

DELEGATED DECISION REPORT

HPK/2021/0010
Valid 26/01/2021

FLAT 2
26 BATH ROAD
BUXTON

WORK TO REINSTATE
ORIGINAL FLAT ATTIC
BEDROOM, INCLUDING
PROVISION OF ROOFLIGHTS.

(FULL - MINOR)

MAIN ISSUES

- Design and Conservation
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application relates to Flat 2, No.26 Bath Road, Buxton; a three storey end of terrace property that sits at the junction of Bath Road and Rock Terrace. The principal elevation fronts Bath Road to the north, which runs downhill in a westerly direction, whilst the rear backs towards Rock Terrace, a short cul-de-sac serving a number of residential garages.

The existing plans together with photographs contained within the supporting Design and Access Statement shows that the third floor of the property was originally a bedroom, served by a rear dormer window.

The site lies within the built-up area boundary of Buxton and within the Conservation Area which is covered by an Article 4 Direction.

PROPOSAL

The applicant is seeking permission to restore and reinstate a bedroom in the attic (third floor) of the property which includes the provision of rooflights on both the front and rear elevations.

Aside from the proposed rooflights, there are no further physical alterations proposed as part of the application.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National

Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S7 Buxton Sub-area Strategy
EQ6 Design and Place Making
EQ7 Built and Historic Environment
CF6 Accessibility and Transport

Revised National Planning Policy Framework 2019

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 11th March 2021
Neighbour consultation period ends: 18th January 2021
Press Advert: 25th February 2021

Public Comments

None

Town / Parish Comments

N/A

HPBC Conservation Officer

The property is in the Buxton Conservation Area and alterations fall under the Article 4 Direction. There is no objection to the rear rooflights (I don't think you will read the miss-alignment) but the acceptability of rooflights on the front elevation depends on how visible they would be in the wider street-scene. Best practice normally would be to restrict these to the rear elevation only if they are prominent. I note that the rear elevation previously incorporated a dormer and a further option would be to reinstate this feature.

No make/model of rooflights

Derbyshire County Council Highways

No objection subject to the adequate off-street parking space being maintained clear of any obstructions to its designated use. On street parking should not be included as parking provision for development nor can it be guaranteed or relied upon.

OFFICER COMMENTS

Principle of Development

The application lies within the built-up area boundary of Buxton; one of the larger Market Towns that sit at the top of the settlement hierarchy under Local Plan (LP) Policy S2 and are the focus for growth throughout the plan period. The general principle of development in this location is therefore supported.

The site is however located within the Conservation Area and as such the application is subject to LP Policy EQ7 and restrictive policies relating to heritage conservation set out under Chapter 16 of the NPPF. As such, the principle of development can only be supported in the event that the application demonstrates compliance with these policies, or in the event that harm is identified, that there is sufficient public benefit to outweigh the harm identified.

Design and Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, in terms of scale, height, density, and layout.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

The Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) provides further guidance for domestic extensions and alterations within areas of conservation areas. In such circumstances, development should be

sensitively designed with minimal visual impacts and reflect the overall character of the area.

Whilst the property sits at the end of a row of terraces and is thus more sensitive to development, the roof slope of the front elevation is not easily visible from the public highway, given the three-storey height of the buildings and the topography of the immediate street scene.

The Design and Access Statement (page 6) contains a useful analysis of the row of terraces that extends along Bath Road that shows properties that contain rooflights, in both front and rear elevations. The image shows that there are currently three rooflight present on the front roof slope of the terraced slope, and ten on the rear roof slope.

The Conservation Officer does not object to the rear rooflights and as such, owing to the fact that there are no other physical alterations, a judgement is required with regards the impact of roof lights on the front elevation. Comments from the Conservation Officer states that their acceptability depends on their prominence.

A site visit has confirmed that the roof slope of the front elevation is not prominent within the street scene due to the local topography and the height of the buildings. In light of the context, that there are existing rooflights in the front elevation of the row of terraces on Bath Road, and when considering their modest scale, it is considered that the proposed roof lights on both the front and rear of the property would not result in any harm to the character and appearance of the building, the street scene or the wider conservation area.

At the request of Officers, the applicant has submitted specification details for the rooflights which prove that the nature of roof lights are appropriate for conservation areas and are acceptable.

The application is therefore found to be compliant with LP Policies S1, EQ6 and EQ7, supplementary guidance, restrictive policies under Chapter 16 of the NPPF and Section 72 of the Act 1990.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

The High Peak Residential Design Guide requires new development to preserve residential amenity having regard to the positing of windows amongst other things, maintaining a distance of 21m between habitable windows.

Paragraph 127 states that planning should create places with a high standard of amenity for existing and future users.

The proposed rooflights would provide natural sunlight to a habitable room but due to their positioning on the roof would not result in any harm to neighbouring residential amenity with regards to any overlooking or loss of privacy. The application is thus considered to be compliant with LP Policy EQ6 and paragraph 127 of the NPPF.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provide appropriate levels of off-street parking in line with Appendix 1 of the Local Plan.

Paragraph 108 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application seeks to reinstate a former third bedroom in the loft space of the existing flat. Photographs submitted by the applicant provides clear evidence that this bedroom existed.

The Highways Authority have stated that there are no objections subject to appropriate off-street parking provision. Given that the proposal seeks to reinstate an existing bedroom, and that Bath Road properties do not benefit from off-street parking due to their age, it considered that the proposed reinstatement of the bedroom does not trigger the need for any further off-street parking provision. The application is thus considered to comply with LP Policy CF6 and paragraph 108 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application has been found to comply with relevant local development plan policies and restrictive national policies contained under Chapter 16 of the NPPF that relates to heritage conservation, underpinned by Section 72 of the Act 1990.

As such, the application is considered to constitute a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 1st April 2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council