

## DELEGATED DECISION REPORT

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HPK/2017/0103  
Valid 23/02/2017

3 ELM HOUSE ST PETERS  
ROAD  
BUXTON

CHANGE OF USE OF  
EXISTING DOMESTIC  
STORAGE BUILDING TO  
DWELLING, INCLUDING  
STRUCTURAL REMEDIAL  
WORK AND IMPROVEMENTS  
TO BUILDING  
(RESUBMISSION OF  
HPK/2016/0068)

(FULL - MINOR)

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### CONTEXT

As is evident from a) the description of development (which includes “*resubmission of HPK/2016/0068*”) and b) the planning history outlined below, the application is a resubmission of an application that was refused just over a year ago.

The previous planning application was refused for 2 main reasons: 1) insufficient amenity for the future occupants of the proposed dwelling and 2) insufficient on-site parking provision. As a result of these issues, the proposal was not a sustainable form of development.

The current application includes the following changes:

1. 1 No. on-site parking space is provided to serve the new dwelling.
2. A number of windows are proposed to be obscurely glazed (ground and first floor, eastern facing elevation).
3. 2 No. parking spaces are to be retained for 3 Elm House (whereas only 1 was retained previously)

Hence, the key question is whether or not the reasons for the previous approval have been overcome.

### MAIN ISSUES

- Principle of development
- Design - impact on the setting of the Listed Building, street-scene and character & appearance of the Conservation Area
- Impact on residential amenity
- Highways safety
- Sustainability

## **RELEVANT POLICIES**

### **High Peak Local Plan Adopted April 2016**

S1 – Sustainable development principles  
S1a – Presumption in favour of sustainable development  
S2 – Settlement hierarchy  
S3 – Strategic housing development  
S7 – Buxton sub-area strategy  
EQ1 – Climate change  
EQ6 – Design and place making  
EQ7 – Built and historic environment  
H1 – Location of housing development  
H2 – Housing allocations  
H3 – New housing development  
H4 – Affordable housing  
CF6 – Accessibility by public transport  
Appendix 1 – Parking standards

SPD - Buxton Design and place making strategy  
SPD - Residential design guide

Buxton Conservation Area Character Appraisal

### **National Planning Policy Framework**

- Ministerial foreword
- Introduction (Inc. Achieving sustainable development, presumption in favour of sustainable development, core planning principles, delivering sustainable development)
- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 12 Conserving and enhancing the historic environment

### **National Planning Practice Guidance**

## **RELEVANT PREVIOUS APPLICATIONS**

- HPK/2016/0069 – LBC. Change of use of existing domestic storage building to dwelling, including structural remedial work and improvements to building. Approved, 24.03.2016
- HPK/2016/0068 – Full P. Change of hange of use of existing domestic storage building to dwelling, including structural remedial work and improvements to building. Refused, 24.03.2016
- HPK/2014/0627 – LBC. Structural remedial work to roof and first floor; new ground floor ceilings, new insulated concrete floor and radon protection. Approved, 23.01.2015
- HPK/2013/0307 – LBC. Change of use of existing house to two dwellings; demolition/removal of three front porches, single-storey kitchen area and raised viewing platform and alterations & improvements. Approved, 09.08.2013
- HPK/2013/0306 – Full P. Change of use of existing house to two dwellings; demolition/removal of three front porches, single-storey kitchen area and raised viewing platform and alterations & improvements. Approved, 09.08.2013

## **CONSULTATIONS**

### ***Conservation/Listed Building***

The Conservation Officer has previously engaged in pre application discussions with the applicant and is satisfied with the proposed changes to the building, subject to conditions re: i) joinery details at a scale of 1:5, ii) details of roof lights and iii) details of colour scheme. The Officer has spoken with the Conservation Officer regarding the changes included in the current submission, concluding that the inclusion of an on-site parking space and obscurely glazing some windows will not have any impact on the setting of the Listed Building or the Conservation Area (nor would any amended Listed Building Consent application be required).

### ***DCC Highways***

- I refer you to my letter dated 8 March 2016, which was a Highway response to similar proposals - application HPK/2016/0068
- As you are aware, this Authority raised concerns re the lack of on-site parking for both the existing and proposed dwellings. The applicant is now proposing one additional parking space for the new dwelling served off the existing access. This will be acceptable.
- I note from the submission that the applicant still considers there to be parking available for the new dwelling on the adjacent streets. As previously stated, the public highway is for the passage and re-passage of vehicles, it is not for parking. Whilst there are currently no Traffic Regulation Orders restricting on street parking this may not always be the case.
- The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days. There is sufficient space within the site curtilage to resolve this.

- Subject to the applicant providing revised drawings suitably resolving the above matters there are no further highway objections. If your Authority is minded to approve I would ask for conditions to cover the following: -
  - Prior to commencement of development, space shall be provided within the site curtilage for site accommodation, storage of plant and materials. Details to be agreed with the Local Planning Authority in advance of construction work commencing. The agreed details shall be maintained free from impediment throughout the duration of construction works.
  - Prior to commencement of development, details scheme for the bin storage and bin dwell area shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation and maintained thereafter free from impediment to the designated use.
  - Prior to occupation the parking space shall be provided for the new dwelling as per the application drawings.

## **Publicity**

Site Notice expiry date: 17.04.2017

Neighbour consultation period ends: 31.03.2016

Press Advert: Yes

## **Neighbours**

No comments received

## **ADDITIONAL INFORMATION**

The applicant has submitted the following additional information, details of which can be read on file:-

- Design & Access and Planning Statement
- Heritage Statement
- Structural Appraisal

## **OFFICER COMMENTS**

It is noted above that this application is a resubmission.

It is also noted that the LBC application, HPK/2016/0069, submitted simultaneously with the previously refused planning application, HPK/2016/0068, was approved as the Council did not have any concerns regarding the alterations to the Listed Building. Consequently, no further Listed Building Consent application has been submitted.

## **Principle of development**

The application seeks full planning permission for change of use of existing domestic storage building to dwelling, including structural remedial work and improvements to the Listed Building. As noted above, a very similar application, HPK/2016/0068, was refused.

The application site lies within the built up area boundary for Buxton, the Fairfield Conservation Area and an 'urban' landscape character area, as defined in the Local Plan. The building to which the application relates is a domestic outbuilding associated with a Grade II Listed Building (3 Elm House).

Policy H1 seeks to ensure provision is made for housing and the policy allows for change of use of existing buildings to housing on sites suitable for the purpose. Policy H3 requires new housing development to address the housing needs of the area, providing a range of market and affordable housing with a mix of house sizes and types which support sustainable development.

Given the above housing policy context, the location of the proposal within the built up area boundary, the close proximity of the site to all relevant services and facilities and public transport, the principle of the proposal is acceptable.

### **Design & impact on the Listed Building, street-scene and character/appearance of the Conservation Area**

The building to which the application relates is a domestic outbuilding associated with, and within the domestic curtilage of, 3 Elm House, St Peters Road, Buxton. The building measures approx. 9m x 5.5m with a ridge height of approx. 6.5m. The proposed dwelling would include a living room and kitchen/dinning area at ground-floor level and 2 No. bedrooms each with an en-suite at first-floor level. A small garden area and single parking space are provided. Access is taken from an existing access of St Peters Road. The physical changes relate to structural remedial work and alterations that primarily include the following:-

#### **External**

- Replace defective stone lintels and cills and timber window frames (painted finish)
- Remove non-original timber surround and up-and-over door; replace lintel with steel lintel with natural stone face; make good cracked stonework; insert natural stone cill and timber panel/glazed panel door (painted).
- Install new rainwater pipe
- Re-point where defective
- Insert vent pipe outlets on roof slope to vent drainage
- Insert flue pipe for solid fuel stove (matt black)
- Insert sun tunnel (providing light to stairway)
- Insert 2 No. conservation roof lights
- Reopen a former window opening
- Infill a window opening

#### **Internal**

- Soil and vent pipes and drainage
- Concrete floor alterations (inc radon protection measures)
- DPC works
- Fit kitchen, solid fuel stove, staircase
- Alterations around fireplace
- Internal partitions
- Plasterboard ceilings
- Create 2 No. shower rooms
- Install gas central heating system
- New electrics

The design and proposed materials are considered to be acceptable, subject to conditions as previously suggested by the Conservation Officer.

The change of use and physical alterations to the building in themselves are considered to have an acceptable impact on the setting of the Listed Building and will maintain the character and appearance of the Conservation Area.

The proposed development is considered to comply with the design, heritage and conservation tenets of Local Plan policies EQ6 & EQ7 and sections 7 and 12 of the NPPF.

### **Impact on residential amenity**

Changing the use of the existing domestic storage building to a separate dwelling from the existing host dwelling(s), raises questions concerning the impact on the amenities of existing neighbouring properties and also the resultant amenity levels to be enjoyed by future occupants of the new dwelling.

Given that the building itself already exists and that there are no openings on the western and northern elevations of the proposed dwelling, the proposed dwelling is likely to be occupied by only a few residents. It is considered that the proposed development would not significantly affect the amenities of the neighbouring property to the west. It is also considered that the proposed dwelling would not have a significant impact on the amenities of the host dwelling(s) – noting that although habitable room windows on the eastern elevation of the proposed dwelling will overlook front gardens of the host dwelling(s) there is outdoor amenity space to the rear of the host dwelling(s).

Concern was raised on the previous application (resulting in one of the reasons for refusal), and concern is raised again in respect of the current application, regarding the resultant relationship between the existing dwelling(s) and the proposed dwelling re the amenity levels that will be achieved for the future occupants of the new dwelling.

It is noted that the Officer has previously been informed that the permission granted under HPK/2013/0306 to subdivide 3 Elm House into 2 No. dwellings is being implemented.

On the ground-floor of the existing dwelling (southern elevation, close to the proposed dwelling) there are French doors which serve a habitable room (they serve a habitable room in the cases of both 3 Elm House as was – before sub-division - and now the sub-divided property). On the ground-floor of the eastern elevation of the proposed dwelling the windows that will be present serve the living room and the dinning/kitchen area of the proposed dwelling and one of the first floor bedrooms. All of these windows (4 No.) are now proposed to be obscurely glazed – where as on the previous refused application (HPK/2016/0068) they had clear glazing.

The location plan showing the sites edged red and blue indicates how the site is to be divided on the ground, which shows that the small garden area (outdoor amenity space) associated with the proposed dwelling is located in front (south) of the proposed dwelling, as is the proposed car parking space. The site plan also shows that 2 No. parking spaces will remain within the blue line to serve the existing dwelling(s) at 3 Elm house. The existing access at the western end of the southern boundary wall, the only vehicle access into the site, will serve a) the proposed dwelling and b) the dwelling being created on the western half of 3 Elm House under permission HPK/2013/0306. The Conservation Officer previously confirmed that erecting any physical boundary along the eastern boundary of the proposed site, between the proposed site and the host dwelling(s), would not be acceptable as it would have a detrimental impact on the setting of the Listed Building. Hence, the proposed site is to remain open along its eastern boundary.

As noted above, the current application differs to the previously refused application (HPK/2016/0068) in that a) the 3 No. windows on the ground-floor and first floor bedroom window, eastern facing elevation are to be obscurely glazed, b) 1 No. on-site parking space is provided for the proposed dwelling and c) 2 No. parking spaces are to be retained for 3 Elm House (whereas only 1 was retained previously).

Given that: a) the only outdoor amenity space for the proposed dwelling is at the front (south) of the property, b) the windows to the ground-floor habitable rooms (eastern facing elevation) are within close proximity to the parking area of the neighbouring dwelling and associated garden area and c) although the windows are proposed to be obscurely glazed they are not proposed to be non-opening. Therefore, it is considered that the resultant relationship will be such that the future occupants of the proposed dwelling would not enjoy a sufficient level of amenity. This is because the occupants of one of the dwellings currently being created at 3 Elm House would a) park cars very close to the proposed dwelling which would create unacceptable levels of noise and disturbance and b) have to pass by the only outdoor amenity space and habitable room windows of the proposed dwelling each time they enter/leave their property, thereby limiting the privacy levels for the future occupants of the proposed dwelling to an unacceptable degree. In addition to this, given that the windows are now proposed to be obscurely glazed, the only glazing on the ground floor that would be clear is the doors and 1 No. window on the southern facing elevation; this would be the sole natural light source serving kitchen, dinning and living room areas located on the ground floor. It is acknowledged that as the windows on the ground-floor of the eastern facing elevation are proposed as opening, these could be opened to let in natural light. However, this would potentially exacerbate the concern of the Council re noise and privacy for future occupants.

Should the Council look to reduce such impact by conditioning the windows to be non-opening the result would be i) limited sources of natural light to the ground floor of the proposed dwelling and ii) the close proximity of the retained car parking spaces for 3 Elm House would still result in noise disturbance to the future occupants of the proposed dwelling. It is considered that the issue of amenity for future incumbents of the proposed dwelling cannot be overcome with either amendments to the scheme or conditions.

Bearing the above points in mind, although some amendments have been made to the application in an attempt to overcome previous reasons for refusal, it is still considered that the resultant levels of amenity for the future occupants of the proposed dwelling would not be of an acceptable standard and as such the proposed would not comply with Local Plan policies S1 and EQ6 – i.e., policy S1 states that one of the principles of sustainable development is “...to secure...a high standard of amenity for all existing **and future occupants** of land and buildings...”, and policy EQ6 states that development should achieve “...a satisfactory relationship to adjacent development...[which should]...not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, **noise, light pollution**...” - or bullet point 4 of para. 17 of the NPPF, which states that planning should “always seek to secure high quality design and a good standard of amenity for all existing **and future occupants** of land and buildings”. In addition the Councils adopted Residential Guide SPD sets out the importance of achieving adequate levels of privacy, sunlight and daylight to occupiers of both new and existing dwellings. For the above reasons it is considered that the new dwelling would experience poor levels of amenity due to the juxtaposition of the windows to the proposed parking serving number 3 and the need to have obscure glazing to the majority of the rooms served used for habitable purposes (living room, bedroom, dining room).

### Highways safety

The proposed dwelling would provide a 2 No. bedroom dwelling. The parking guidance outlined in Appendix. 1 of the Local Plan state that a 2 bedroom dwelling should have 1.5 No. car parking spaces and 1 No. cycle parking space (minimum) if no garage or shed is provided. 1 No. on-site car parking space is now proposed for the new dwelling, and although there is no garage, shed or cycle parking provision, the Highway Authority consider the provision of 1 No. on-site parking space to be acceptable.

It is also noted that the proposal would not now impact on the on-site parking required at 3 Elm House. The approved application HPK/2013/0306 gave permission for the sub-division of 3 Elm House into 2 No. dwellings and the approved plans require 2 No. on-site parking spaces to be provided/retained; 2 No. on-site parking spaces are now to be retained.

As noted above, the Highways Officer has concluded that the provision of 1 No. on-site car parking space will be acceptable. If the application is approved, various conditions are recommended – i) to provide the car parking space prior to occupation, ii) to provide bin storage and collection arrangements and iii) to provide details of a site compound for use during construction.




Bearing the above points in mind, it is considered that the proposed development does not raise any highway safety issues and as such accords with Local Plan policy CF6 and section 4 of the NPPF.

### **CONCLUSION/PLANNING BALANCE/SUSTAINABILITY**

Bearing in mind the points discussed above, it is considered that a) the principle of the proposed development is acceptable; b) the design is acceptable; c) the previous reason for refusal re highway safety has been overcome and d) the proposal would not provide an acceptable level of amenity for future occupants of the dwelling. The proposed development would provide minor economic benefits stemming from the construction works; restoring the outbuilding associated with the Listed Building would improve the setting of the Listed Building and help maintain the character and appearance of the Conservation Area. There would be a minor social benefit from the provision of 1 No. dwelling. However, it is concluded that the minor social and economic benefits resulting from the proposal would not overcome the issue concerning acceptable levels of amenity for future occupants of the proposed dwelling. Consequently, the proposed development would not be a sustainable form of development. The proposal would not accord with Local Plan policies S1, S1a and EQ6, the adopted Residential Design Guide SPD and guidance/policies in the NPPF re bullet point 4 of para 17 and the sustainability thread running through the NPPF. As such it is recommended the application be refused.

**OFFICER RECOMMENDATION:      Refuse**

**Case Officer: John Williamson**  
**Recommendation Date: 28.04.2017**

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Signed by: Jane Colley

**On behalf of High Peak Borough Council**