

## DELEGATED DECISION REPORT

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**HPK/2022/0446**  
**Valid 03/10/2022**

**10 ECCLESBOURNE DRIVE**  
**BUXTON**

**SINGLE STOREY REAR**  
**EXTENSION**

**(FULL - HOUSEHOLDER)**

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### MAIN ISSUES

- Design and Conservation
- Amenity

### DESCRIPTION OF SITE

The application relates to No.10 Ecclesbourne Drive, a two storey detached property that shares a side (eastern) boundary with the Buxton College Conservation Area.

The dwelling is finished in an off-white render at ground floor level with dark bricks at first floor level.

### PROPOSAL

The application seeks consent for a single storey rear extension which would serve an enlarged kitchen and dining area. The extension is shown to have a modest depth of 4m and has a width of approximately 6.5m, set slightly in from the southern gable. The extension is shown to have a lean-to roof with two velux rooflights.

### 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
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

## **National Planning Policy Framework 2021**

|                                                   |            |
|---------------------------------------------------|------------|
| Achieving Sustainable Development                 | Chapter 2  |
| Achieving Well Design Places                      | Chapter 12 |
| Conserving and Enhancing the Historic Environment | Chapter 16 |

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

|               |                                                                                                                                               |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| HPK/0001/7474 | Proposed Removal Of An Existing Timber Framed Porch And Construction Of A Brick Porch Finished To Blend With Surrounding Materials (Approved) |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------|

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 23<sup>rd</sup> November 2022  
Neighbour consultation period ends: 31<sup>st</sup> October 2022  
Press Advert: 10<sup>th</sup> November 2022

### **Public Comments**

1 x objection has been received from a neighbouring property No.6 Temple Road in connection with the application in relation to the following:

- Loss of privacy to neighbouring house and garden
- Over development
- Intensification of the use of the dwelling

### **Town / Parish Comments**

N/A

### **Conservation Officer**

No objections

### **Derbyshire County Council Highways**

No comments to make

## **OFFICER COMMENTS**

### **Principle of Development**

The application seeks permission for extensions and alterations to an existing residential property that 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 which are the focus for housing and economic growth.

The site is not directly constrained by any statutory designation although the far eastern boundary shared with No.6 Temple Road and the Buxton College Conservation Area.

Having regard to the nature of the proposed development and the context set out above the principle of development is acceptable subject to a detailed assessment of all relevant planning considerations.

## **Design & Conservation**

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, having regard to matters of scale, height, density, layout, appearance and materials.

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 High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) contains further design guidance for extending and altering domestic properties. Extensions and alterations should respect the scale and height of the parent building reading as a subordinate and secondary addition and respecting the character and appearance of the building through an appropriate choice of materials.

Paragraph 130 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.

Paragraphs 199-202 of the NPPF sets out how a local planning authority should assess the significance of a heritage asset and how to assess the potential impact of a development proposal upon that asset.

The existing dwelling is the first in the street scene on the northern side of the public highway and has a relatively simple rectangular form with walls finished in a mixture of brick and render. The eastern boundary is shared with the Buxton College Conservation Area which mirrors the boundary with the neighbouring property No.6 Temple Road.

The neighbouring objection cites that the proposed single storey rear extension represents over development. The proposed extension has a very modest footprint,

extending outwards by 4m having a width that does not extend across the entirety of the main house. As such, Officers respect the views of the neighbouring property however disagree with the view that this extension represents overdevelopment.

The proposed extension is considered to be of an appropriate scale, height, massing and visual appearance, and reads as a subordinate and secondary addition to the two storey dwelling, complimented by a simple lean-to mono pitch roof. The materials used in the extension mirror those used in the main dwelling.

With regards to proposed impacts on the setting of the neighbouring Conservation Area, it is considered that due to the very modest scale of the extension, the low sensitivity of the site, and the intermittent screening that exists on the boundary, together with there being no objection from the Conservation Officer, there would be no harm to the Conservation Area.

For the reasons outline above, the application is considered to be in accordance with LP Policies S1, EQ6 and EQ7, relevant Supplementary Planning Guidance, relevant paragraphs under Chapter 12 and relevant restrictive policies relating to heritage conservation contained under Chapter 16 of the NPPF.

### **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 extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The site is bounded to the west by No.12 Ecclesbourne Drive; a two storey detached property of a similar character and appearance which shares a consistent rear building line. Given the modest scale and height of the proposal and its siting away from the boundary, there would not be any overbearing impacts. The set of bi-fold doors in the side elevation is not considered to result in any overlooking or loss of privacy due to the presence of existing boundary treatment. As the 45 degree line from the centre point of the nearest habitable window at No.12 is not breached as a result of the proposed extension, there would be no loss of sunlight.

The rear boundary is shared with No.3 Macclesfield Road which sees the rear elevation of this property situated in excess of 30m from the rear elevation of the host property. Due to the modest nature of the proposed extension, presence of boundary treatment, and significant distance between both properties, there are not considered to be any adverse impacts to the residential amenity of this property.

Turning lastly to No.6 Temple Road, which lies to the east of the dwelling on the opposite side of the private driveway, bounded by a timber fence and natural vegetation. The rear elevation of this neighbouring property is situated some 25m from the side elevation of No.10 Ecclesbourne Drive, with the rear garden sitting in between the rear elevation and boundary fence. A distance of approximately 7m separates the boundary fence from the side elevation of the proposed extension.

The objection from the neighbouring property at 6 Temple Rd has raised concerns that the amenity of this property would be affected, both in relation to the main property and the garden. Having considered this carefully, the proposed extension is of a modest scale and height that would not result in any overbearing impacts being situated some 7m from the boundary fence. Second, there are no windows in the side elevation that would result in any loss of privacy or overlooking, particularly given the presence of existing boundary treatment. Lastly, the extension is of a single storey and situated some 25m from the rear elevation of No.6 Temple Road. As such, there would be no loss of sunlight to this neighbouring property.

Based on the above analysis, it is concluded that the proposed extension would not give rise to any adverse impacts to neighbouring residential amenity, in accordance with LP Policy EQ6, the Residential Design Guide SPD, and paragraph 130 of the NPPF.

## **Other Matters**

### **Nutrient Neutrality**

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

### **Screening Assessment**

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays. However, the proposal does involve additional roof area and will therefore increase surface water run-off. However, given the very limited extent of the additional roof it will not significantly increase run-off from the site and in turn will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment

## **Intensification of Use**

The objection from the neighbouring property refers to the dwellinghouse being used for piano lessons and that there are concerns about the intensification of this use. In response, the use of the dwelling for piano lessons does not require planning permission as there is no material change of use within the planning unit. Second, any intensification or change of use that is materially different to a residential dwelling that requires planning permission in its own right would be considered on its own individual merits.

## **CONCLUSION / PLANNING BALANCE**

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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 seeks permission for a single storey rear extension that lies within the built-up area boundary of Buxton. Whilst not directly constrained by any statutory designation, the application site does border the Buxton College Conservation Area and therefore matters of setting need to be considered.

An assessment of the application has found the proposed extension to be of an appropriate high quality design that would not materially impact the setting of the Conservation Area, and would preserve the residential amenity of neighbouring properties.

The application therefore complies with all relevant Local Development Plan policies and all other material considerations including the NPPF, thus constituting a sustainable form of development. 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: 24<sup>th</sup> November 2022**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**