

Proposed Development: Increasing height of the ridge of the main house by 1 metre and adding two pitch dormers to the front roof slope and one to the rear roof slope at 46 Tavern Road Hadfield Glossop
Mr M Nicholls : 46 Tavern Road Hadfield Derbyshire SK13 2RB

Introduction, Planning History and Proposed Development

- 1.1 This statement details the applicant's case in support of his planning application for alterations at roof level. This application follows two applications for alterations to include additional accommodation above the garage in a new level.
- 1.2 Following those refusals the applicant has reviewed the proposal and has amended the scheme to seek additional bedroom space. He now proposes to add additional floorspace by making use of the roofspace. The Council have confirmed that the property retains permitted development rights for roof alterations under class B; Mr Nicholls is able to add dormer windows subject to complying with the stated criteria in Class B of the GPDO, 2015. We have attached below and explanation and images of what Mr Nichols could build without planning permission; two dormers at the front elevation and one dormer to the rear.
- 1.3 Mr Nichols would, however, rather have smaller dormer windows but to do this he will need to raise the ridge of the roof by about 1metre which would require planning permission. As such Mr Nichols proposes, subject to receiving planning permission, to build the smaller dormers with raised ridge as shown in this submission. If the planning permission were to be refused he would revert and build out the permitted development option.
- 1.4 The revised proposals negate any perceived detrimental impact upon 13 Hillside Close or any other nearby property.

1.5 The site is within a modern development of houses. Surrounding houses are also of modern construction. The area is not a conservation area or other special policy area. Many of the houses on the estate of Tavern Road are identical however the application site is of a different design and has different site layout; the attached photos demonstrate this.



Photos of 46 Tavern Road Levels Difference Shown on Left



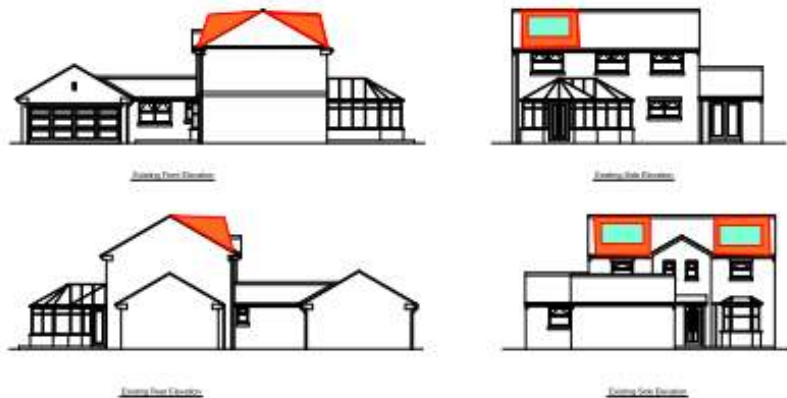
Photos of surrounding houses which are uniform but different to the application property



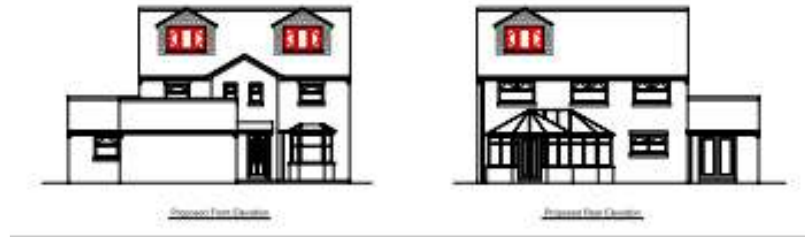
1.6 The existing elevations are copied below.



1.7 The Permitted Development Elevations are copied below. The dormer structures are shown in orange with the glazing in blue.



1.8 The proposed plan and development as applied for in this application is copied below.



Permitted Development Fallback – Significant Material Consideration

1.9 The General Permitted Development Order, 2015 grants planning permission for alterations dwelling houses at roof level. The exception criteria are listed on the left below and our response as to why the dormers represented in orange above at 1.7 are on the right below.

1.10 Permitted development

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

- a) Not applicable
- b) The height of the roof would not be exceeded
- c) Whilst two dormers are to the front roof slope they do not face the highway as the roof slope is more than 45degrees from the highway. In this case the principal elevation is 90degrees from the highway. (see technical guidance to the GPDO – copy extract enclosed and quoted here: *“The extent to which an elevation of a house fronts a highway will depend on factors such as: (i) the angle between the elevation of the house and the highway. If that angle is more than*

<p>(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres in any other case;</p> <p>(e) it would consist of or include—</p> <p>(i) the construction or provision of a verandah, balcony or raised platform, or</p> <p>(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or</p> <p>(f) the dwellinghouse is on article 2(3) land.</p> <p>Conditions</p> <p>B.2 Development is permitted by Class B subject to the following conditions—</p> <p>(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the</p>	<p><i>45 degrees, then the elevation will not be fronting a highway;).</i></p> <p>d) The combined additions would be 45m³</p> <p>e) Not applicable</p> <p>f) Not applicable</p> <p>B.2.a Materials would match</p>
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<p>exterior of the existing dwellinghouse;</p> <p>(b) the enlargement must be constructed so that—</p> <p>(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—</p> <p>(aa) the eaves of the original roof are maintained or reinstated; and</p> <p>(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and</p> <p>(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and</p> <p>(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—</p> <p>(i) obscure-glazed, and</p> <p>(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.</p>	<p>b) i) aa) eaves would be maintained</p> <p>b) i) bb) the proposal would comply with the 0.2m criteria</p> <p>ii) no part extends beyond the external face</p> <p>c) not applicable</p>
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- 1.11 The criteria listed above shows the plans copied in 1.7 would be permitted development (PD). The PD fallback is certainly a significant material consideration as noted in the Zurich case [2012] test for a fallback, where the Judge said:

“The prospect of the fall back position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fall back position happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration (see Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333 at [20]-[21] per Sullivan LJ). Weight is, then, a matter for the planning committee.”

[Zurich Assurance Ltd (t/a Threadneedle Property Investments), R (on the application of) v North Lincolnshire Council & Anor [2012] EWHC 3708 (Admin) (20 December 2012).

- 1.12 The above cases highlight that fallback is material and in this appeal we feel the comparison between the approved house and the appeal proposal is significantly material to the decision. The improvement to the character of the building, streetscene and area that the appeal proposal offers should constitute very special circumstances.

- 1.13 The Council listed the following policies as being relevant in determining the previous application:

- Policies GD4, GD5 and H14 of the High Peak Saved Local Plan Policies 2008 and Para 17 of the National Planning Policy Framework. The policies are copied below:

GD4 – CHARACTER, FORM AND DESIGN

Planning Permission will be granted for development, provided that: Its scale, siting, layout, density, form, height, proportions, design, colour and materials of construction, elevations and fenestration and any associated

engineering, landscaping or other works will be sympathetic to the character of the area, and there will not be undue detrimental effect on the visual qualities of the locality or the wider landscape

GD5 - AMENITY

Planning Permission will be granted for development provided that:

It will not create unacceptable loss of, nor suffer from unacceptable levels of, privacy or general amenity, particularly as a result of:

- overlooking;
- loss of daylight and sunlight;
- overbearing effects of development;
- air, water, noise, light and other pollution;
- risk from hazardous substances and processes;
- traffic safety and generation

Where appropriate, conditions will be imposed and/or planning obligations sought, to ensure amelioration measures are taken to adequately address the impacts on amenity

H14 - DOMESTIC EXTENSIONS AND ANCILLARY BUILDINGS

Planning Permission will be granted for the extension of an existing dwelling or an ancillary building, provided that the development:

- will respect the character of the original building and its surroundings in terms of scale, design, layout, fenestration and external appearance; and
- will ensure adequate privacy and amenity, including sunlight and daylight, to neighbouring properties having regard to the guidelines set out in Appendix 2; and

- will retain adequate car parking/turning provision and private amenity/garden space having regard to the standards and guidelines set out in Appendices 1 and 2 respectively; and
- is for a domestic purpose

1.14 Tavern Road consists of two storey detached properties with properties fairly evenly spaced along both sides of the long estate road. The road has kept a degree of symmetry it was originally planned with, a 'mirror line' runs along the centre line of the road. However, the application site sits at the end of the head of the cul-de-sac, in the head of the cul-de-sac, and is removed from the uniformity of the rest of Tavern Road. In fact the application property sits at a location that is unique within the estate; the retaining wall behind is very large as shown on the photos and section. The houses to the north are at a significantly higher level – over a storey higher – again as shown on the photos and section. The houses to the north, on Hillside Close, are predominantly bungalows or dormer bungalows.

1.7 When viewed from Tavern Road the application proposal will be proportionate in its scale, siting, design and materials compared to surrounding property. The proposal will complement the Streetscene in scale and choice of materials. It will not harm nearby residential amenity from either loss of privacy or overshadowing. The additional significant fallback position of the permitted development dormers windows weighs significantly in favour of this development. The dormers proposed in this planning application would be more attractive and in keeping with the character of the house and area than the alternative permitted development dormers.

Conclusion

1.8 Section 38 of the 2004 Act advises planning application should be judged against adopted planning policy unless material considerations dictate otherwise. In this case we feel the proposal does comply with the policy criteria.

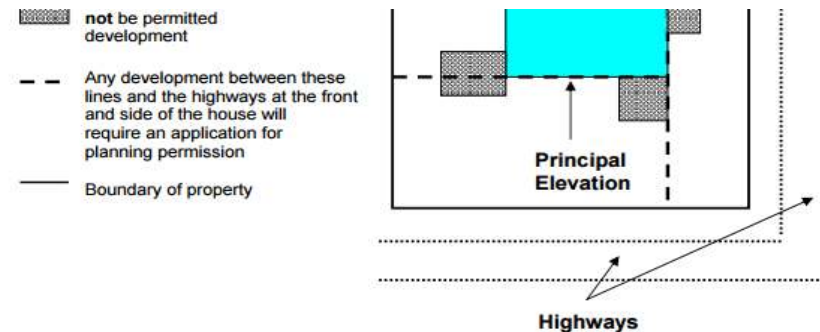
Additionally the material consideration of the PD dormers must be taken into account. The stated planning policies aim to ensure good development and to prevent harm occurring to neighbours amenity. The proposal provides good development in complementary materials without causing loss of privacy or loss of sunlight.

1.9 The applicant respectfully requests that planning permission is granted.

Department for Communities and Local Government

Permitted development for householders

Technical Guidance



A highway will usually include public roads (whether adopted or not) as well as public footpaths and bridleways, but would not include private driveways. The extent to which an elevation of a house fronts a highway will depend on factors such as:

- (i) the angle between the elevation of the house and the highway. If that angle is more than 45 degrees, then the elevation will not be fronting a highway;
- (ii) the distance between the house and the highway - in cases where that distance is substantial, it is unlikely that a building can be said to "front" the highway. The same may be true where there is a significant intervening area of land in different ownership or use between the boundary of the curtilage of the house concerned and the highway.

April 2014
Department for Communities and Local Government