
PROPOSAL

Erection of lower ground floor garage and utility, single storey side extension, two storey rear extension and loft room, along with inglenook single side storey extension and alterations to the existing porch

SITE

1 Royle Avenue
Glossop
Derbyshire
SK13 7RD

PLANNING APPEAL

PLANNING APPLICATION HPK/2022/0429



07757 121639



JOHN@BENSONPLANNINGSTUDIO.CO.UK



BENSONPLANNINGSTUDIO.CO.UK



CONTENTS

01

INTRODUCTION

P3

02

SITE
DESCRIPTION

P5

03

PLANNING
HISTORY

P8

04

PLANNING APPLICATION
HPK/2022/0429 DECISION

P10

05

LOCAL PLANNING
POLICY CONTEXT

P12

06

NATIONAL PLANNING
POLICY FRAMEWORK

P14

07

APPEAL
STATEMENT

P17

08

CONCLUSION

P30

01

INTRODUCTION

Planning permission was refused by High Peak Borough Council on 23rd January 2023.

This application was decided by the Councils Planning Committee which upheld an Officer recommendation to refuse the proposal.

Two objections and an observational comment were submitted to the Council during the consultation period.

The Council have refused the planning application on grounds that the proposed front, side and rear extensions, by virtue of their siting, scale, massing and visual appearance, read as disproportionate and unbalanced additions that fails to respect the character and appearance of the existing dwelling, street scene and the area generally.

This Statement provides justification as to why the proposals are acceptable and that the development complies with Local Plan Policies S1 and EQ6, the Residential Design Guide SPD (2005), the Design Guide SPD (2018) and relevant paragraphs under Chapter 12 of the NPPF.

02

SITE
DESCRIPTION

The appeal site comprises a large plot located close on the northern side of Royle Avenue close to the junction with Norfolk Street. The building on site is a 4 bedroom dwelling which has a white rendered exterior.

Due to the topography of the site and surrounding area, the property sits higher than the public domain which is the norm for properties on this side of the road. There is excessive vegetation around the site which screens much of the property from the public domain.

The site has been extended in recent years with both single and two storey additions.

The surrounding area is residential in form.

LOCATION PLAN



■ APPEAL SITE

03

PLANNING
HISTORY

REFERENCE	PROPOSAL	DECISION	DECISION
HPK/2022/0147	Proposed garages and underground store facility	Approved	7th June 2022
HPK/2021/0648	Lower ground floor attached garage to be formed partially through excavation. Single storey side extension linking to two storey rear extension. Inglenook single storey extension to kitchen. Alterations to existing porch	Refused	11th March 2022
HPK/2020/0525	Proposed two storey side extension linked to two storey rear extension. Lower ground floor attached garage to be formed partially through excavation. Inglenook single storey extension to kitchen. Elevational alterations including to the front elevation	Refused	5th February 2021
HPK/2020/0415	Certificate of lawfulness for a proposed single storey side extension. Proposed first floor rear extension. Proposed side inglenook single storey extension. Alteration of window at rear first floor level	Approved	24th November 2020
HPK/2019/0125	Proposed two storey side and rear extension, new glazed entrance. New triple garage with dependants accommodation over, single storey extension to front, remodelling driveway incorporating remodelled vehicular and pedestrian entrances	Withdrawn	31st May 2019

04

PLANNING APPLICATION
HPK/2022/0429 DECISION

The proposed front, side and rear extensions, by virtue of their siting, scale, massing and visual appearance, read as disproportionate and unbalanced additions that fails to respect the character and appearance of the existing dwelling, street scene and the area generally, contrary to Local Plan Policies S1 and EQ6, the Residential Design Guide SPD (2005), the Design Guide SPD (2018) and relevant paragraphs under Chapter 12 of the NPPF.

05

LOCAL PLANNING
POLICY CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs Local Planning Authorities to determine planning applications in accordance with the policies of the Development Plan unless material considerations indicate otherwise. Section 38(3) of the Act provides that the Development Plan includes the ‘development plan documents (taken as a whole) which have been adopted or approved in relation to that area.’ The adopted statutory Development Plan for the area comprises the High Peak Local Plan 2016.

Material considerations also include national policy, which is primarily expressed through the National Planning Policy Framework and National Planning Practice Guidance, as well as additional guidance produced by the Council in the form of Supplementary Planning Documents (SPDs).

The High Peak Local Plan was adopted in 2016 to guide development across the region until 2031. It sets out the overarching spatial strategy and housing requirements for the area for the plan period. In general the Local Plan seeks to ensure that, amongst other things, new development and existing areas are accessible and sustainable and to make the most efficient use of the regions land.

High Peak Local Plan 2016

Policy S1	Sustainable Development Principles
Policy S1A	Presumption in Favour of Sustainable Development
Policy S2	Settlement Hierarchy
Policy S5	Glossopdale Sub-area Strategy
Policy EQ6	Design and Place Making
Policy CF6	Accessibility and Transport

06

**NATIONAL PLANNING POLICY
FRAMEWORK (2021)**

The National Planning Policy Framework (NPPF) was originally published in March 2012 and most recently revised in July 2021. The NPPF is a material consideration in determining planning applications (Paragraph 2). The Government expects communities to plan positively to support sustainable development (Paragraph 29). So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (Paragraph 10). It also follows that development plans, under the current plan-led system, ought to be consistent with the objectives, principles and policies set out in the NPPF.

Plans should positively seek opportunities to meet the development needs of their area. Development proposals which accord with an up-to-date development plan should be approved without delay. 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 (Paragraph 11).

The NPPF encourages growth. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

Decision makers at every level should seek to approve applications for sustainable development where possible (Paragraph 38).

An Economic objective – To help build a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure;

- Jobs in construction

A Social objective – To support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being;

- Enhanced accommodation for residents

An Environmental objective – To contribute to protecting and enhancing our natural, built and historic environment; including making an effective use of land.

- Effective use of land
- Sustainably located development

Paragraph 38 states that Local Authorities are encouraged to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

Paragraph 47 states that, in determining applications, decision-making should be in accordance with the development plan, and should take place as quickly as possible within the statutory timescales.

Paragraph 126 states ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.’

Paragraph 130 Part A, B, C and F state ‘planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’

Paragraph 132 states that design quality should be considered throughout the evolution and assessment of individual proposals.

Paragraph 134 and 135 state ‘permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

07

APPEAL
STATEMENT

The planning application was formally determined by High Peak Borough Council Planning Committee on 23rd January 2023. The Officers recommendation for refusal was upheld by Committee Members. The reason for refusing the said application relates to how the proposed extensions relate to the host dwelling and the wider area. In the first instance, it is important to outline the Local Planning Policy context of which such proposals are assessed in this area.

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.

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.

Chapter 9 of the High Peak Residential Design Guide (2005) contains guidance for domestic extensions and the following aspects are considered relevant here;

Extensions and alterations to existing houses can have a significant impact on the appearance of a house, neighbouring property and the street scene. It is important, on all types of houses, that domestic development is carefully designed.

Extensions should be designed so as to be subordinate to the main form of the house. It is important that the extension results in a dwelling that is well designed in itself. Garages and outbuildings should relate to the main dwelling in terms of size, proportion and appearance. They should be subordinate in size and height and match the materials of the existing house. Double garages should have two openings wherever possible to maintain proportion, and with the roof ridge parallel to the doors. Flat roofs should be avoided. Doors with vertical emphasis are usually preferred and timber side hung door may be required in sensitive locations.

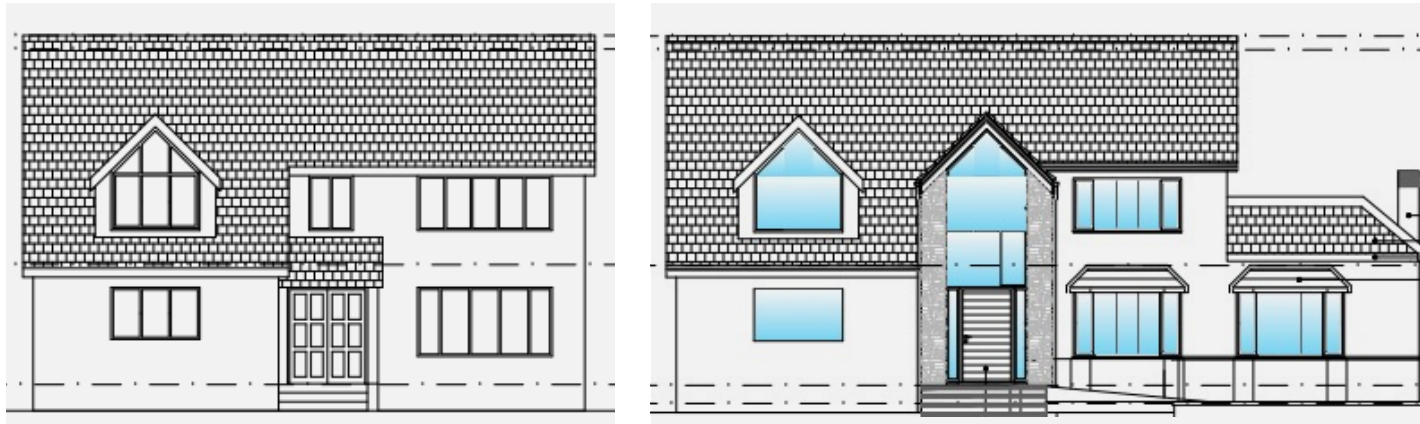
The High Peak Design Guide SPD contains further guidance in relation to extensions and alterations and Chapter 5.10 states

These need to be designed and built in sympathy with the properties they serve. Materials and roof pitch should generally match those of the parent building. If attached to the building, the new garage should be clearly subordinate. A separate garage building is however often the better solution particularly where more than one garage is needed

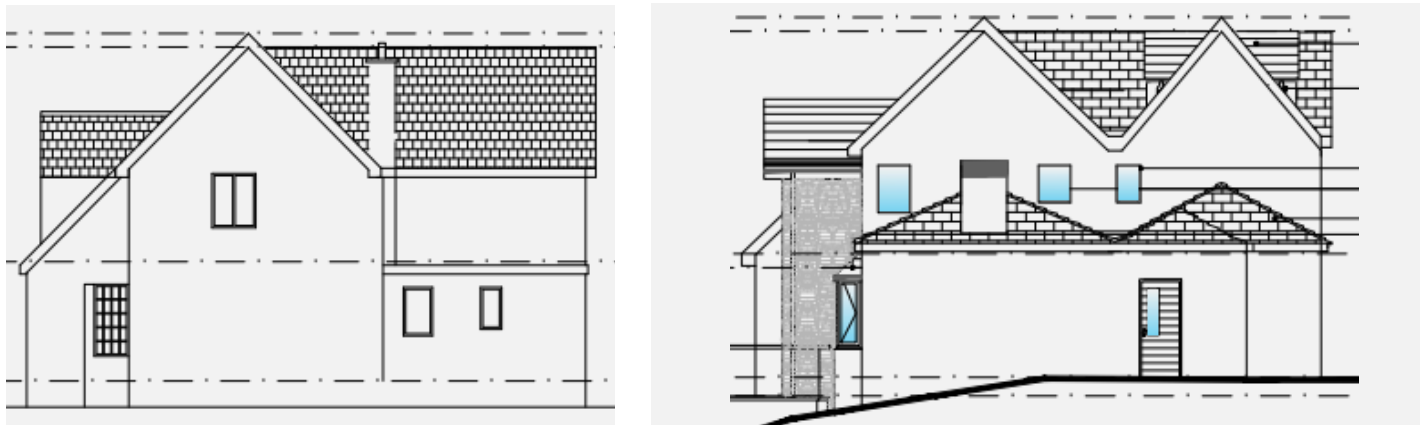
Paragraphs 126, 130, 132, 134 and 135 also align with expectations relating to design.

For ease of assessment, existing (left) and proposed (right) plans are shown here.

Front Elevation



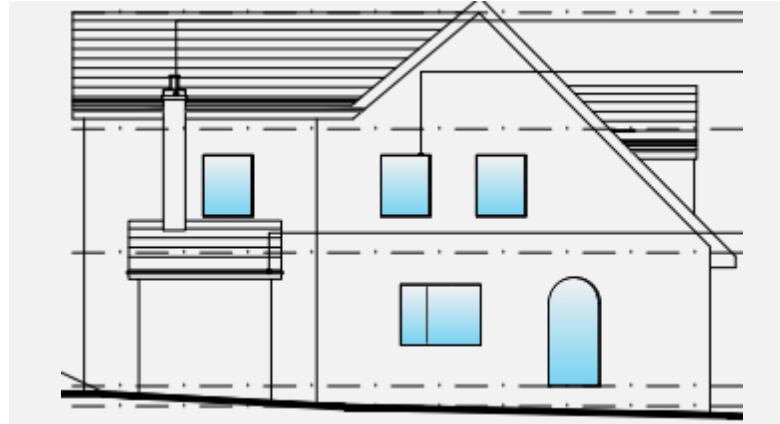
Side (South) Elevation



Rear Elevation



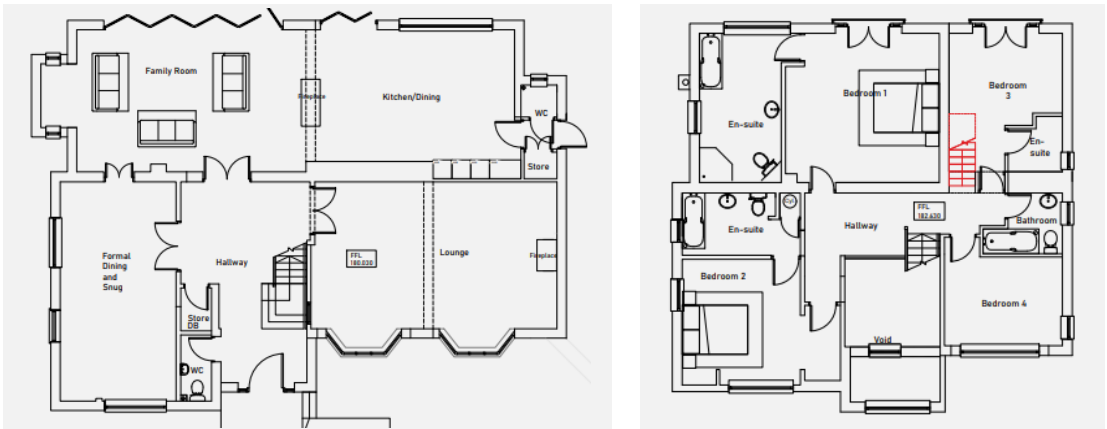
Side (North) Elevation



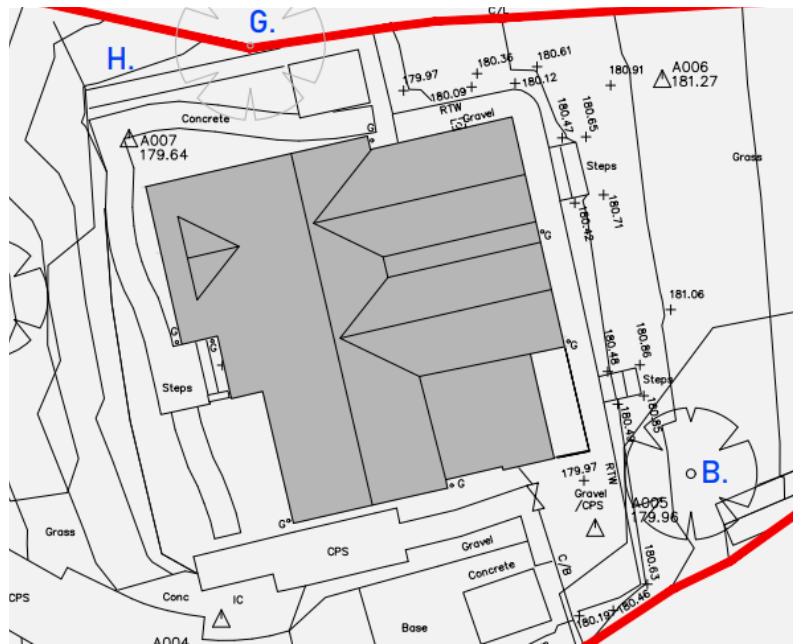
Existing Layout



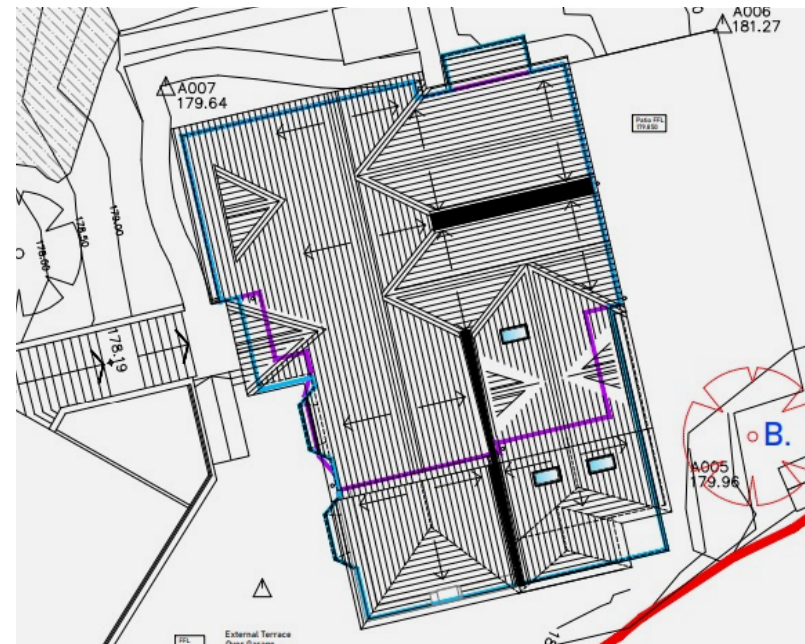
Proposed Layout



Existing Site Layout



Proposed Site Layout



It is very unclear why the Council have taken such a negative approach to the appellants efforts to develop their home especially since there have been significant concessions made since the refusal of an earlier planning application at the property (Reference HPK/2020/0525) which will be assessed later. An email between the Planning Officer to the appellant on 15th November 2022 states that 'subject to a simple design change to the roof form of the single storey side extension, I would not object to a single storey side extension with a similar width to that granted a Certificate under HPK/2020/0415 that sits flush with the rear wall of the main house, with a simple lean-to tiled roof' which does question the Councils decision making capabilities given that they have stated the proposed extension subject of the appeal is unacceptable. Both would have the same visual impact on the wider streetscene.

Part 7.19 of the Committee Report states 'turning to the proposed single storey extension, this is in fact a two storey side extension, as it would be interconnected with the lower ground floor utility room below. Whilst there are no objections in principle to a ground floor side extension, Officers have significant concerns with regards to its scale (depth), and roof form.' This is a rather simplistic judgement to make when looking at the design features of the existing house in its current form. There is no symmetry or balance in the current appearance with the main dwelling having a pitched roof but a very 'deep' slope at the front, small dormer on the front roof slope and two pitched roof projecting elements to the rear. Taken into context with the overall roof form, the proposed hipped roof arrangement would look acceptable. The proposed ground floor front bay window would directly align with a proposed bay window in the front of the main dwelling thus creating an element of balance and uniformity in the appearance.

'The Council state that the presence of hipped roofs would be unacceptable and that their introduction would harm the appearance of the streetscene. As the Planning Inspector will clearly see when viewing the properties on the street, there are no less than 9 properties with hipped roof arrangements at the side or rear of the property. There is clearly a mixture of roof typologies on Royle Avenue with no consistent arrangement present.

This property, opposite the appeal site, has a gable roof at one end at a pitched arrangement at the other, and is much more visually prominent.



While more balanced, this property has a smaller hipped roof single storey addition at the side which is at odds with the main roof form which is pitched.



Part 7.20 of the Committee Report goes on to say that 'the continuation of the side extension beyond the rear wall of the original house to connect with the proposed two storey extension (i.e. a 'wrap around') is considered to go beyond the 'threshold' of what this property - which has already been enlarged through considerable extension - can accommodate, when read in conjunction with the two storey rear extension.' Again, there has been no thorough assessment if the development in conjunction with the house, the site and its surroundings. Firstly, the proposed side extension does not extend beyond the rear wall of the house in its current form and the Council must, when approving the original application to extend, have considered that this was an appropriate distance to extend. The appellant accepts this and therefore has not extended beyond this point. There is no Policy documentation which refers to a 'threshold' and it is our belief that this is the opinion of the Planning Officer only and such assumptions, without any evidence, should have limited weight in the appeal decision making process.

The appeal site sits within a much larger than average plot on the top of a steep incline and the dwelling has been extended over time. However, simply because a dwelling has been extended over time and the appellant wishes to continue this further, isn't a reason in itself to refuse an application. As the Proposed Site Plan (Drawing 002 DR 0007 Rev P1) identifies, the dwelling in its extended form sits comfortably within the plot and it would not represent an over development of any kind. The dwelling would be left with a larger than average rear garden which would exceed the requirements of what would be expected to be attributed to a family dwelling. Large homes on large plots are not uncommon and there is no justification or evidence provided from the Council to counter this within their Committee Report.

Part 7.21 of the Committee Report continues to provide inaccuracies as it states 'the roof form comprises two individual hipped roofs with a valley in the middle that fails to respect the character and roof form of the main house which has a simple gable. This aspect would be particularly visible from the public highway and as such is considered to result in harm not just to the character and appearance of the dwelling but also to the surrounding street scene.' Firstly, the roof form is not a simple gable in its original form or with the additions over recent years. This has been discussed earlier in the Report. The main roof form of the house was altered when the extension to rear was built which results in a myriad of different arrangements rather than a simple roof form as the Council suggest. As the next image shows, the view of the south elevation of the building is limited through a gap between existing vegetation along the boundary with the public domain and also an adjacent dwelling. The extensive vegetation that runs along the boundary obscures much of the property from the public domain. Furthermore, the dwelling is set approximately 15m from the public footpath at the front which again limits any visual impact on the streetscene. The proposed extensions would not be visible from any public vantage point to the rear due to neighbouring gardens, outbuildings and intervening structures.

The image shows what section of the building is visible from the public domain when viewed from Royle Avenue. The impact of the proposal on the streetscene would be limited.



The image below shows the view of the appellants property from the junction of Royle Avenue and the B6105 which shows that the property is not visible from this vantage point.



Part 7.22 of the Committee Report states that 'the two storey rear extension is in the view of Officers, the most contentious aspect of the proposal. As stated within previous reports associated with previous schemes, the extensions to the rear added following the granting of planning permission in 1994, have result in a rear elevation that is already disproportionate, and unbalanced' and Part 7.23 states that 'the introduction of this additional two storey rear extension that would be interconnected both at ground and first floor extension would effectively result in a two storey extension that would span the entirety of the elevation, thus consuming and dominating it, failing to allow the new extensions to be read in a subordinate and secondary manner as required by the Council's Supplementary Design Guidance.' The dwelling has a unique appearance especially when viewed from the front due to the distinctive deep slope with front facing dormer. The property has been extended to the rear with a two storey and single storey extension. The proposed two storey element would be above the flat roof extension thus creating a two storey arrangement which would extend the full width of the property. When taken into context with what already is present at the rear of the property, a further partial addition would not 'consume' the property in the manner the Council are referring to. As previously stated and in line with the proposed site plan, the dwelling with the proposed extensions would still sit comfortably in this plot without it looking or being overdeveloped.

On closer inspection of the proposed development in relation of the visual impact on the street scene, the properties on Royle Avenue are much more visually prominent because of the sense of openness on the street. While there is no distinctive house type on the street, the low boundary treatments at the front allow for the dwellings to be prominent within the area. The appeal site does not accord with this as the plot size is much larger than surrounding curtilages and the orientation of the dwelling is different. Taken in context with the existing significant screening, it only further emphasises that this appeal should be allowed. Ultimately, the street scene, contrary to the Council's opinion would be unharmed by the proposal. While the Decision makes reference to the impact of the proposal on the 'street scene' and 'the area generally', there is no discussion of this within the Committee Report and the absence of analysis or reasons for these conclusions should negate any bearing on the decision making process. A previous planning application (HPK/2020/0525) was refused on 5th February 2021 and was dismissed on appeal. The proposal subject of the current appeal has been significantly reduced in scale and it is not considered that the conclusions of the Inspector are wholly relevant when assessing the current appeal. That said, the conclusion states that 'the extension would be harmful to the character and appearance of the host building' but there is no mention of the impact on the streetscene and surrounding area. Given the current proposal has been reduced in scale then it immediately ensures that the Council's conclusions relating to wider visual impact should not be upheld.

The Council make reference to the impact of the proposal on the streetscene, but no reference has been made to the changes to the rear roof slopes of 12 and 14 Royle Avenue which are much more impactful on the streetscene. The changes, approved some time ago by the Council, have changed the roof designs substantially which has resulted in a unbalanced arrangement which ultimately has an adverse impact on the amenity of the wider area. These changes are much more pronounced than those proposed at the appeal site



08

CONCLUSION

It is considered that a thorough assessment has not been undertaken by the Council in order to reach their conclusions regarding the appropriateness of the proposal subject of the appeal and a more in depth analysis would have provided a different outcome.

The appellant has made sacrifices insofar that this proposed refusal has been changed from an earlier refusal in terms of scale, massing and design but none of the amendments made have been recognised by the Council. We believed that the proposal which represent an appropriate extension to this large dwelling would have been accepted by the Council, but the Council failed to agree with our approach.

Much of the Council's assessment relates to the relationship of the development in context with the appeal site only and while this requires assessment the Council have stated about impacts relating on the wider area, but the Committee Report provides no discussion.

This property, set within a large plot, has very distinctive characteristics and the presence of side and rear extensions are wholly acceptable when taken into account the number, style and detailing on the extensions already present. The property benefits from significant screening when viewed from various vantage points in the locality so any visual impact is appropriately mitigated.

The evidence provided within this Statement concludes that the proposal respects the immediate site and wider visual characteristics of the area and provides a high standard of accommodation for its occupants which complies with Policies within the Local Plan and guidance within the National Design Guide and NPPF.

In Part 7.12 of the Report it states 'it is important to clarify that the extensions which were subject to a positive Certificate of Lawful Development (CLD) amounted to a single storey side extension which did not include any connection to a lower ground floor or garage, and a separate, small, two storey rear extension that would not be connected to the other parts of the house' and Part 7.13 states 'it was made clear at the time of issuing this Certificate, and again at the time of considering the subsequent application that was dismissed at appeal, that such extensions, specifically the two storey rear extension, does not offer a credible fall-back position, as it is considered that there was no reasonable likelihood of this being built out because of the constrained access to adjoining rooms.' It is not the Council's role to make assumptions about whether a home owner will or will not implement a development.

