

DELEGATED DECISION REPORT

HPK/2021/0096
Valid 25/02/2021

3 LEADEN KNOWLE
CHINLEY

EXTENSION TO EXISTING
GARAGE/STORE

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Principle of development within the Greenbelt
- Residential Amenity
- Character, form and design

DESCRIPTION OF SITE

The application site comprises a double fronted stone cottage, fronting almost directly onto the highway behind a low stone wall, in a prominent position on the main road of Leaden Knowle at the junction of Whitehough Head Lane. There is a stepped garden to the rear, which borders open land. The site is a modest traditional cottage located within a collection of existing dwellings that comprise the hamlet of Leaden Knowle.

A detached outbuilding/garage was approved in 2008, to the side and set back from the dwellinghouse. New vehicle access with a sett driveway was approved in 2011.

The site lies within the greenbelt and countryside and also within the Leaden Knowle Conservation Area.

PROPOSAL

This application seeks full consent for an extension to the rear of the existing detached outbuilding/garage to provide home office space. This would extend the outbuilding to the rear, at a slightly narrower width than its current width, and would involve alterations to the levels of the garden which currently steps up significantly just behind the garage. Matching materials are proposed.

In support of the application, the agent has submitted green belt volume calculations and a permitted development fall back position. These are discussed in more detail below.

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 3 Rural Development
EQ 4 Green Belt Development
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment
CF 6 Accessibility and Transport

National Planning Policy Framework

Paragraph 2 - 14
Section 12, 13

High Peak Design Guide 2018
National Design Guide 2020

Residential Design Guide SPD 2005

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/8948
Formation Of Vehicular Access
REFUSED 13/03/1990

HPK/2008/0302
Detached Single Storey Outbuilding
APPROVED 16/06/2008

HPK/2011/0628
Proposed New Vehicle Access To Highway And Formation Of Parking Area
APPROVED 23/01/2012

CONSULTATIONS

Publicity

Site Notice expiry date: 14/04/2021
Neighbour consultation period ends: 24/03/2021
Press Advert: 01/04/2021

Public Comments

None

Town / Parish Comments

Chinley, Buxworth & Brownside Parish Council

No objections to this application subject to the home office remaining ancillary to the existing dwelling.

Conservation Officer

No representations received

Derbyshire County Council Highways

No objection subject to the development remaining private and ancillary to the existing dwelling.

OFFICER COMMENTS

Principle of Development

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 expects 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. The application site lies within the open countryside and is within the Green Belt.

Policy EQ 3 of the Local Plan – Rural Development – states that outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. Certain forms of development will be allowed, including extensions to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

The site is located within the Green Belt. Local Plan Policy EQ 4 states that within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy.

Section 13 of the NPPF (National Planning Policy Framework) – Protecting Green Belt land outlines the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts, to be maintained, are their openness and their permanence.

The Government identifies five purposes of the Green Belt:

- To prevent the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic market towns and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The NPPF (paragraphs 143-144) states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. Paragraph 144 of the NPPF requires that local planning authorities ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 145 of the NPPF states that new development in the Green Belt is by definition inappropriate, with some exceptions. One of the exceptions relevant to this application is c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The applicant has demonstrated that the total proposed outbuilding would not exceed 33% of the volume of the original building. However, the applicant has utilised the cumulative volume of the entire dwelling in this calculation. Greenbelt policy refers to a 'disproportionate addition over and above the original building'- in this case the outbuilding/garage as constructed. Consequently, the extension amounts to an enlargement of around 62% of the volume of the original building and as such is not considered proportionate.

Following discussions during the course of the application, the applicant has also submitted the details of what they consider to be a realistic fallback position which

would demonstrate 'very special circumstances' and as such outweighs the harm arising to the greenbelt by reason of inappropriateness.

The fallback scheme promoted includes a detached outbuilding located in the upper section of the rear garden area with a maximum height of 2.5m. Although the applicant has not submitted a Lawful Development Certificate which would demonstrate its compliance with the GPDO and the clear intentions that the fall back position was realistic and worthy of implementation, it would appear that the submitted fall back outbuilding would fall within the allowances of Class E of part 1 of the GPDO. The applicant contends that the outbuilding would be suitable for a home office (as is proposed within the extension) but would have a greater harm to openness than the scheme submitted being at a higher level and close to the existing rear boundary with open fields beyond.

In considering the merits of the proposal as submitted when considered alongside the suggested fall back scenario, weight is given to the siting of the extension behind an existing structure and adjacent to neighbouring development and set within the site at a lower level than the upper garden area. This reduces its prominence from the open fields at the rear significantly and thus its harm to openness. It is also noted that the scheme as proposed utilises high quality natural materials as would be expected within a site within the conservation area. There would be no control over the materials used for a class E outbuilding and so this weighs in its favour. It is also smaller in size than an outbuilding which could be constructed under permitted development which would have a much greater visual prominence in this site and the wider rural landscape.

Exceptionally, and considering the circumstances of this particular site, it is considered that the permitted development fall back position demonstrated by the applicant is a significant material factor and would comprise very special circumstances in this instance.

The proposed extension is found to be acceptable only through the application of 'very special circumstances' which are unique to the site and arise from a fall back position of a new detached outbuilding which would otherwise have a greater harm to the openness of the Greenbelt. In the absence of these very special circumstances the development would otherwise amount to a disproportionate addition, and therefore inappropriate development within the Greenbelt. It is therefore considered reasonable and necessary to restrict the permitted development rights for additional outbuildings within class E at this site.

As such, in line with paras 143 and 144 of the NPPF, the development is considered acceptable in principle and in accordance with Local Plan Policies EQ 3 and EQ 4 and the NPPF.

Design and Conservation

Section 16 of the NPPF seeks to conserve heritage assets in a manner appropriate to their significance. This is echoed within local plan policy EQ7.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should

be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Local Plan EQ7 requires proposals that affect a heritage asset and / or its setting to demonstrate how the proposal has taken account of design, form, scale, mass, use of traditional materials and detailing, siting and views away from and towards the heritage asset in order to ensure that the design is sympathetic and minimises harm to the asset.

Section 12 of the NPPF places great importance on 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 Council's Design SPD outlines the Council's expectations in respect of design and states that extensions should 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 application site lies within Leaden Knowle Conservation Area. The extension is a continuation of the eaves and ridge line of the original outbuilding, albeit with a stepped footprint to the western side, and will replicate the design and form of the original building. Materials proposed include natural stone with a vertically boarded timber door, all to match the original building, which is constructed of natural stone with a stone slate roof. Although the extension is a large addition to the existing modest outbuilding, the design and appearance is considered to be appropriate and the building is well positioned within the site to reduce its visual impact from the surrounding conservation area and prominence from longer range views from elevated ground to the north. The proposal is considered to compliment the existing building and therefore sustain the character and appearance of the wider conservation area.

The proposal is therefore acceptable and in accordance with section 12 and 16 of the NPPF, local plan policies EQ6 and EQ7 and the advice within the high peak design guide.

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.

The proposed extension is located to the north of the existing outbuilding at a lower level than existing outbuildings adjacent to the common boundary to the west of the site. As such the existing neighbouring outbuildings screen the development from the

property to the west. The extension is located within the far north western corner of the garden does not impact on the amenity of the neighbour to the east. The proposal is to be utilised as a home office and as considered appropriate within this domestic setting.

The proposal is therefore considered to comply with the requirements of local plan EQ6 and section 12 of the NPPF in this regard.

Highway Safety

Paragraph 102 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy CF6 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking.

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

Other Matters

The Parish council raise no objection provided the proposal remains ancillary to the main house. A change of use application would be required if the outbuilding was subsequently required for commercial use and would be considered on its merits.

CONCLUSION / PLANNING BALANCE

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Local Planning Authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would outweigh the benefits and to secure a development that improves the economic, social and environmental conditions of the area. The proposal amounts to inappropriate development in the green belt. However, is considered to be acceptable only on the basis of the existence of a realistic fallback position which amounts to very special circumstances which render the proposal acceptable. The proposal is an acceptable form and design within the Conservation area and will not harm the amenity of neighbouring residential properties or the safety of highway users.

The proposal is therefore considered to be sustainable development under the terms of the NPPF and complies with the relevant policies of the High Peak Local Plan. Accordingly, the proposal is recommended for approval.

OFFICER RECOMMENDATION : APPROVAL

Case Officer: Faye Plant

Recommendation Date: 29/04/2021

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council