

DELEGATED DECISION REPORT

HPK/2021/0031
Valid 02/03/2021

41 LANESIDE ROAD
NEW MILLS

RETROSPECTIVE
APPLICATION FOR A SINGLE
STOREY REAR
CONSERVATORY

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Character, form and design
- Residential Amenity

DESCRIPTION OF SITE

The application site comprises a mid-terrace brick dwellinghouse within the built-up area boundary for New Mills. The plot has a driveway to the front with an open boundary, and a small garden to the rear bounded by fences. This adjoins a narrow lane to the rear giving access to rear gardens.

A single-storey extension to the rear was deemed to be permitted development in 2018.

PROPOSAL

This application seeks retrospective consent for a single storey conservatory. The conservatory as constructed is a lean to design adjacent to the previously approved rear extension (HNT/2018/0010) and projects 4.6m from the rear of the original dwelling house and is 1.8m wide, set off the common boundary by 0.2m. The conservatory is constructed from brick lower courses with brown upvc glazing above and a polycarbonate roof. The conservatory is 2.2m to eaves and 2.5m to the abutment point. An existing 1.8m fence is in place along the side (north east and south west) boundaries.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S6 Central Sub Area Strategy
EQ 6 Design and Place Making
CF 6 Accessibility and Transport

High Peak Design Guide 2018
National Design Guide 2020

Residential Design Guide SPD 2005

National Planning Policy Framework

Paragraphs 2 - 14

Section 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HNT/2018/0010 - Single Storey rear extension measuring 4.6m beyond the rear wall of the dwelling and max height, height at the eaves measured externally from ground level 3.0m and height at the eaves measured externally from ground level.

Householder Notification - Permitted Development - 23/07/2018

CONSULTATIONS

Publicity

Site Notice expiry date: 14/04/2021

Neighbour consultation period ends: 30/03/2021

Press Advert: N/A

Public Comments

2 letters of objection have been received from the neighbour at no. 39. The points raised are summarised below;

- We were not informed about the size of the extension,
- The construction works caused great disruption and distress,
- The garden is now completely water logged,
- Loss of views,
- The extension is constructed over a gas pipe, sewer and storm drain,
- The windows open over the boundary fence,
- There is no means of maintaining the fence,
- Damage to fence as a result of poor drainage,
- Impact on property prices,
- Lack of privacy
- Loss of sunlight

Town / Parish Comments

None

Derbyshire County Council Highways

No highway safety comments to make.

OFFICER COMMENTS

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016.

Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

In accordance with policies S1 and S1a of the High Peak Local Plan the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

Development will be directed towards the most sustainable locations in accordance with the settlement hierarchy set out at Policy S2. In accordance with the settlement hierarchy, New Mills is regarded as a 'Market town' where a moderate scale of development may be acceptable, consistent with meeting local rural needs and maintaining or enhancing their role, distinctive character or appearance whilst also maintaining existing facilities and services.

The application site is located within the Built-up area of New Mills. Householder extensions are acceptable in principle within the Built-up Area under the terms of High Peak Local Plan Policies S2 and S6 but are subject to other relevant local plan policies such as Policy EQ6 which makes provision for design and amenity.

Design

Section 12 of the NPPF places great importance of good design and states that good design is a key aspect of sustainable development. Local Plan Policy EQ6 requires that all development should be well designed and of a high quality, responding to its environment whilst also contributing to local distinctiveness and sense of place.

The high peak design guide 2018 requires new development to harmonise with the parent building. An extension should respect the dominance of the original building and be subordinate to it in terms of its size and massing.

The extension as constructed is appropriately sited adjacent to the existing extension constructed under the householder permitted development process. Although the projection from the original dwelling is significant, as it sits adjacent to the existing development this reduces its impact. The design is an acceptable simple form and appearance design that does not harm the character or appearance of the main dwelling or wider residential area.

The materials of the extension match those on the host dwelling. The development as constructed therefore complies with the requirements of local plan policy EQ6 and section 12 of the NPPF.

Amenity

Paragraph 127 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

Section 8.6.1 of the High Peak residential design guide SPD 2005 states a distance of 21m between habitable room windows of adjacent properties (back to back distance) will provide an acceptable level of amenity. Where there are changes in levels on site, distances should increase by 1m for every 0.5m difference in height between the smaller and taller building.

The extension as constructed is set off the north western boundary by 0.2m. The extension does significantly breach the 45degree line when measured from the windows of the neighbouring property to the north west (number 39) and as a result will affect their amenity to some degree, by loss of light and shadowing of the ground floor windows.

However, the existing flat roof extension also breaches the 45degree line and will reduce light to the neighbour as existing. The neighbouring property adjacent to the extension is positioned to the north west and as such the extension will not affect direct sun light levels or cause significant shadowing from direct sun light. The existing 1.8m fence screens much of the conservatory and would have a similar effect of shadowing and loss of light and could be increased in height to 2m without planning consent which would screen the conservatory further. The conservatory has

a relatively modest overall height, and as a glazed structure would reduce the overbearing effect. In terms of privacy, only the upper sections of the windows, and roof, are visible above the fence, when viewed from the neighbour. Sufficient space existing between the extension and the boundary to allow for opening windows without overhanging the boundary. If the windows are opened further then this would be a matter between both neighbours to resolve.

The conservatory does not impact upon the amenity of the neighbouring property to the south east as it is screened by the existing extension.

On balance, the extension is not considered to harm the amenity to neighbouring properties to such a degree as would warrant a refusal. The existence of the brick built extension, orientation of the property and the existing boundary fence collectively reduce otherwise detrimental impacts on the amenity of the neighbour to a degree which is considered acceptable. The extension is considered to be in accordance with the principle of local plan policy EQ6 and paragraph 127 of the NPPF in this regard.

Highway Safety

Policy EQ6 and CF6 seek to ensure that all new development is served by safe and satisfactory access.

The proposal does not affect the level of parking on site nor does it create the requirement for additional parking spaces. The proposal complies with local plan policy CF6 in this regard.

Other Matters

The comments of the neighbour are noted, and it is apparent that the construction of the conservatory has caused distress to the neighbour. However, with respect to a loss of a view and the impact on property prices, these matters are not a material consideration for the planning process.

Concerns have also been raised about the impact of the development on drainage and the resultant impact on the neighbour's garden. A gutter is in place on the extension to collect rainwater which drains within the site. Any damage as a result of the construction would be a civil matter for both parties to resolve.

It is also claimed that the extension is built over a sewer, gas pipe and drains which are not matters which the planning system can address. In some cases, it will be matter for the statutory provider of the relevant service to address, including any gas or sewer issues. Although it appears from the neighbours comments that a storm drain may well have been built over again, this would be a matter for the relevant water provider to address. Ordinarily, such matters may also rest with Building Regulations, although as a conservatory it may well require building regulations approval. Maintenance of the boundary fence would be a matter for both parties to resolve.

CONCLUSION / PLANNING BALANCE

On balance, the development is considered to be acceptable and would not harm the residential amenities of the adjoining neighbour to any significant degree to warrant refusing this application. This application is considered to accord with the relevant policies contained in the High Peak Local Plan and the National Planning Policy Framework. As such a recommendation of approval is provided.

OFFICER RECOMMENDATION : APPROVAL

Case Officer: Faye Plant

Recommendation Date: 26/04/2021

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council