

DELEGATED DECISION REPORT

HPK/2022/0433
Valid 04/10/2022

7 HEATH GROVE
BUXTON

CHANGE OF USE OF TWO
FLATS TO A SINGLE
DWELLING, DEMOLITION OF
SIDE AND REAR EXTENSIONS
AND CONSTRUCTION OF NEW
SIDE AND REAR SINGLE
STOREY EXTENSION.

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to No.7 Heath Grove, Buxton; a two and a half storey dwelling that is currently split into 2no. independent residential flats (a 1no. bedroom and 2no. bedroom flat) and benefits from a private driveway and rear garden. The flat above is accessed by a flight of stairs on the side of the property.

The existing dwelling is constructed of stone with unsympathetic additions present in the form of a single storey porch and open canopy.

PROPOSAL

The application seeks to combine the existing residential flats in to a single 4no. bedroom dwelling, and the demolition and replacement of the single storey side and rear extensions.

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
H1	Location of Housing Development
H3	New Housing Development
EQ6	Design and Place Making
CF6	Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 23rd November 2022
Neighbour consultation period ends: 7th November 2022
Press Advert: N/A (*Add date if applicable)

Public Comments

None

Town / Parish Comments

N/A

Severn Trent Water

No objection – suggest informative.

Derbyshire County Council Highways

The new/replaced side extension will reduce the width available to the side of the dwelling to approximately 2.5m to 2.75m which will restrict the passage of a vehicle to park to the rear of the site, as indicated on the submitted plans. However, it is assessed that space will remain to the front of the premises and up to the point of the side extension to allow 3 vehicles to park within the site. Even if the site could

only accommodate 2 vehicles it is considered that this would not be sufficient to warrant an objection on highway safety grounds.

Based on the above comments, there are no highway objections to the application.

OFFICER COMMENTS

Principle of Development

The application seeks to convert the two existing flats into a 4 bedroom single dwelling utilising the existing floor layout of the property. The site lies within the built-up area boundary of Buxton, one of the larger Market Towns which contains the majority of services, facilities, employment and public transport links. Buxton lies at the top of the settlement hierarchy under Local Plan (LP) Policy S2 and is identified as a settlement which will be the focus for housing and economic growth. The site is not constrained by any statutory designation.

LP Policy H1 refers to the Location of New Housing Development which promotes and encourages new housing development as a result of conversion or sub-division. Chapter 5 of the NPPF contains policies that are targeted at delivering a sufficient supply of homes and gives weight to the use of existing brownfield sites for housing on suitable sites.

The creation of a single dwelling would result in the loss of one residential unit, however it would create a new family sized dwelling. As such, this change is considered to be acceptable in principle and would not materially affect the Council's housing delivery or supply. Likewise the proposed extensions and acceptable in principle, both subject to an assessment of 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, having regard to matters of scale, height, density, layout, appearance and materials.

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 new developments should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

The existing building is typical of town houses in Buxton with dormers piercing the eaves level to create living accommodation in the roof. The site currently benefits from a rather unsympathetic side and rear extension beyond the open canopy and rear parking area.

The proposed extensions are of a similar modest scale and footprint to the existing additions that are shown to be finished in a higher quality of materials and would result in a visual enhancement of the site, particularly given the removal of the external stair case on the side gable. As such, the proposed extensions and alterations are considered to support the design principles set out under LP Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 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 resultant dwelling would utilise the same pattern of fenestration as the current flats, which includes the provision of side and rear extensions. The proposed side extension would include two windows which would in part look directly towards the neighbours side facing window, however they would cause no greater overlooking, despite being marginally closer to the neighbour, than the present situation. Moreover the windows would serve a porch and utility area, which are non habitable rooms. As such, there are not considered to be any material change to the impacts on neighbouring residential amenity as a result of the proposed development, thereby demonstrating compliance with LP Policy EQ6, the High Peak Residential Design Guide SPD and paragraph 130 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. Suitable off-street

parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan should be achieved.

Paragraph 110 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 111 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 existing property is served by a wide private driveway and is a short walking distance from the Town Centre in a highly sustainable location. The existing driveway has sufficient space for 2no. vehicles with further space beyond a private gate for a further parking space. As the resultant dwelling would achieve the minimum provision of 3no. spaces for a four bedroom property. Having regard to the comments of the Highways Authority, there are not considered to be any adverse impacts to highway safety resulting from the proposed development in line with LP Policy CF6 and paragraph 110 of the NPPF.

Other Issues

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 surface water run-off from the site. However, the proposal does involve additional bedroom accommodation but the application relates to an existing dwelling. On the basis, of an average occupancy rate of 2.4 persons per dwelling, however, there will be no increase in waste water generated by the proposals. Therefore it 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.

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 the change of use of No.7 Heath Grove from 2no. independent flats to a single 4 bedroom dwelling, together with extensions and alterations that replace existing unsympathetic additions.

Whilst the proposal would see the loss of a residential unit, it would nevertheless create a family sized property and is not considered to have any material impact on the Council's housing delivery and is thus acceptable in principle.

An assessment of the application has found that there would be no adverse harm to residential amenity or highway safety and as such constitutes 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: 24th November 2022

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council