

DELEGATED DECISION REPORT

HPK/2023/0149
Valid 17/04/2023

17A FREETOWN
GLOSSOP

RE-SUBMISSION OF
HPK/2022/0266 - CONVERSION
OF EXISTING OUTBUILDINGS
TO FORM EXTENSION TO
EXISTING DWELLING AND
CONVERSION OF DWELLING
(CLASS C3) TO HMO (CLASS
C4)

(FULL - MINOR)

MAIN ISSUES

- Design, Character and Appearance
- Residential Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to a two storey terraced property No.17 Freetown, Glossop which currently functions as 2no. separate residential units, with the 1no. bedroom ground floor unit and associated living and kitchen area and bathroom (No.17) accessed from the principal front elevation and a 2no. bedroom first floor unit (No.17A) accessed via the rear entrance serving a small kitchen, with shared bathroom at first floor level.

The rear of the property is characterised by a small single storey annex that functions as a small entrance hall, kitchen, and small storage area serving 17A, which contains a rear entrance door that faces westwards on to a shared access that serves the rear of properties in the terrace (Nos. 9, 11, 13, and 15 Freetown).

North of the shared access is an area of amenity grassland (garden) that is shown to be included within the red edge, and certified as being within the sole ownership of the applicant. Title Deeds submitted with a recent application relating to this property considered under HPK/2022/02566 confirms that position.

Beyond the single storey annex serving the kitchen are two attached buildings which currently offer no access from the main house and ancillary kitchen. The first of these buildings comprises a single storey structure constructed of brick with a corrugated roof. The second shows a dual pitched building orientated at 90 degrees to the first, finished in render with a similar dual pitched corrugated roof.

The first building has an approximate internal area of approximately 28 square metres, whilst the second has a smaller area of approximately 12 square metres. There is currently no access between the two buildings.

The front elevation of the first brick building is characterised by a blank entrance door, with small window adjacent. The entrance to the second building is via an angled opening to the rear of the first. Each building does not currently offer any further openings.

PROPOSAL

The Council have recently considered and refused a planning application for the conversion of the two outbuildings to facilitate a change of use at 17A from a dwellinghouse (C3 Use) to House in Multiple Occupation or HMO (C4 Use), whereby the newly formed accommodation in the outbuildings would be connected to the existing first floor accommodation served by the existing kitchen.

The application was refused for the following reason for refusal under HPK/2022/0266 on 4th November 2022:

1. *The introduction of 2no. bedrooms within the converted outbuildings and creation of a 4no. bedroom HMO, by virtue of: its cramped substandard form, that has a total floor that falls significantly below the minimum required by Nationally Described Space Standards; no communal area for occupiers to eat, relax or socialise; a substandard kitchen area to serve the number of occupants; poor outlook and reduced amount of natural sunlight experienced from habitable windows serving the 2no. new bedrooms owing to the erection of a 2m high close boarded boundary fence: would, both individually and cumulatively, result in an unacceptable standard of residential amenity for future occupiers, contrary to Local Plan Policies H3 and EQ6, the Residential Design Guide SPD (2005), and relevant paragraphs under Chapter 12 of the NPPF.*

This application amounts to the resubmission of this previously refused application, with material changes to the internal layout including the number and occupancy of bedrooms, functionality of rooms, and location of a boundary fence apparent. Further to Officer comment, revised plans have been submitted which show the substitution of a narrow window that has the characteristics of a door serving the bedroom in the converted outbuilding to one that is wider having a horizontal emphasis. The boundary fence at a height of 2 metres is now located some 5 metres west of the converted outbuildings.

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

Supplementary Planning Documents

Residential Design Guide SPD (2005)
Design Guide SPD (2018)

National Planning Policy Framework

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

HPK/2009/0324	1No. Bedroom Unit (Refused 03/08/2009)
HPK/2010/0223	Resubmission of HPK/2009/0324 for Change of Use from outbuilding to 1No. Bedroom Dwelling (Refused 21/06/2010)
HPK/2022/0266	Change of Use – Conversion of existing outbuildings to form extension to existing dwelling and conversion of dwelling from Class 3 to HMO (Class C4) (Refused 04/11/2022)

CONSULTATIONS

Publicity

Site Notice expiry date: 25th May 2023
Neighbour consultation period ends: 17th May 2023
Press Advert: N/A

Public Comments

1no. letter of support has been received from a member of the public who is based in a nearby suburb of Glossop and is understood to currently rent a portion of the existing outbuilding as storage, citing that the proposal would result in a visual enhancement.

Town / Parish Comments

N/A

Environmental Health

Refer to comments made under HPK/2022/0266:

This looks very low risk from public health/nuisance perspective, involving an outbuilding within an existing residential curtilage converted to residential, with an overall conversion into a HMO. You may want to consider model construction conditions as you see appropriate, particularly with reference to the 'corrugated roofing' on the existing outbuilding.

Derbyshire County Council Highways

No comments to make.

OFFICER COMMENTS

Principle of Development

The application seeks to change the use of an existing residential dwelling (C3 Use) by creating a House in Multiple Occupation or HMO (C4 Use) as a result of the conversion of the existing outbuilding that lies beyond the existing annex serving the kitchen, introducing 1no. new single bedroom and communal Lounge and Dining Room.

The site lies within the built-up area boundary of Glossop located in a sustainable location within walking distance of the Town Centre and the sizable amount of services, facilities, public transport links and employment opportunities that the town offers. Glossop is identified as 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 new housing and economic growth. The site is not constrained by any statutory designation.

LP Policy H1 relates to Location of New Housing Development and promotes the effective re-use of land by encouraging housing development including redevelopment, infill, and conversion of existing dwelling and the change of use of existing buildings to housing, on all sites suitable for that purpose.

Chapter 5 of the NPPF contains national planning policies relating to the Delivery of Housing. Paragraph 69 states that local authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlement for homes.

Having regard to the above, the general principle of development (i.e. new housing development) is acceptable having regard to the site's location. However, in order for the application to be supported, the Council must be satisfied that the site is suitable for the intended HMO, having regard to all relevant planning considerations, that in

this case amount to matters relating to (i) Design, Character and Appearance (ii) Amenity, and (iii) Parking Provision and Highway Safety.

Design Character and Appearance

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 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.

Having regard to the Committee Report that considered the application submitted for the conversion of the two outbuildings to a single residential dwelling in 2010, the following extract is of particular relevance:

In describing the site, Officers stated that:

"the existing store is of brick construction with predominantly corrugated sheeting as a roof covering, it is of a poor construction and not capable of conversion. The buildings would have to be re-built to create the new dwelling."

The report goes on to state the following with regards to its design and impact on the surrounding area:

"Whilst there is a mix of housing styles in this part of Whitfield, the pattern and design of housing is predominantly traditional two storey and is laid out with a road frontage and private rear gardens. The dwelling proposed is a small bungalow which is situated within what is essentially the communal rear garden area of terraced properties on Freetown. By reason of design and siting it would appear incongruous and out of character with the pattern of neighbouring residential development in the area.."

A Structural Survey has been submitted by a suitably qualified professional which would appear to demonstrate that the buildings could be converted to ancillary residential accommodation.

Given that this application proposes to utilise the buildings in connection with the existing property, and does not create a separate planning unit, it is considered that

previous conclusions made by the Council with regards to the pattern of development do not apply to this case.

There are examples of render within the local vicinity. Given this fact, the visual enhancement that would result from the replacement of corrugated roof to slate tiles, and the relatively low visual qualities of the site and immediate surroundings, it is considered that the proposed change of use and conversion of the two outbuildings, including the erection of a 2m high boarded fence (which could be erected without planning permission) would not give rise to any harm to the character and appearance of the host dwelling or the wider street scene, in accordance with LP Policies S1 and EQ6, relevant Supplementary Design Guidance and paragraph 130 of the NPPF.

Amenity

LP Policy H3 refers specifically to New Housing Development and requires new developments to provide a high standard of amenity for all future occupiers in accordance with minimum standards set out within the Nationally Described Space Standards (NDDS) Technical Document published by DCLG (2015).

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 domestic extensions and alterations to preserve the residential amenity of both neighbouring properties and future occupiers, 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.

Having regard to the Committee Report that considered the application to convert the outbuildings to a single dwelling in 2010, and as referenced in the Delegated Report associated with HPK/2022/0266, the following extracts of the Committee Report are of particular relevance, with regards to potential impacts on neighbouring residential amenity:

“Notwithstanding the access and lease rights for the communal area, the dwelling proposed sits within and directly overlooks an area of land which is used as a communal, but still private area for the residents of 9-17 Freetown. The dwelling proposed by reason of its position immediately to the rear of existing residential properties, using their access and overlooking their garden areas, would itself have an unsatisfactory level of privacy and amenity, whilst impinging on the existing levels of amenity and privacy currently enjoyed by the occupiers of these dwellings...”

Whilst the communal garden referred to above is owned by the applicant, it would appear that neighbouring properties still have access rights to it, and shared access to the rear of each property.

In the previously refused application under HPK/2022/0266, the Block Plan that was subject of an assessment included the provision of a 2m high close boarded fence, situated a short distance from the western elevation of the converted outbuildings, to prevent any overlooking or privacy issues that would arise from windows serving the newly created windows.

Previously, Officers had concluded that the provision of this fence would indeed ensure that neighbouring amenity would be preserved but does not address issues relating to the quality of amenity for future occupiers of the converted outbuildings. This resubmission continues to provide this boundary fence, but crucially, is now situated further away (5 metres) from the western elevation of the converted outbuilding.

With regards to other potential impacts to neighbouring properties, the HMO would be accessed via the rear entrance, which would see a marginal increase in the overall coming and goings past rear elevations of neighbouring properties. Given that this rear entrance already serves 17A, it is not considered that the introduction of an additional bedroom would give rise to a degree of harm with regards to disturbance and subsequent impact to neighbouring amenity that amounts to a sustainable reason for refusal.

Whilst it is acknowledged that it would be desirable for a 2m boundary fence to be situated further away from the only habitable window serving Bedroom No.3, in the interests of providing a high quality outlook, the quality of this outlook is not considered to be of a standard that would warrant a credible or sustainable reason for refusal, particularly given the fact that the revised plans show this bedroom to be served by a larger window that would encourage more natural sunlight.

A key aspect of the previous reason for refusal was the failure to demonstrate compliance with NDSS standards, having regard to LP Policy H3. The Floor Plans submitted with this resubmission contains an accommodation schedule and an assessment of this schedule against NDSS minimum requirements. This schedule is set out as follows:

Total internal floor area	89sqm
Kitchen	7sqm
Lounge/Dining	14.63sqm
Bedroom 1 (Double)	19.38sqm
Bedroom 2 (Single)	15.00sqm
Bedroom 3 (Single)	16.71sqm

Officers are satisfied that the above dimensions are correct for each room and total area of the residential unit. The minimum total internal floor area for a 3 no. bedroom 4no. person occupancy across two storeys is 84sqm. As such, this revised proposal

is compliant with NDSS in so far as the size of the residential unit as a whole, and is compliant with LP Policy H3 subject to a strict occupancy condition.

With regards to the size of individual bedrooms, a single bedroom is required to have a minimum width of 2.15m and overall minimum area of 7.5msqm, whilst a double bedroom must have a minimum width of 2.75m and minimum overall area of 11.5sqm. An assessment of the dimensions of each bedroom finds that, subject to an appropriately worded strict occupancy condition, all bedrooms are compliant with NDSS, and thus provide a high standard of amenity for future occupiers in line with LP Policy H3.

Lastly, with regards to the size of the communal kitchen and a lack of a communal area to socialise and dine, this revised submission makes reference to the Council's own guidance relating to HMO's which makes clear that for a HMO of up to 5 people, the kitchen should have a minimum floor area of 7sqm. One bedroom has been replaced by a communal Lounge/Dining Room, which together, addresses the relevant part of the previous reason for refusal.

In light of the above analysis, Officers continue to have the view that the proposed HMO does not offer a 'high standard' of amenity for future occupiers. However, it does nevertheless meet the minimum standards, and would provide a type of residence that may be attractive to those seeking cheaper accommodation. The quality of the outlook looking westwards on to a 2m boundary fence 5m distant in particular is considered to be undesirable, but that the degree of harm arising from this relationship would not amount to that which warrants a credible or realistic reason for refusal.

Therefore, in conclusion and on balance, this resubmission, having regard to final revised plans, is considered to be acceptable having regard to LP Policies H3 and EQ6, relevant supplementary planning guidance, and relevant paragraphs under Chapter 12 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 provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

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 dwellinghouse does not benefit from any off-street parking provision. Having strict regard to parking guidelines set out under Appendix 1 of the Local Plan, the increase in bedrooms warrants the provision of additional off-street parking provision.

However, having regard to the specific context of the site, and its sustainable location within the built-up area boundary of Glossop within walking distance of the town centre, together with there being no objections from the Highways Authority, it is not considered that as a result of the increase in number of bedrooms, be any adverse impact on highway safety, in line with LP Policy CF6 and paragraph 110 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

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.

This application is a resubmission of a previously refused application (HPK/2022/0266) to convert outbuildings to the rear of No.17 Freetown, to create a HMO (17A). which was previous shown to contain 4no. bedrooms.

This resubmission shows changes to the internal layout which shows 3no. bedrooms, two of which are single occupancy, with the introduction of a communal Lounge/Dining Room, and a boundary fence situated further away from the western elevation.

The principle of development is supported, and therefore the acceptability of the application falls on whether the previous reason for refusal, which refers to the substandard quality of amenity for future occupiers, has been satisfactorily addressed.

For the reasons outlined within the report, Officers continue to be dissatisfied with the quality of the amenity for future occupiers, particularly the quality of outlook from the Lounge/Dining Area and Bedroom No.3 due to the presence of the 2m close boarded fence just 5m distant, but have concluded that the degree of harm does not amount to a credible or sustainable reason for refusal, and thus on balance, this resubmission (having regard to the latest revised plans) is found to address the previous reason for refusal under HPK/2022/0266 and subject to strict conditions, including those that restrict the level of occupancy within the HMO, is considered, on balance, to amount to sustainable 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: 20th June 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council