and knowing it was in a conservation area if it was unsuitable a more suitable property should have been purchased. There is another property for sale in the same village which is large enough for what is required.
29. The existing building was built on the footprint of the original barn. The building is not an unlisted building of merit but is now well established enough to be in keeping with the character and appearance of Astwith.
30. The proposal will harm views from adjacent properties.
31. The proposal will block important views into and out from the conservation area and across the Hardwick estate which is an important feature to be preserved as set out in the Astwith Conservation Area Appraisal and Management Plan
32. The removal of the mature hedgerows and erection of walls along the boundaries of the property will affect the existing landscaping, biodiversity and local wildlife and harm the character of the conservation area.
33. Astwith Lane is single width and unsuitable for construction traffic. Such traffic will damage existing grassed open space and verges.
34. The proposal is contrary to Policies GEN 2 and HOU 8 of the Bolsover District Local Plan and the guidance in the Astwith Conservation Area Appraisal and Management Plan.
35. The position of Holly Cottage will not be enhanced through increasing the degree of separation as the height and size of the proposed dwelling will outweigh this.
36. The proposed double garage is 5.65m wide and the link building is 3m wide but no measurements are provided for the length of these buildings so the overall size of these rooms cannot be determined.
37. Astwith Conservation Area Appraisal states that "Where a decision relates to a site of building within the Astwith Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area before reaching a decision." "The council generally resist proposals to demolish buildings which make a positive contribution to the conservation area and will only grant planning permission where every alternative course of action has been properly investigated and discounted for sound and convincing reasons." The revised proposal is still over twice the size of the original dwelling and is considerably higher and even more so than the original barn.
38. The dwelling will now be sited further forward than the the existing dwellings building line, towards the boundary of the adjacent dwelling, the measurements of which are not shown on the site plans and also extended some 7m further forward towards Astwith Lane, changing the juxtaposition with adjacent dwellings and Astwith Lane.

The level of reduction to the footprint of the revised dwelling has merely been moved from the southeast elevation then added to the rear southwest elevation.

39. The proposal features a bold, glazed gable end with bi-fold doors facing Astwith Lane. This would not be in the architectural style of the area which is considered to have historical interest and a character which is conducive to the designation as a conservation area. This is contrary to the requirements of the Conservation area appraisal which states windows and doors are a key feature which influence the overall appearance of a building and make a significant contribution to the character and appearance of the conservation area.
40. The comparing images of the present dwelling and the proposed dwelling do not portray the size, scale or height that the new dwelling would actually aspire to. On the proposed dwelling image the main part of the dwelling looks very similar in size and height to the existing dwelling however it is in fact double the size and 1.6m higher and so does not give an overall informed view of the actual size and scale that the new dwelling will become. Comparable images have not been provided for the revised proposed dwelling.
41. It is stated that the main bulk of the revised dwelling will be moved away from Holly cottage and therefore will no longer be harmful yet this is replaced by the link building and double garage and as there are no length measurements of these buildings on the site plans, the scale, size and juxtaposition of them cannot be determined.
42. The revised dwelling is still of such large proportions that it seems to exceed the needs of such a small family. The dwelling has 5 bedrooms and in the future could house a much larger occupancy. The room sizes are such that in the future they could be scaled down with partition walls to create even more rooms.
43. Holly Cottage which is adjacent to the site is an unlisted building of merit. The proposal detracts Holly Cottage from its setting, not enhances it as stated in the application due to its height, scale and mass.
44. The revised dwelling's total roof length will now be 22.36m which is 2.4m longer than the refused dwelling. This will introduce an alien element into the conservation area and impact on the relationship with the group of traditional buildings and harm the character and appearance of the conservation area and which are now sited 2m nearer to the boundaries of adjacent private gardens resulting in loss of privacy and amenity.
45. Residents of Astwith still object to the proposal due to its height, overall mass and modern design which is unsympathetic and out of keeping with the Hamlet, the surrounding properties and the conservation area in general. However, after reviewing Officer's report, if the Planning Committee is minded to approve the application, could a redesign be considered to address the following outstanding issues:

- The Height of the double garage
- The fully glazed gable end
- The roof lights

The new dwelling, linkage and double garage could be set lower into the ground which would alleviate some of the height issues, together with a reduction in height of the loft space above the garage, reducing the impact on the street scene and surrounding properties.

By dividing the fully glazed gable end with stone and windows at the upper level, the lower level could still retain the bi-folding doors and this would help create a more barn

like appearance

The roof lights could be obscure glass and non-opening throughout to give privacy to the surrounding properties.

#### Planning Advisor to Local Residents

Previously requested that the application is not determined by Planning Committee until a bat survey has been submitted and full consideration given to it as the LPA cannot determine the application until any effects upon protected species are identified, understood and where necessary mitigated/enhanced.

### **POLICY**

#### Bolsover District Local Plan (BDLP)

Policies GEN 1 (Minimum Requirements for Development) GEN 2 (Impact of Development on the Environment) GEN 8 (Settlement Frameworks) HOU 8 (Replacement or Extension of Existing Dwellings in the Countryside) HOU 9 (Essential new Dwellings in the Countryside) CON 1 (Development in Conservation Areas.)

#### National Planning Policy Framework

#### Paragraph 131

In determining planning applications, local planning authorities should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

#### Paragraph 132

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

#### Paragraph 134

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.



## Paragraph 137

Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.

### Other (specify)

Successful Places: A Guide to Sustainable Housing Layout and Design  
Historic Environment Supplementary Planning Document

Astwith Conservation area Appraisal and Management Plan. The Appraisal and Management Plan sets out the key elements that contribute positively to the character and appearance of the Astwith Conservation Area as follows:

- picturesque rural setting on the edge of the sandstone plateau within a broader undulating agricultural landscape dotted with woodland
- a settlement and landscape character that reflects the historic and ongoing influence of the Hardwick estate
- low density development centred principally around traditional farmsteads with later infill development
- good examples of vernacular farmhouses, cottages and barns where traditional building materials and detailing have been retained
- prevalence of hedgerows and mature boundary trees adds to the scenic quality of the environment
- traditional stone boundary walls
- historic interest of the road network
- a number of important open spaces
- a network of public footpaths connect the settlement to the surrounding Countryside

The Astwith Conservation Area Appraisal and Management Plan also contains the following guidance:

### Landscape Setting

Astwith has an intrinsic association with the agricultural landscape within which it sits. The significance of the landscape component is critical in setting the overall context for the buildings and other structures found in the conservation area. Intermittent views of Astwith sitting within this landscape and views from the conservation area of the surrounding landscape make an important contribution to the character and appearance of the area. Long distance views of Astwith can be obtained from a number of locations, particularly from the network of public footpaths which cross the local landscape. Because there is no church in Astwith it is the farm houses and larger outbuildings situated on the edge of the settlement that are most noticeable when viewed from more distant locations.

Key Element - Important Views, Open Spaces, Trees and Hedgerows

7.45 The nature of the local topography and position of Astwith on the edge of the sandstone escarpment overlooking the shallow valley of the River Doe Lea is conducive to some intermittent mid- and long distance views of the settlement, particularly from the north, east

and southeast. Views of the mix of stone and red brick buildings clustered together with roofs comprising slate and red pantile add considerably to the character and appearance of Astwith. These views make an important contribution to the character and appearance of the area by framing the conservation area in the context of the wider surrounding landscape.

### Important Views

The following views have been identified as important to the character and appearance of the conservation area:

- views in both directions along Branch Lane and Astwith Lane
- views to the north and north east across open landscape
- views to the east and south from the edges of the settlement
- views across the Doe Lea Valley towards the halls at Hardwick
- views of the settlement from surrounding footpaths
- internal views of the street-scene along Astwith Lane

## ASSESSMENT

### Background

In this case, the existing dwelling replaced a barn which was granted planning permission for conversion to a dwelling. The barn fell down during the works and resulted in planning permission being granted for a new dwelling on the same footprint. Since then it has been extended and altered several times which has resulted in a building that is not considered to contribute to the overall character of the conservation area. The existing dwelling is approximately 6m wide, 14m long and 6m high to the ridge at the highest point. The existing dwelling has a further single storey extension to the northern side and a conservatory to the southern side.

A planning application for a replacement dwelling was originally submitted in March this year. The application was refused as it was considered to be too large, was harmful to the character and appearance of the conservation area and was harmful to the privacy and amenity of residents of adjacent dwelling and as such was contrary to Policies HOU 8, HOU 9 CON 1 and GEN 2 of the Bolsover District Local Plan.

The previously refused replacement dwelling had 5 bedrooms, was 10m wide and 20m long and was 8.1m high, 5.4m of which was roof plane containing 20 roof lights. The dwelling had a pitched roof double garage linked to the main dwelling by a store/entrance hall and both the garage and entrance hall were designed to accommodate first floor extensions into the roof space.

### Current Proposal

The dwelling which is the subject of this application is approx 7.7m wide, 22.3m long and 6.8m high to the ridge at the highest point. The proposed dwelling also has a pitched roof double garage linked to the main dwelling by a store/entrance hall but does not propose rooms in the roofspace above the garage/link building.

### Principle of Replacement Dwelling

The site is within the hamlet of Astwith which is outside settlement frameworks in an area of open countryside but within the Conservation Area. Policy GEN 8 of the Bolsover District Local Plan states that outside the settlement frameworks general open countryside policies apply.

Policy HOU 8 of the Bolsover District Local Plan states that planning permission will be granted for replacement dwellings in the countryside provided the replacement dwelling is in keeping with the character of its surroundings and does not exceed the scale of the original and in all other cases a replacement dwelling will be treated as new residential development. The policy goes on to state that extensions to existing dwellings will also be acceptable provided they are of a scale and design which is in keeping with the current scale and character of the dwelling and its surroundings.

The proposed new dwelling is larger than the existing dwelling. However, the existing dwelling could be increased in size/scale to some extent by a rear extension which would be permitted development, as well as having the ability to apply for planning permission for extensions in keeping with the scale and design of the original dwelling in accordance with Policy HOU 8. Therefore, the existing building could be increased in scale without permission or in accordance with HOU8. So, it is reasonable to consider that a replacement dwelling for an ordinary residential use might be acceptable in planning terms even though it would be bigger than the dwelling it replaced.

It was originally considered that the dwelling could also be extended to the side and detached outbuildings be provided to the side of the original dwelling under permitted development rights. This is actually not the case as such proposals require planning permission where the dwelling is within a conservation area. However, this does not mean they couldn't, or wouldn't be acceptable if planning permission was applied for.

In these respects, whilst the proposed main part of the dwelling is of a larger footprint than that of the existing dwelling, it is less than 1m higher than the existing dwelling and is not considered to be significantly greater in scale than the existing dwelling as it could be extended.

On this basis it is considered reasonable to accept the scale of the proposed replacement dwelling as acceptable under Policy HOU 8 of the Bolsover District Local Plan. There is therefore no need for the proposed dwelling to be treated as a new dwelling (rather than a replacement) and as such Policy HOU 9 of the Bolsover District Local Plan does not apply and there is no need for an agricultural or forestry justification for the new dwelling.

### Impact on Conservation Area

The proposal site is elevated and is located next to several traditional buildings (which have been designated as unlisted buildings of merit in the Astwith Conservation area appraisal). There are views of this group of buildings at various points along Astwith Lane. The increase in scale and massing of the proposed dwelling would impact on the relationship within this

group of traditional buildings and the views to and from this group of buildings. The proposed development will therefore clearly have an impact on the character and appearance of the conservation area.

However, the Conservation Officer has no objections to the proposal. The existing dwelling has been extended and altered several times which has resulted in a building that is not considered to contribute positively to the overall character of the conservation area. The previously refused scheme was considered to be overly dominant in relation to the scale of the existing building and the adjacent buildings in the conservation area. This revised scheme has reduced the scale of the new dwelling considerably so that it now reflects the existing building better. The proposal has been extended in plan so that it is now slightly longer than the refused scheme but the extension in length is considered acceptable as it enables the reduction in scale compared to the proposals that were refused planning permission earlier this year. Other amendments have been made which include the removal of a number of rooflights and reducing the height of the building so that the roof slope is no longer considered to appear top heavy and the proportions of the proposed dwelling are considered more appropriate for its location.

On this basis, the proposed dwelling is removing a dwelling which does not contribute positively to the character and appearance of the conservation area and which could be altered and extended and where detached garages and outbuildings could be constructed to the side/rear without the need for planning permission. Permitted development rights could be removed from the proposed dwelling to prevent it being externally altered or extended to prevent any further additions to the building or any additional outbuildings and details of materials and detailing of the dwelling can be controlled by condition.

Subject to such conditions, the replacement dwelling whilst not ideal in design terms would preserve the character and appearance of the conservation area and its impact would not cause harm to the Conservation area over and above the existing situation. The proposal is therefore considered to meet the requirements of Policy CON 1 of the Bolsover District Local Plan and the guidance set out in the NPPF.

### Impact on Residential Amenity

The proposed dwelling is close to the side and rear boundaries which it shares with the adjacent dwelling. The main part of the proposed dwelling is set further away from the southern boundary than the existing dwelling but is also larger and higher and the garage and link extension extends closer to the southern boundary. However, the adjacent dwelling is set higher than the site and does not directly face the proposed dwelling and there is some 20m between the two dwellings. On this basis, whilst the proposed dwelling will undoubtedly result in a loss of view from the adjacent dwelling this is not something which can be protected by the planning system.

The distance between the dwellings, the difference in heights and the angled position all mean that the proposal is not considered to result in a significant loss of daylight to or outlook from the adjacent dwelling. There are no windows proposed in the rear elevation but there are ground and first floor windows in the side elevation of the proposed dwelling. The first floor windows in the side elevations are rooflights but they have an internal cill height of 1.5m which is not considered to be high level and as such there ground floor windows within 9m and first floor

windows within 11m. The ground floor windows on the south elevation area screened by the boundary hedge and the retention of a hedge can be required by condition. 11m from first floor windows to private gardens is considered sufficient to protect an adequate standard of privacy to the adjacent garden as it meets the requirements of the Housing Layout and Design guidance published by the Council.

The proposed dwelling is immediately adjacent to the northern site boundary and the garden of the adjacent dwelling extends round to the north of the site and the hedge along this northern boundary is only 1m in height. Some of the ground floor windows in this northern elevation are obscure glazed but some are clear and very close to the boundary. However, the erection of a 1.8m high screen fence (measured from the site level) would protect the privacy of the garden to the north from the ground floor windows and this can be required by condition. The rooflights in the northern elevation serve a hallway and a bedroom. The rooflight in the bedroom is not the only rooflight to this room and therefore the one in the northern elevation and the ones serving the hallway can be conditioned to be fixed and obscure glazed or high level to prevent overlooking of the garden to the north of the site.

Subject to such conditions the proposal is not considered to result in a significant loss of privacy and amenity for residents of the adjacent dwellings and meet the requirements of Policy GEN 2 of the Bolsover District Local plan and the Successful Places Guide to Housing Layout and Design published by the council.

### Other Considerations

The proposed dwelling is larger than the existing dwelling and has separate facilities such that it could be occupied as two dwellings. However, on the basis that the application is for a single dwelling and its occupation can be controlled by condition to be a single dwelling, the proposal is not considered to result in an additional dwelling in the countryside and in highway terms the proposal replaces one dwelling with another. On this basis, the proposal utilises the existing access and provides parking and turning for several cars. The provision of parking and turning on site prior to occupation of the new dwelling can be required by condition. Subject to such a condition the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

The Highway Authority have also requested a condition relating to provision of visibility splays from the access but this is considered to be unreasonable since the proposal utilises the existing access and is replacing one dwelling for another. Local residents have raised issues about Astwith Lane being unsuitable for construction traffic but any such traffic would only be for a temporary period and must be reasonably expected unless no development is to be allowed in the hamlet at all.

A bat building Assessment and Dusk Emergence Bat Survey has been carried out. The report confirmed that the existing dwelling has a bat roost and as a result 3 nocturnal bat surveys were submitted which have been taken in the appropriate months. The dusk emergence survey carried out in September 2017 recorded no bats. The dusk emergence survey carried out in May 2018 found 3 common pipistrelle bats emerged from the gable end during the May dusk emergence Survey and no bats were recorded returning to roost during the May dawn Survey. Derbyshire Wildlife Trust have confirmed that the demolition should not take place

until a Licence has been obtained from Natural England. A note can be added to advise the applicant of this requirement but a condition to this effect is not necessary as this is covered by other legislation.

However, given the rural location and loss of bat roost it is considered reasonable to require the ecological enhancement measures be provided as part of the development. A condition to this effect can be included. Subject to such a condition the proposal is considered to meet the requirements of Policy ENV 5 of the Bolsover District Local Plan.

The Environmental Health officer has asked for a condition requiring removal of made ground or a contamination report be carried out and if unexpected contamination is found it is reported and any soil imported to the site has been tested. Such conditions are considered sufficient to ensure the safety of the site in accordance with Policy GEN 4 of the Bolsover District Local Plan.

Most of the issues raised by local residents are covered in the above assessment. The issue of the existing dwelling being suitable for other people, the future conversion to a care home and the applicant buying a more suitable property available in the village has not been considered as this is not a material planning consideration and each application is considered on its individual merits.

### Conclusion

The determination of this proposal is finally balanced. The proposal increases the scale of the dwelling and will impact on the character and appearance of the Conservation area. However, there are no objections to the proposal from the conservation officer and the existing dwelling is not considered a heritage asset and could be substantially altered subject to planning permission. The proposed dwelling is not significantly larger than the existing dwelling could be if it were to be extended and the removal of permitted development rights will prevent the scale of the proposed dwelling increasing further than proposed in this application. Careful control over the materials and detail of the proposed dwelling will also help ensure the replacement dwelling harmonises with its surroundings.

Therefore, subject to appropriate planning conditions, it is not considered that the proposals would harm the conservation area over and above the existing situation and the character and appearance of the conservation area would be preserved. On this basis the proposal is considered to broadly meet the requirements of Policies HOU 8 and CON 1 of the Bolsover District Local Plan and the guidance set out in the NPPF.

### **Other Matters**

Listed Building: Covered in the above assessment

Conservation Area: Covered in the above assessment

Crime and Disorder: N/A

Equalities: N/A

Access for Disabled: The application is to provide a dwelling which can accommodate the needs of an occupier with disabilities and his carer. Given that the council cannot control future occupancy of the dwelling there has been no weight given to the individual needs of the

applicant.

Trees (Preservation and Planting):N/A

SSSI Impacts: N/A

Biodiversity: No known issues

Human Rights: No known issues.

## **RECOMMENDATION**

Approve subject to the following conditions which are given in précis form to be formulated in full by the Planning Manager (Development Control) in liaison with chair and vice chair of the Planning Committee:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The proposed dwelling shall be constructed with the same finished floor levels as the existing dwelling.
3. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling shall not be extended or altered externally nor shall any incidental building, structure or enclosure be erected without the prior grant of planning permission.
4. The dwelling shall be occupied as a single dwelling only.
5. The roof materials shall be clay pantiles and natural slate in accordance with the materials schedule submitted via email from the applicant's agent on 15<sup>th</sup> May 2018. The roof shall be constructed in accordance with the approved materials and shall be maintained as such thereafter.
6. Notwithstanding the submitted details, before construction commences on any wall, a sample of the stone shall have been submitted to and approved in writing by the Local Planning Authority and a sample panel of stonework shall be constructed, using a mortar to a specification which shall have been approved by the Local Planning Authority. The walls of the dwelling shall be constructed in accordance with the approved details and shall be maintained as such thereafter.
7. The windows, doors and glazed screen shall be constructed in timber with no trickle vents in accordance with details shown on plan number 131-k-16a received via email on 16<sup>th</sup> April 2018. The windows, doors and glazed panel shall be installed on site in accordance with the approved details and shall be maintained as such thereafter.
8. Notwithstanding the submitted details, the details of the finish of the windows, doors and glazed panel shall be submitted to the Local Planning Authority for approval. The windows shall be finished in accordance with the approved details and shall be maintained as such thereafter.
9. Rainwater goods shall be Heritage cast aluminium mounted on rise and fall brackets in accordance with details shown on plan no 131-k-18a received via email dated 15<sup>th</sup> May 2018 and shall be maintained as such thereafter.
10. Before the dwelling hereby approved is first occupied, a 1.8m high screen fence (measured from site level) shall be provided along the northern site boundary in the position shown on the attached plan and shall be maintained as such thereafter.
11. The rooflights in the northern elevation to be fixed and obscure glazed or have minimum internal cill level of 1.7m and shall be maintained as such thereafter.
12. A screen fence or hedge shall be maintained along the southern side boundary of the

- site to a minimum height of 2m at all times.
13. The hard landscaping shall be constructed in accordance with the materials schedule submitted via email from the applicant's agent on 15<sup>th</sup> May 2018 and shall be maintained as such thereafter.
  14. Before the dwelling hereby approved is first occupied, the parking and turning shown on the approved plan shall be provided on site in accordance with approved plan and shall be maintained as such thereafter.
  15. Prior to first occupation of the dwelling hereby approved, the ecological enhancement scheme set out in paragraphs 6.1 and 6.2 of the ecology report ref RSE\_1266-02-V1 shall be provided on site in accordance with the approved scheme and shall be maintained as such thereafter.
  16. Prior to the commencement of construction of the dwelling hereby approved, the made ground on the site of the existing dwelling shall have been removed or a contamination investigation and risk assessment of that part of the site shall have been carried out by an appropriately qualified person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority to demonstrate that the site is suitable for the proposed development. If that investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval; the approved remediation scheme shall be implemented as so approved and a full verification report shall have been submitted to demonstrate that remediation has been carried out successfully prior to the occupation of any of the dwellings hereby approved.
  17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and an investigation with risk assessment must be undertaken in accordance with current guidance and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme must be prepared in accordance with current guidance which is subject to the approval in writing of the Local Planning Authority. Any approved remediation shall be implemented as approved and a full verification report shall have been submitted to demonstrate that remediation has been carried out successfully prior to the occupation of any dwelling.
  18. In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

### Statement of Decision Process

The proposal broadly complies with the policies and guidelines adopted by the Council. The impacts of the proposal are not considered to be so great as to justify refusal of the proposal and the decision has been taken in accord with the guidelines of the National Planning Policy Framework.



## Site Location Plan



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