

PARISHSouth Normanton Parish

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| APPLICATION | First floor extension over existing ground floor extensions to side & rear elevations, single storey extension to front of existing garage, replace remaining garage roof, insert bathroom window and additional single storey extension to rear elevation |
| LOCATION | 89 Ball Hill South Normanton Alfreton DE55 2EB |
| APPLICANT | Mr. & Mrs. M. Bridges c/o Agents England |
| APPLICATION NO. | 22/00029/FUL |
| CASE OFFICER | FILE NO. PP-10545318 |
| DATE RECEIVED | Amelia Carter 17th January 2022 |

SUMMARY

This application has been called in to planning committee by Councillor Tracey Cannon for the following reasons:

- Impact on 85 Ball Hill
- Impact on the Grade II listed farmhouse 94 Ball Hill

The application is recommended for approval by planning committee.

The application is acceptable in principle being located within the defined development envelope of South Normanton. The extensions and alterations proposed to the dwelling are considered to be appropriate additions to the dwelling in terms of character, scale, design and materials. There are considered to be no significant impacts on residential amenity as a result of the development in terms of overlooking, privacy or resulting overbearing development.

Whilst the setting of the listed building is impacted marginally by the proposed development to the front elevation it is not considered to harm the significance of the heritage asset. In any event, the changes proposed to the front elevation have already received consent under the previous application 21/00526/FUL. The additional single storey extension on the rear of the dwelling which is proposed in this application is considered to have no impact on the listed building opposite.

There are considered to be no highway safety implications as a result of the development and there is sufficient parking on site to meet the demand created by the accommodation on site.

SITE & SURROUNDINGS

A detached two storey dwelling located on a large plot on a residential street with a garden and off street parking for at least 3 vehicles to the front. There is a 1.5m hedge to the front and side boundaries and a garden to the rear which slopes away from the highway. There is a pair of attached garages to the side of the dwelling and a single storey extension to the rear. The dwelling is located in a relatively built up area, on a road comprised of ribbon development; to the south and south west is newer residential development. To the north of the site are a range of industrial units and directly north of the site is a Tree Preservation Order Area. Directly to the south of the site there is 94 Ball Hill a Grade II listed farmhouse.

Site Location Plan



BACKGROUND

This application is a re submission of a revised scheme which was granted permission under application 21/00526/FUL. The only difference between the current application and that which has already been approved is the addition of a single storey extension to the rear. There are no changes to the front elevation of the dwelling which differ from the alterations which have been already approved.

PROPOSAL

The application is for a two storey extension to the side and to the rear and a single storey extension to the rear. The development will create a new study and sun room at ground floor level and larger bedrooms at first floor (with 2 new bathrooms), plus 1 new bedroom, to create a 4 bedroom house.

From the front elevation the extension projects to the side by 4m. The roof will be hipped and tie in with the roof of the main dwelling. The front elevation of the double garages will be brought forward by around 2.5m. The garages have a combination of a single pitch and a flat roof with a maximum height of 4m.

The two storey side extension will extend the depth of the house (6.6m). The two storey rear extension will extend the width of the house and protrude to the rear by 3.1m.

The single storey extension to the rear will project an additional 3.15m. It will have a maximum height of 4.10m. It will be 6m in width. The rear elevation will have bi-fold doors and Velux windows in the roof space.

The materials proposed include:

- Replacement tiles to the roof in Forticrete Gemini slate grey tiles
- Cover existing external walls in smooth coloured render (off-white ivory or cream)
- New extensions constructed in red/orange facing brick
- Windows in slim section Irish oak upvc
- Bi-fold doors in powder coated aluminium to match the windows
- GRP garage doors and replacement upvc front door in Farrow & Ball 'green smoke'

Supporting Documents

A heritage statement has been submitted with the application. The submitted heritage statement states that 'The proposed extension will not impact on any of the physical elements that contribute to the significance of the listed building. The main issue with respect to harm of its significance is indirect impact of its setting.

'The impact of the proposed extension on the setting of the listed building will be marginal and that the significance of the farmhouse will not be harmed.'

AMENDMENTS

None.

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

However, the proposals are not in a sensitive location as defined by Regulation 2 and by virtue of their size and scale, they do not exceed the threshold for EIA development set out in Schedule 2.

Therefore, the proposals that are the subject of this application are not EIA development.

HISTORY

A larger two storey side extension was refused by the Council in 2003. The applicant appealed the decision and the appeal was dismissed by the Planning Inspectorate. In 2009 an application for a replacement garage with a pitched roof was approved.

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| 03/00023/FUL | Refused | Porch to side and erection of first floor extension to rear and side and two storey extension to front of garage |
| 03/00480/FUL | Refused | Porch to side and erection of first floor extension to rear and side (above garage) and two storey extension to front of garage. Appeal Dismissed. |

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| 09/00200/FUL | Granted Conditionally | Pitched roof to existing garage, conversion of part garage to study/playroom and installation of 2 roof lights to rear |
| 21/00526/FUL | Granted Conditionally | First floor extension over existing ground floor extensions to side & rear elevations, single storey extension to front of existing garage, replace remaining garage flat roof, and insert bathroom window |

To the north (to the rear of houses fronting Alfreton Road) and north-west of the site there has been an outline planning permission for residential development (16/00582/OUT) which was granted on appeal in 2018 but which has now lapsed (As this was an outline permission the layout and details had not been considered or agreed).

To the north of the site a large industrial building was approved where Eurocell Nickel now operate (16/00583/FUL).

CONSULTATIONS

Derbyshire County Council Highway Authority
Standing advice.

South Normanton Parish Council
No comments received.

Bolsover District Council Conservation Officer

The heritage consideration in this case is the impact on the significance of Hilltop Farmhouse. As discussed at length in response to the previous submission for front and side extensions, the significance of the farmhouse sits mainly with its historic fabric, as the contribution of its traditional farmland setting has long since been eroded as regards the Ball Hill frontage. Given this and the location of the proposed additional extension being at the rear, there is no impact from the proposal on the designated heritage asset of Hilltop Farmhouse. Therefore no conservation objection.

PUBLICITY

Site notice and 3 neighbours have been individually notified. Two representations have been received which are summarised below:

- overshadowing/ impact on daylight to windows
- Overlooking from rear windows
- Overbearing development
- Loss of light
- Loss of privacy
- Sense of enclosure

Other Matters

One of the representations also contains opinions relating to how the legislation and the development plan should be used to consider and determine planning applications.

All representations are available to view in full on the Council's website.

POLICY

Local Plan for Bolsover District (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 (Sustainable Development)
- SS3 (Spatial Strategy and Distribution of Development)
- SC11 (Environmental Quality (Amenity))
- SC1 (Development within the Development Envelope)
- SC2 (Sustainable Design and Construction)
- SC3 (High Quality Development)
- SC17 Development affecting Listed Buildings and their Settings
- ITCR11: Parking Provision

National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 55-56: Planning conditions
- Chapter 12 (Paras. 126 – 136): Achieving well-designed places
- Paragraphs 194 -208: Conserving and enhancing the historic environment

Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design, Adopted 2013:

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- the principle of the development
- the landscape and visual impact of the proposed development
- residential amenity
- the impact on a listed building
- whether the development would be provided with a safe and suitable access and impacts on highway safety;

These issues are addressed in turn in the following sections of this report.

Principle

The development is acceptable in principle given it is located within the development envelope of South Normanton as set out in the Policies Map in the Local Plan for Bolsover District.

Landscape and visual impact of the proposed development

The two storey extension to the side of the dwelling is considered to be an appropriate addition to the dwelling in terms of character scale design and materials. Sub servient extensions are preferred in design terms for extensions. The proposed roof height is not subservient to the host building, however, it is considered to be acceptable given that the hipped roof ties in well with the roof plan to the main dwelling. Similarly, the extension is stepped in from the garage such that it has a subservient element in terms of width. The proposed extensions are also considered to be well proportioned resulting in a front elevation which has a positive impact on the dwelling.

The proposed extension to the rear will be mostly out of public view but is considered to have an acceptable visual impact from vantage points on Ball Hill.

The proposed use of an off white render on the existing dwelling will be a departure from the character of the area which is characterised by mostly red bricks. However, red bricks will be utilised on the new extension leaving the original dwelling to be rendered in an off white colour. Given the variety of styles and designs of dwellings on Ball Hill the proposed use of materials is considered to be acceptable and is not considered to have a negative impact on the street scene. The proposed off white render will soften the overall impact particularly with oak style windows. Overall, the proposals are considered to have an acceptable appearance in accordance with policy SC3 in the local plan.

Residential Amenity

One of the reasons for calling this application to be determined at planning committee was due to the impact on 85 Ball Hill. This property is two doors down from the application site and there are considered to be no impacts to this dwelling arising from the development.

The dwelling directly to the east of the site (87 Ball Hill) is on a slightly lower land level to the application site. On this neighbouring dwelling there is an existing single storey side extension adjacent to the common boundary. The extension has high level windows which serve a WC and a utility room (05/00425/FUL). Whilst the proposed two storey extension may impact on the light entering these windows, this is not considered to have a significant impact by virtue of the rooms affected not being habitable (thereby having less protection in planning terms). There are no side facing windows proposed in this side elevation of the extension and therefore there is no potential for overlooking.

The two storey extension is not considered to result in an overbearing development for 87 Ball Hill. The proposed two storey extension is stepped in from the common boundary by 3.4m. The front elevations of both the application site and the neighbouring dwelling are in line and the orientation of the buildings are at 90 degrees to each other such that the development is unlikely to have a significant impact on the neighbouring dwelling. A representation submitted by 87 Ball Hill has said the rear windows will overlook their rear garden. There could be some overlooking from the rear windows given the extension

protrudes out to the rear, however this is not considered to be significant overlooking given the common boundary is at roughly a 90degree angle between both dwellings therefore the principle outlook from the windows will be the applicant's own rear garden.

To the east of the site is a two storey detached dwelling (91 Ball Hill). There are no windows in the side elevation of this dwelling but there are some side facing windows in their conservatory to the rear. The first floor windows proposed in the side elevation of the application site both serve bathrooms. The windows are located in excess of 10.5m to the rear garden of No 91 such that they are not considered to result in overlooking to the garden. They may result in some overlooking to the neighbours conservatory and for this reason it is necessary to control these side facing windows to be obscure glazed.

The additional single storey extension proposed in this application is not considered to impact on the occupiers of 87 Ball Hill any more so than the two storey extension discussed previously. The single storey extension to the rear is not considered to result in a loss of light, overlooking, or an overbearing development. The single storey extension is stepped in from the common boundary by 3.4m and is limited to a single storey such that the impacts will be minimal for 87 Ball Hill.

There are side facing windows proposed in the single storey extension which overlook 91 Ball Hill. 91 Ball Hill has a single storey extension/conservatory to the rear with some glazing on the side elevation serving their living space. There is a 1.5m approx. hedgerow on the common boundary at this point. The windows as proposed could contribute to overlooking of the neighbours conservatory and garden and for this reason it is necessary to ensure that the glazing in these windows is obscure to prevent overlooking.

The dwelling opposite (No 94) has said they consider the development to negatively impact on their light, privacy and result in a sense of enclosure. No 94 is some 29m away from the dwelling which is more than double the minimum standards set out in 'Successful Places' the Council's adopted design guidance such that the impacts of the proposed extension would be minimal for No 94.

On this basis, and subject to the conditions controlling obscure glazing in the side facing windows, the proposals are not considered to unduly impact on neighbouring dwellings and are considered to be compliant with policy SC3 in the local plan.

Heritage and Conservation

A first floor extension above the existing garage on the front elevation has already been approved under application 21/00526/FUL which is the same as that proposed in this application. It is noted the planning history of this site where a larger first floor extension was refused by the local planning authority is 2003. The applicant appealed the decision which was upheld by the planning inspectorate. This application is considering different proposals in a different context. In short, the proposals to this application are reduced in scale from what was previously refused. Similarly, since the time of the appeal Central Government Guidance on the Historic Built Environment has moved on. The National Planning Policy Framework (2021) considers that, as designated heritage assets, listed buildings have many facets which combine to give the building its unique Significance. It is the overall contribution of the many facets that has to be understood in order to make an assessment of whether a development proposal causes Harm to that Significance.

The policy relevant to this section includes SC17 Development affecting Listed Buildings and their Settings (Local Plan for Bolsover District 2020) and Paragraphs 194 -208: Conserving and enhancing the historic environment (National Planning Policy Framework 2021).

The main concern is that the proposed first floor extension over the garage will be visible from the living room of 94 Ball Hill. This will impact on views from the listed building in the living room when stood directly in front of the window from inside the building, where currently there are open views to the trees behind. Therefore, the development will have some negative impact on the setting of the listed building.

However, there are already views of 89 Ball Hill from certain vantage points within the living room which impact the setting of the listed building. Further, the setting of the listed building has been further comprised from its historic former use as a farmhouse as a result of the deterioration of the farmstead and by existing 20th century development. The result is that there are already compromised views from the listed building to the north to 89 Ball Hill and to new development to the south (Newyln Drive). The proposed development will compromise views further but this is not considered to be a reason for a refusal individually given that the setting has already been compromised comprehensively and given that views in and out of the listed building do not cause Harm to the Significance of the listed building.



Image 1. Existing views from the living room of the listed building to 89 Ball Hill.



Image 2. Views from the curtilage of the listed building to new development to the south of the site (Newlyn Drive).

In reaching this view, it is noted the Conservation Officer's consultation response from application 21/00526/FUL and the heritage statement submitted by the applicant which detail how the impact of development on listed buildings is assessed (i.e. Harm to the Significance of the listed building). In this case, within the listing of 94 Ball Hill there is particular focus on the interior significance of the building as opposed to its setting, it is stated that the farmhouse is:

“...a multi-phase vernacular house, altered and re-fronted in the early 19th century, but with substantial surviving fabric from all phases, and retaining clear evidence of the evolution of the present plan”. The proposed development is therefore not considered to impact on the significance of the listed building (in respect of the listing) by virtue of the fabric of the multi-phase vernacular house being unaltered.

The additional single storey extension to the rear which is proposed in this application will not have any visual impacts on the setting of the listed building given that the extension is located to the rear outside of public view. This accords with the consultation response submitted by the Council's conservation officer who has said that they have no objection on the grounds that the location of the extension to the rear results in '*no impact from the proposal on the designated heritage asset of Hilltop Farmhouse*'.

In conclusion, my assessment accords with the heritage statement submitted by the applicant and the consultation response submitted by the conservation officer in both the previous application 21/00526/FUL and this current application. Whilst the setting of the listed building is impacted marginally by the proposed development to the front elevation it is not considered to *harm the significance* of the heritage asset. This is based on the assessment that the setting of the listed building does not make a substantial contribution to the historic significance of the building. It is not considered to significantly impact on the character, architectural merit or historic interest of the building in accordance with policy SC17 in the

local plan. The proposed development is considered to be compliant with the national planning policy framework in terms of assessing the potential impact of the proposal on the significance of listed buildings.

Access/Highways

The development will result in the creation of a 4 bedroom house. The Local Plan advises that there should be 3 off street parking spaces for a 4+ bed dwelling. The dwelling already has off street parking space for at least 3 vehicles and so no further information is needed from the applicant. The development is not considered to impact on highway safety and meets the standing advice from the highway authority. On this basis, the development is considered to be in accordance with the local plan and the framework.

Conclusions on the Key Issues

The application is acceptable in principle being located within the defined development envelope of South Normanton. The extensions and alterations proposed to the dwelling are considered to be appropriate additions to the dwelling in terms of character, scale, design and materials. There are considered to be no significant impacts on residential amenity as a result of the development in terms of overlooking, privacy or resulting overbearing development. Whilst the setting of the listed building is impacted marginally by the proposed development to the front elevation it is not considered to *harm the significance* of the heritage asset. This is based on the assessment that the setting of the listed building does not make a substantial contribution to the historic significance of the building. In any event, the changes proposed to the front elevation have already received consent under the previous application 21/00526/FUL. The additional single storey extension on the rear of the dwelling which is proposed in this application is considered to have no impact on the listed building opposite. Overall, the extensions and alterations are not considered to significantly impact on the character, architectural merit or historic interest of the listed building. There are considered to be no highway safety implications as a result of the development and there is sufficient parking on site to meet the demand created by the accommodation on site. For these reasons the application is recommended for approval by planning committee.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the approved plans submitted with the application.
3. The external wall and roof materials used in the development must be of the same type, texture and colour as those detailed in the application: off white render, red/orange facing bricks, Irish oak upvc windows and Foricrete slate grey tiles.
4. The side facing windows on the eastern elevation of the dwelling must be obscure glazed to a level to adequate to prevent overlooking and must be retained for the lifetime of the development.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights (“the ECHR”) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.
