

Planning Statement in support of

a proposed house.

Land to the Rear Of 20/22 Sunlaws St,

Glossop. SK13 8EQ.

Introduction.

This statement supports the planning application for a 4- bedroom detached house, external works and garden to the rear of 20/22 Sunlaws Street Glossop, SK13 8EQ.

The proposed land for this house is a private parking area and garden, which the applicants have owned, and used for pleasure and social occasions with family and friends, for several years.

There have been a number of applications from other people for garages and houses on this site in the past, (before they bought the land), which were rejected; the most recent application went to appeal in 2009. With this history in mind, my clients would like to present a fresh case with new information, for your consideration. There have been significant and relevant changes since 2009. We will deal with each of these below, as well as setting out the design process which has led to the dwelling's proposed design, location, layout and access to the site.

What follows is a description of the land, background information, some new factual information together with an explanation of the design process. We trust that this document gives you enough information to reassess the merits of the case.

Planning Policy

Determination of any planning application is made pursuant to the relevant Town and Country Planning Acts, National Planning Policy Framework and with regard to Local Development Plans

The National Planning Policy Framework emphasises the importance of sustainable development. It establishes this 'golden thread' that should run through all development and identifies 3 dimensions for sustainable development; economic, social and environmental. The core principle is to proactively support sustainable development to deliver homes, business/ industrial units and infrastructure.

High quality design should be sought and secured with a good standard of amenity provided for existing and future occupants of the land and building.

Section 6 relates specifically to the need to provide a wide choice of high quality homes. Paragraph 49 advises that local planning authorities should consider housing applications with the presumption in favour of sustainable development.

High Peak local plan H1 seeks to support housing development on unallocated sites within built up boundaries of towns and larger villages, such as this.

The Site.

The site is in a sustainable location with good links to local shops and services by walking/cycling and public transport.

It is rectangular, measuring some 32m x 17m. Including its access drive to Sunlaws St, it has an area of some 604 sq m. The site falls 1.5m from front to the rear boundary. It is located to the rear of my clients' house at 20 Sunlaws St, Glossop and also extends behind the neighbour's house at no. 22. It is accessed either by the existing driveway which runs directly to Sunlaws St or (on foot) via my clients' house and garden. The site runs adjacent to neighbours' gardens to either side at no. 18 and 22A. To its rear, the site shares a boundary with a garden which belongs to a house on the parallel street - Queen St. Access pic 1.

The driveway runs between the driveways of 22 and 22A. It is separated from the house at no. 22 by that neighbour's planted border and pathway, a driveway, a palisade fence, a beech hedge and my clients' newly erected close boarded fence. On the other side, it is separated from no.22A's driveway by a blockwork wall.

The site comprises an extensive garden area. It includes two sheds and a summer house, together with various pathways, shrubberies, vegetable patches, flower beds and a lawn etc.

Background

My clients bought the site and access in 2010. At that time, it was a parking area around the end of the access driveway and the rest was overgrown land. It was an eyesore. It was their intention to use the parking area for their cars and to create a garden on the rest of the land.

They set about clearing weed growth from overgrown areas and quickly demolished a brick shed (the old outside toilet), which separated the rear of their house (no. 20), from the site. This gave them direct access from the back of their house onto the site. From then onwards, they have used the parking area and gradually improved the rest of the area to form the garden which is there today.

Over the last year or so, they have developed plans to build a house on their garden. This would be for them to live in. The initial proposal would have seen an 'L' shaped $\frac{3}{4}$ height house built towards the bottom corner of the garden. However, following pre-application consultations with the planning department, they have amended their proposals to the ones which now form this planning application. The changes have included a complete re-design of the house to better reflect local distinctiveness, a change in its position within the garden and more detailed consideration to the garden, parking and other areas around the house to ensure the site does not feel cramped or 'over-developed'. Approx. 80% of the site would be garden or amenity space with the remainder being the dwelling's footprint.

Throughout the process my clients have sought to;

- minimise the impact on our neighbours,
- make best use of the land, its shape and position,
- ensure that the house is reflective of local design practices and character,
- ensure that the development is sustainable and that it is and will remain accessible for all.

Design

The design has developed during pre-application meetings with the planning department to create a detached stone house in the style of a Victorian villa; of which there are numerous examples in the area. It includes single and double height bays, painted timber sash windows under a natural slate roof etc. The building would reflect the strong vertical emphasis which is characteristic of many parts of Glossop. Its detailing, height and proportions would all be commensurate with the surrounding development.

Internally, the rooms are well proportioned with high ceilings which respect local scale and detail. All its rooms would be fully accessible.

The proposal includes an en-suite bedroom at ground floor level for an aged relative or others with restricted mobility.

The site is rectangular with gardens on 3 sides. These areas of garden are more than adequate to provide for my client's needs, as they would for future occupiers. Indeed, they compare very favourably to many new developments. The garden areas, divided as they would be by the principal elements of the house, would create interesting and attractive areas for the owners as well as giving opportunity to provide a rich and varied resource for local wildlife.

Access to the main door would be via a gentle incline down from the car parking area. The principal windows would face front and back and exceed the Council's guide-lines of 21m between habitable rooms. Service windows on the side to 22A would be obscure glazed.

Residential Amenity

The High Peak Local Plan seeks to ensure new residential development will not create unacceptable loss or suffer unacceptable loss of privacy or general amenity.

In this context, careful consideration must be given to the design, siting and orientation of new development to ensure the occupiers have a satisfactory level of amenity and that it does not result in any loss of amenity to adjoining properties.

Bearing this in mind, my clients have erected a close boarded 1.8 m high acoustic fence along the boundary of the driveway with no 22 to mitigate any noise or disturbance to the occupier from people and

vehicles using the driveway. The fence ensures the privacy of no 22's side facing windows and garden. See pic 4

In addition, an acoustic survey was undertaken before the fence was erected which concluded the increase in noise level would be negligible or less. A copy of the survey is appended SSL 17711. Furthermore, the drive surface will be replaced with a bonded surface to reduce movement noise.

The drive has been used by the applicant since 2010 to access the rear garden and parking area. No complaints have been received from any neighbours. See pic 1

The siting of the building complies with or exceeds the privacy distances set out in the Local Plan. The side windows to no 22a will be obscure glazed. There are a range of buildings to the rear of no's 22 and 22a which eliminate the prospect of overlooking at ground floor level. See pics 2,3,5+6.

Land Contamination

The Council's Environmental Health team have requested a Phase 1 study, historic OS maps and 2 trial holes are to be excavated by hand down to clay level. A log of the holes and photographs are to be provided in due course.

Dependent upon the trial hole logs, further test may be requested.

A Sitecheck land search was undertaken by Landmark Information Group ref SAS 30048218-1-1 which is attached with the application.

Access And Highway Safety

The County Highways Department did not object to the previous applications. There have never been any objections on the basis of highway safety. The new fence does not obstruct the visibility splays. There have been no traffic incidents relating to the driveway in the 8 years the applicants have been using the drive.

Trees And Biodiversity

The dwelling's siting and design has been informed by my clients' desire to minimise impact on established trees. With this in mind, they have commissioned an Arboricultural Report AWA report 2247 attached. The proposal requires 2 fruit trees planted by the applicant to be removed and T23, a lime, requires crown reduction and trimming. This tree is in the garden of a neighbour yet it significantly over-hangs the site.

Derbyshire Wildlife Trust has confirmed that ecological constraints would be 'unlikely'. Their email dated 31-7-2018 is appended. They

would, however, support ecological enhancements such as bat boxes and appropriate planting. My clients propose both.

A bat box and bird nesting box will be incorporated into the external wall construction.

Ground level planting beds will encourage pollinators. New planting e.g., hawthorn, guelder rose and dogwood will provide berries for native birds.

The tree report details root protection zones and exploratory excavation required before commencing construction.

All trees and hedges will be protected during construction work to an approved plan. See pics 7,8,9,10 +11.

Flood Risk/Drainage

The site is within Flood zone 1, and not within a known flood risk area. Accordingly, Derbyshire Flood Risk team have advised the development is unobjectionable and should proceed in accordance with their standing advice.

Sustainable drainage systems will be incorporated in the development with permeable paving used on the drive, parking area and paths.

Rainwater butts will be used to collect roof water which will be used on the garden and vegetable beds.

The Site's Planning History

As mentioned above, the site has an interesting planning history.

Planning permission has previously been refused, including at appeal.

Concerns have centred on:

- i) neighbours may be overlooked
- ii) impact on trees, on and around the land
- iii) noise and visual disturbance to neighbours if my clients use the driveway to access their proposed house

It should be noted that in the most recent application, the reasons for refusal focused purely on the development's potential to impact the amenity of the neighbour at no 22 from the use of the driveway. The other concerns from earlier applications having been addressed.

- i) Neighbours may be overlooked

The site occupies land between the rear facing windows of houses on Sunlaws St and those of houses on Queen St. Due to the distance between these streets, it is quite possible to position the house to respect the normal separation distance of 21m (habitable room window to habitable room window). This results in the house being positioned roughly centrally within the garden.

Its main orientation is front and back with only secondary or non-habitable windows looking to the sides. The main habitable room windows in the front wall look down the gap between houses on Sunlaws St. As such, the proposal complies with the normal tests of the Local Plan by ensuring appropriate separation between facing windows.

In addition to these factors, the site is well screened. There are a collection of small buildings, including garages and sheds etc, between it and houses on Sunlaws St. To the rear (towards Queen St) is a well-established and large hedge which provides a very effective screen. To either side are extended garden areas with extensive mature tree planting. See pics 3, 5 and 6.

ii) Impact on Trees

There are no protected trees within or near to the site. According to the independent report, the proposal would not impact on any important trees. The development would be carried out in accordance with the report's recommendations in terms of tree protection and appropriate construction techniques etc.

iii) Noise and visual disturbance to neighbours

The most recent decision made in 2009 following an appeal. (Ref. APP/H1033/A/09/2107429), made reference to the access, i.e. the driveway which leads to my clients' parking area.

In his decision letter, the Inspector considered the main issue to be:

'the effect which the proposal would have on the living conditions of adjoining residents, especially in relation to any noise and disturbance or loss of privacy which might be involved'

The inspector went on to look in detail at the access and its use and how the use of the driveway may affect the living conditions to the side of and within no. 22.

Taking this important point into consideration, my clients commissioned an independent noise assessment, a copy of which is appended Azymouth Acoustic Report AA 0007. This was conducted through daytime and evening conditions and assumed an average 8 car movements per day. It measured the noise of vehicles using the driveway over the existing loose gravel surface and was carried out before my clients put up the existing close-boarded fence. For the sake of the assessment, a maximum of 4 car movements in one hour was assumed as a 'worst case scenario'. (Please note that this is significantly more than current use). Nevertheless, in both cases, the assessment found that the effect on local noise levels

would be 'negligible or less'. (please see paragraph 3 of the report's conclusion).

Despite the 'negligible' (at worst) increase in noise, my clients have put up a 1.8m close-boarded fence along their driveway, bordering No 22's driveway. This is in addition to the existing palisade fence and hedge noted by the Inspector. The fence has further reduced noise experienced by their neighbour, and has also completely eliminated their sight of passing cars, or of people walking down the drive. See pic 4.

As noted above, it is my clients' intention to re-surface the driveway with a solid bound material once development is complete. This will have the effect of further reducing perceived noise from cars on the driveway.

Other Considerations

1. Existing Right of Way

An assessment of this development's impact on the living conditions of the neighbour at no. 22, needs to take into account the neighbour's current experience.

Something which wasn't previously considered is that, as owners of no. 20, my clients already have a right of way immediately along the side of

no.22, i.e. along the path which runs alongside that house and past its side windows.

This right is established in legal documents and through years of use.

Until relatively recently, this right of way was exercised along the neighbour's path, immediately to the side of her windows. However, at the request of the neighbour and to be neighbourly, my clients now use the neighbour's drive, for their bins and any large postal deliveries etc.

Irrespective of this arrangement, this right of way is not restricted and my clients have a right to use it, without limit and at any time. This fact is something which previous Inspectors were not aware of.

2. Existing Use

My clients have been using the driveway, to access their parking area and garden since they bought the land in 2010. This has been their means of parking their cars and they have had no complaints from any neighbours over the past eight years.

3. Other relevant changes

Since the last Inspector's decision, a number of significant things have changed. These have included the fact that my clients have put up a

close-boarded fence along the driveway, and on the other side of the drive, the neighbours at 22A have built a large blockwork garage. Both changes have significantly altered the nature and feel of the driveway.

4. Change in relevant policy

There have been significant changes to both national and local planning policy since the last application.

The National Planning Policy Framework has replaced the raft of Planning Police Guidance Notes and other guidance.

Also, the High Peak Local Plan has undergone a significant modification.

The HPLP is now reflective of the NPPF's Requirement.

In general, planning policy locally and nationally, is now more supportive of housing provision, especially where it can be done sustainably, as would be the case here.

5. Sustainability

The land is a brown field site very close to the centre of Glossop.

Glossop enjoys good public transport links and a reasonably full range of services and amenities with reasonable employment opportunities.

My clients are committed to reducing the carbon footprint of what they do and, as such, will ensure that the house will incorporate a range of measures to reduce its reliance on carbon-based fuels.

Summary

In summary, there have been very significant changes since the last Inspector's decision, including;

- a) A professional report to demonstrate there would be no significant disturbance from noise by using the access.
- b) Physical changes have been made to further reduce noise and eliminate any visual impact on the neighbour.
- c) Changes to the nature of the drive – the close boarded fence and neighbour's garage - have been erected. The fence ensures significantly more privacy for the neighbour at 22A.
- d) Further information regarding my clients' right to use the neighbour's driveway – not previously known by the Inspector.
- e) Changes to planning policy which now add greater weight to sustainable housing provision.

f) The design is high standard with a good standard of amenity for existing and future occupants. The ground floor bedroom and bathroom provide a home for life, parking is close to the entrance door with a level entrance wide corridors and doors.

Conclusion

Things have moved on considerably since the last appeal and previous applications. The decision maker's 'presumption' is to promote and favour sustainable development.

The site and access drive are used daily by the applicants to gain access to their parking area and garden with no complaints from the adjacent houses.

The applicants have engaged with the planning department to develop a design which improves and enhances the site and surroundings to provide a home for life for their family whilst improving the bio diversity of the site for plants and native wildlife.

Due regard has been given to the planning inspector's report with an acoustic survey being undertaken to establish the possible effect on no. 22; concluding there would be negligible or zero disturbance.

To further safeguard the amenity of the neighbour at no 22, an acoustic fence has been constructed along the boundary. The drive will be re-surfaced for additional protection.

We consider the above factors render the previous ground for refusal unsustainable.

We submit our planning application for a single-family dwelling with associated external works, planting and habitat improvements and request the council support our application.

Appendices

1. Azymouth Acoustic report AA0007
2. AWA Tree Report 2247
3. Derbyshire Wildlife email reply dated 31-7-2018
4. Derbyshire CC standing advice/guidance low risk flooding sites.
5. Photograph reference plan.
6. Photographs 1-11.
7. Landmark Information Group Sitecheck report ref SAS 30048218-1-1
8. Bat box information pack.