

DELEGATED DECISION REPORT

HPK/2022/0438
Valid 03/10/2022

PRIMROSE HOUSE,
PRIMROSE LANE,
SIMMONDLEY, GLOSSOP,
DERBYSHIRE, SK13 8EG

PROPOSED RELOCATION OF
BOUNDARY WALL,
PROPOSED HARDSTANDING
AND WOODEN PERGOLA TO
FRONT GARDEN (FULL -
HOUSEHOLDER)

MAIN ISSUES

- Principle of Development
- Design Considerations
- Impact upon Residential Amenity
- Highway Safety/Impact on PROW

DESCRIPTION OF SITE

The application site lies within the settlement boundary for Glossop as defined by the Local Plan policies map. The application site relates to a detached dwelling which is located adjacent to Sunlaws Street which is a public right of way (Ref: HP12/47/1). The surrounding area is predominantly residential with Sunlaws Street sloping down from north to south. Sunlaws Street links Pike's Lane and Primrose Lane.

PROPOSAL

This application seeks permission for the erection of a wall, pergola and hardstanding within the garden of the application site. The site has recently been granted planning permission for the change of use of land of a small parcel of unused land to be incorporated into the garden of the application site (HPK/2022/0402).

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S5 Glossopdale Sub-area Strategy
- CF4 Open Space, Sports and Recreational Facilities
- CF6 Accessibility and Transport
- EQ6 Design and Place Making
- EQ9 Trees, Woodlands and Hedgerows

Supplementary Planning Guidance/Documents

Residential Design (2005)
High Peak Design Guide (2018)

National Planning Policy Framework

Section 12: Achieving Well-designed Places

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2022/0402 - Retrospective application for Change of use from wasteland adjacent to public footpath within ownership of the applicant to garden – Approved – 18/11/22

CONSULTATIONS

Publicity

Site Notice expiry date: 24/11/22
Neighbour consultation period ends: 24/11/22
Press Advert: N/A

Public Comments

6 letters of objection received from 2 residents of one address:

Change in natural land levels
Proximity of pergola to rear windows
Height of fence due to change in land levels
Noise levels
Lack of privacy due to see through fence
Overbearing and anti-social
Over 50% garden space developed
Will be overlooked
Retaining wall not built to sustain weight
Original permission for dwelling stated that designed to guarantee privacy
The decking never had planning permission and wouldn't have been PD

Additional comments of support from applicant:

Fence not increased in height (details of 2015 Google Maps Streetview © provided)
Decking did exist (detailed on aerial photographs)
Hardstanding demonstrably lower than previous decking
Neighbours amenity will be improved not lessened
Not developed more than 50% of site
91 Primrose Lane not built at road level

Town / Parish Comments

N/A.

Highway Authority

There are no highway safety objections. Please include the following note in any consent for the applicants information:

a. The application site is affected by a public Right of Way, Footpath No 47 Glossop on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that: -

- The granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
- Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

OFFICER COMMENTS

Principle of Development

The application proposes householder development to a property which is located within the settlement of Glossop as defined by the Local Plan Policies Map which is located within the Glossopdale sub-area. Policy S5 seeks to promote sustainable growth within Glossopdale through promoting and maintaining the identity of its settlements. Policy S1, which relates to delivering sustainable development, seeks to promote the effective use of land. The principle of householder development in this location is considered to be acceptable.

Therefore, the main considerations in this instance whether the design is appropriate, whether an amenity issues would arise, and whether there would be an impact upon highway safety or adjacent public right of way.

Design Considerations

Policy EQ 6 requires that all development should be well designed and be of high quality which responds positively to its environment while contributing to local distinctiveness and sense of place.

The application relates to the erection of a wall, pergola and laying of a hardstanding. The proposed wall is constructed from stone which is sympathetic to the existing walls in the immediate area in both scale and appearance. The design of the wall is appropriate and would not cause harm to the character and appearance of the area.

The proposed hardstanding is also deemed to be acceptable and is not considered to be of a material which would cause undue harm to the character and appearance of the area in this residential context. Finally, with regard to the pergola, this is not considered to be unduly large, and its open nature would lessen its prominence.

There are no concerns with the proposed development from a design perspective, individually or cumulatively.

With regard to the land being 50% development is not embedded in the Development Plan and immaterial to the consideration of the application. It is assumed that this is reference to the GPDO which states that development over 50% of a residential curtilage requires planning permission. This merely means that development for the construction of outbuilding over 50% of a curtilage requires planning permission. This is not a threshold for overdevelopment where development is unacceptable. In this instance, it is considered that the development would not result in an overdevelopment of the site.

Amenity

Policy EQ6 requires development achieve a satisfactory relationship to adjacent development and 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 application site is located close to the rear elevation of 91 Primrose Lane which has first floor openings which face towards the application site. A number of concerns have been raised by the occupants of that property with regard to the impact that the proposed development has on their amenity.

With regard to land level changes while there may have been some change in levels, there is evidence to suggest that the land was covered in decking and as such the comparative levels would not be unduly different from the previous land condition. Whether this decking had permission or not is not determinative as it would have been immune from any enforcement action after 4 years, the LPA is not aware of any complaints relating to the decking. With the exception of the small area of land adjacent to the footpath the land was previously residential curtilage and could be used in a manner ancillary to the enjoyment of the dwelling. It is not considered that the development results in more amenity issues compared to the previous condition which could have been used in such a manner.

The pergola is lightweight and would not result in any overbearing issues or loss of daylight due to its very nature.

With regard to the proposed fence lessening privacy, it is apparent that the fence is a replacement of a fence of similar height which could have been done without planning permission. It is considered that this fence would afford both properties appropriate privacy.

Concern has been raised with regard to overlooking on No.91. However, it is apparent that the application site would be more overlooked than the neighbour due to the close proximity of first floor windows to the rear garden. It is considered that the degree of overlooking on either property would not be significantly greater to either property than the previous condition. Concerns about noise intrusion are not considered to be any greater with the current changes in this part of the garden than when the previous decking was positioned in a similar location. The document submitted by the objector is noted, however the enforcement or otherwise of this matter relating to privacy would be a civil issue between both parties.

The concerns of neighbours is noted, however it is not considered that any adverse harm to amenity would arise as a result of the proposals to justify resisting the development on these grounds.

Highway Safety/Impact on PROW

The proposal would result in an increased demand for off street parking, while the proposals would not result in the loss of an off street parking space.

Immediately adjacent to the site is a Public Right of Way (HP12/47/1) which links Primrose Lane and Pike's Lane. The works are retrospective and at an advanced stage. The extent of change of use is wholly clear from the public highway and does not encroach or impede the route. It would be necessary to include an informative on any permission to ensure that the developer is aware that the PROW remains unobstructed through development.

CONCLUSION / PLANNING BALANCE

It is considered that the proposals would comply with the policies contained within the Development Plan and guidance within the NPPF, and as such it is recommended that the application be approved.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Declan Cleary

Recommendation Date: 29/11/2022

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council