

DELEGATED DECISION REPORT

HPK/2021/0015
Valid 01/03/2021

KINMORE LINGLONGS
ROAD
WHALEY BRIDGE

PROPOSED NEW DORMER
EXTENSION TO ROOF SPACE
OF AN EXISTING SINGLE
STOREY RESIDENCE.
APPLICATION INCLUDES
CREATION OF TWO NEW
BEDROOMS AND A
BATHROOM WITHIN
THE EXISTING ROOF SPACE
AND A NEW
SLIDING/FOLDING DOOR.

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design, Character and Appearance
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application site is Kinmore; a detached bungalow located west of Linglongs Road, Whaley Bridge; orientated with the gable ends east and west. The domestic curtilage comprises a private driveway leading to an ancillary garage, a small front garden, with a larger garden to the rear.

The site is bounded to the east by the public highway. To the north is Daleside; a detached bungalow that contains a small dormer window that – subject to a review of the planning history associated with this property – serves a bedroom. To the south is No.2 Linglongs Avenue; whilst to the west is the garden associated with No.4 Linglongs Avenue which has a rear elevation is characterised by a dormer window.

Permitted development rights for the property are intact. For the purposes of the Development Plan the site lies within the built-up area boundary of Whaley Bridge and is not constrained by any sensitive statutory designation.

PROPOSAL

The application seeks consent for a flat roof dormer window located on the eastern roof slope of the main house. The Floor Plans show that the dormer would serve two bedrooms at either end – creating a 3 bedroom dwelling - separated by a bathroom. The Elevation Plans show that the dormer spans a width of approximately 9.3m, a

depth of 3.2m and a height of 1.9m, equating to a total volume of approximately 56m³.

The flat roof dormer as submitted was shown to be finished in cedar cladding. Following concerns raised by Officers with regards to this choice of material and its appropriateness, having regard to guidance within the Design Guide SPD, revised plans have been submitted which show the dormer windows to be finished in materials that are consistent with the existing house.

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
- S6 Central Sub-area Strategy
- EQ6 Design and Place Making
- CF6 Accessibility and Transport

National Planning Policy Framework

- | | |
|-----------------------------------|------------|
| Achieving Sustainable Development | Chapter 2 |
| Promoting Sustainable Transport | Chapter 9 |
| Achieving Well Designed Places | Chapter 12 |

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 20th April 2021
Neighbour consultation period ends: 29th March 2021
Press Advert: N/A

Public Comments

1 x objection has been received in connection with the application. The grounds of objection are as follows:

“Having studied the plans in some detail it is clear that, as proposed, the extension would overwhelm and severely shade the sitting room and bedroom windows on the south side of our bungalow.

Although a dormer, the extension runs almost the full length of the roof, and its outer face is directly over the existing bungalow wall, and would effectively convert this side of the bungalow into a two story house.

Both bungalows face due East, so this extension is on the north side of Kinmore, which already stands at a ground level about 1.8 metres above Daleside, at a distance of about 6 metres.

The dormer extension would cut off the sun from our downstairs rooms for most of the year, and plants on the terrace on that side of our house would never see the sun. We have solar panels on the south side of our roof, which would also be affected. In December and January the panels are already shaded by the top of the bungalow even at midday. Moving a high point about 3.6 metres nearer the panels would extend the period of shading substantially.

When I received notice of the extension I had an amicable discussion with our neighbour at Kinmore, and asked why they had not considered putting the same dormer design on the south side of their bungalow. On the south it would clearly not shade their other neighbour, and there is a single storey garage on that side which would further distance the dormer from the boundary.

He seemed not to be averse to the suggestion, and agreed to talk to their architect. However the reply from the architect was apparently that he would prefer to see if the present application was successful before considering such a change.

From our sitting room it is easy to envisage how high and oppressive the dormer would seem, and officers are most welcome to come in and judge for themselves.”

One letter of support has been received stating:

We believe that the proposed extension will increase the functionality of the house; improve its outer appearance, by the use of treated timber cladding to dormer and with dark grey double glazed UPVC glazing. It will not increase the footprint of the bungalow and will not affect the vehicle and pedestrian access nor affect any trees.

Town / Parish Comments

None

Derbyshire County Council Highways

No highway objections on the basis the extensions will provide additional, ancillary living accommodation for the existing dwelling.

OFFICER COMMENTS

Principle of Development

The application seeks extensions and alterations to an existing dwellinghouse that lies within the built-up area boundary of Whaley Bridge; a settlement identified as a Market Town that sits at the top of the settlement hierarchy under Local Plan (LP)

Policy S2 which are to be the focus for housing and employment growth. The site is not constrained by any sensitive statutory designation.

Given the nature of the development and the planning policy context outlined above, the proposed development is acceptable in principle subject to all relevant material considerations.

Design, Character and Appearance

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.

The High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) provides further guidance for domestic extensions and alterations.

Paragraph 9.4.2 of the Residential Design Guide SPD notes that dormer windows pose difficulties in terms of design and overlooking, that they should be kept as small and as simple as possible, and will often be unacceptable on the front elevation of houses.

Paragraphs 7.24 and 7.25 of the Design Guide SPD requires that new materials need to respect the building and its setting, and that there is no tradition of external timber boarding in the High Peak – and thus this choice of material will generally not be supported.

Paragraph 127 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

The existing bungalow sits within a cluster of similar bungalows each with slight variations in design and finished floor levels owing to the topography. Small flat roof dormer windows are present within the immediate area including the neighbouring property to the north 'Daleside' and thus the introduction of a flat roof dormer would not be out of keeping with the area.

Whilst flat roof dormer windows can often be found to have a negative impact on the character and appearance it is important to consider the fact that permitted development rights are intact for this property and as such a flat roof dormer could

realistically be implemented with a maximum volume of 50m³ subject to compliance with all other parameters under Schedule 2, Part 1, Class B of the General Permitted Development Order 2015 as amended. This realistic fall-back position is an important material consideration that offers considerable weight in the assessment and determination process.

Having regard to the revised plans, which show materials that are consistent with the main house, it is considered that the proposed dormer, with a volume of approximately 70m³, would not be materially different to that which would be permitted, with regards to its impact on the character and appearance of the existing dwelling and the wider street scene, particularly given that the dormer is set below the ridgeline and proportionate with regards to its width, and equal distance from each end of the house.

When taking into account all material considerations, it is considered that whilst there may be a degree of conflict with LP Policies S1 and EQ6, Supplementary Design Guidance and paragraph 127 of the NPPF, there are no reasonable design grounds to refuse the application in light of the realistic fall back position by virtue of permitted development rights.

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 SPD requires new extensions and alterations to preserve the residential amenity of neighbouring properties, having regard to the relationship between existing and proposed development, the siting and positioning of windows and changes in land levels.

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

The sole property that has the potential to be adversely affected is Daleside; a detached residential bungalow that stands to the north, orientated in a similar manner to the host property. The southern roof slope of this property contains a very modest flat dormer window which serves a bedroom.

The occupiers of this property have objected to the proposed development on grounds relating to various aspects associated with the residential amenity of the property which can be categorised into three aspects – Overlooking and overbearing impacts; a loss of sunlight; and a loss of privacy.

Permitted development rights for this property are intact and therefore an important material consideration is to assess what can be realistically be implemented without the need for planning permission. Given that the proposed dormer window would be sited on a roof slope that does not relate to the principal elevation, a flat roof dormer window with a maximum volume of 50m³ could – subject to compliance with all

relevant parts of Schedule 2, Part 1, Class B of the General Permitted Development Order (GPDO) be implemented without the need for planning permission.

With this in mind, a dormer window could therefore be implemented to this roof slope of almost the same height and width and thereby face the neighbouring dormer without the need for planning permission. This is an important fall-back position and makes any objection relating to overbearing impacts and a loss of sunlight invalid. There is a slight change in levels between the two properties, which results in the proposed dormer window not being at the same level as the neighbouring dormer.

Notwithstanding, given that this specific dormer window requires planning permission, it is considered both reasonable and appropriate to attach a condition that requires all windows in this dormer to be obscure glazed, with no opening lights, in order to prevent any overlooking and loss of privacy for both properties. The applicant has objected to this condition. However, it was explained that this condition was necessary in order to address the neighbouring objection, and make the proposed development acceptable having regard to relevant planning policies.

Given the presence of existing windows in the eastern and western gables of the property which would serve each bedroom it is considered that the obscure glazing and fixed casements of the dormer window would not result in any harm to the amenity of the host property with regards to the quality of outlook.

In light of the above, it is considered that subject to appropriate conditions, the proposed dormer window would not result in a degree of harm to neighbouring residential amenity that warrants any sustainable grounds of refusal, having regard to the PD fall-back position, and thus the application is not considered to conflict with LP Policy EQ6, Supplementary Design Guidance or 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 guidelines set out in Appendix 1.

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.

The site currently has sufficient off-street parking space for two cars which serves the two bedroom dwelling. The creation of a third bedroom does not trigger the need for any further off-street parking and the Highways Authority have confirmed that they have no objections to the proposal.

As such, it is considered that the proposed dormer window would not give rise to any adverse highway safety impacts, in line 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 on balance to constitute a sustainable form of development taking into account material considerations including the fall-back position, and subject to appropriate conditions with regards to obscure glazing.

In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 27th May 2021

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council