

DELEGATED DECISION REPORT

HPK/2023/0131
VALID 05/06/2023

HIGH VIEW, TOM LANE,
CHAPEL-EN-LE-FRITH,
DERBYSHIRE, SK23 9UN

OAK FRAMED CART LODGE
GARAGE WITH GYM/HOME
OFFICE/STORAGE ABOVE

(FULL - MINOR)

MAIN ISSUES

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

DESCRIPTION OF SITE

The application site relates to a two storey mid-terraced dwelling, which lies within the development boundary for Tunstead Milton, an identified “smaller village” within the Local Plan. The application boundary also includes land to the rear of the dwelling, which is located within the open countryside, as defined by the Local Plan Policies Map. The dwelling is located adjacent to the B5470, Tom Lane. Access to the rear is via a shared track off Tom Lane which leads to a large hardstanding area and a detached outbuilding. Other land to the rear is in use for domestic purposes. The application site boundary includes land which lies within Flood Zone 2 and 3..

PROPOSAL

The application seeks planning permission for the erection of a detached outbuilding on land to the rear of the dwelling. The outbuilding would have a footprint of 63sqm, with a width of 10.5m and depth of 6m. The building would have a dual pitched roof, with a height to eaves of approximately 3.3m and height to ridge of 6.349m. Dormer windows are proposed to the front elevation. External stairs are proposed to left hand elevation. The building would have a slate roof, with horizontal timber boarding to its elevations, with garage doors being constructed from vertical timber. The application suggests that the building would be used for garage, storage, gym and home office.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S6 Central Sub-area Strategy
- EQ1 Climate Change

EQ2 Landscape Character
EQ3 Rural Development
EQ6 Design and Place Making
EQ11 Flood Risk Management
CF6 Accessibility and Transport

Chapel-en-le-Frith Neighbourhood Plan

H3 Design Criteria

Supplementary Planning Guidance/Documents

Residential Design (2005)
Design Guide (2018)

National Planning Policy Framework

Section 12: Achieving Well-designed Places
Section 15: Conserving and enhancing the Natural Environment

PLANNING HISTORY

HPK/2015/0585 - Proposed Single Storey Rear Extension – Approved – 08/01/2016

CONSULTATIONS

Publicity

Site Notice expiry date: 04/07/23
Neighbour consultation period ends: 06/07/23
Press Advert: N/A

Public Comments

One letter raising no objection

One letter of objection:

Previous extension still not finished and remains an eyesore
New proposals could have same outcome causing disruption to everyone
Access is restricted

Town / Parish Comments

Strongly and unanimously object. The proposed site is intrusive into the countryside, it is outside the built-up boundary and the site is highly visible from the Peak Park and would have a visual impact on the local area. The proposed by virtue of its scale and design is not in keeping with the local area and there is also access concerns. The committee request the application be brought before HPBC development control committee and a physical site visit undertaken.

DCC Highways

The application suggests the creation of a garage, with some other uses; however, there does not appear to be a vehicular access to the location of the garage/building and the red line plan does not extend to the publicly maintainable highway. If the building is to be used as a garage, how will vehicles access the garage?

If there is no intention for the building to be used as a garage, there are no highway authority objections to the application subject to the building remaining ancillary to the main dwelling and being for the personal use of the applicant only. However, clarification of the intended use of the building would be appreciated to fully assess the ability of vehicles to access the site.

DCC LLFA

No formal comment to make

OFFICER COMMENTS

Principle of Development

The application proposes the construction of an outbuilding to be used in association with the dwelling known as High View. High View is located within the settlement boundary for Tunstead Milton. The boundary is drawn closely around the dwellings and their rear curtilage. The proposed outbuilding is located on land which lies outside of the development boundary for Tunstead Milton and, as such, is located within the identified open countryside.

Policy S6 encourages promotes the sustainable growth of the Central Area that reflects the historic character of the settlements, provides increasing range of employment opportunities, promotes the growth of a sustainable tourist economy and meets the housing needs of the local community. Policy EQ3 states that outside of the settlement boundaries, development will be strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park. Policy EQ3 allows for certain forms of residential development including, extensions to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

The land to the rear of High View, where the proposed outbuilding is to be provided, appears to currently be in use for residential purposes. However, the lawfulness of this use is questioned. The 2015 application for an extension to High View had a red edge which was drawn around the dwelling and its closely associated rear garden and excluded the land upon which the proposed building would be located. Furthermore, aerial photography suggests that the domestic use of part of this land.



The proposed outbuilding would, in part, be sited on land which is beyond the hardstanding area and its clearly defined boundary as was the case in 2020 (above).



While in 2017 (above), no hardstanding was present or the enclosed area of domestic amenity space.

There is no planning permission on record which details the laying of the existing hardstanding or the change of use of any land to domestic use. Therefore, in the absence of any evidence to the contrary the land falls outside of the existing residential curtilage and therefore, the extent of the lawful residential use of the site.

As the development falls on land which lies outside of what can reasonably be understood to be the residential curtilage of the existing dwelling, a material change of use would occur which would fall outside of the exceptions for residential development set out in Policy EQ3, and would therefore be unacceptable as a matter of principle.

Design Considerations

Policy S1 states that new development will be expected to make a positive contribution towards the sustainability of communities and where possible enhancing the environment. S1 seeks to take account of the distinct Peak District character, landscape, townscape, roles and setting of different areas and settlements in the High Peak, and to protect and enhance the natural and historic environment of the High Peak. Policy S6 seeks to ensure that development protects and/or enhances landscape character. Policy H3 of the Neighbourhood Plan states that new housing development must be of a high quality. Development should seek to create a place with a locally inspired or otherwise distinctive character.

As set out above Policy EQ3 seeks to strictly control development in the rural areas in order to protect the landscape's intrinsic character and distinctiveness. Extensions to dwellings, which can reasonably be attributed to the erection of an outbuilding, should be subsidiary to the building and do not have an adverse impact on the character of the landscape.

Policy EQ2 states that the Council will seek to protect, enhance and restore the landscape character of the Plan Area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being. This is to be achieved by requiring that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape, and resisting development which would harm or be detrimental to the character of the local and wider landscape.

Policy EQ6 states that all development should be well designed and of a high quality and that this will be achieved by requiring development to be well designed to respect the character of the landscape, and requiring development to contribute positively to an area's character, identity and history in terms of scale, height, density, layout, appearance, materials and relationship with adjacent buildings.

The Design Guide (2018) SPD states, at 5.10, that garages 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. Paragraph 7.25 confirms that there is no tradition of external timber boarding in High Peak. The Residential Design (2005) SPD states that 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.

The application proposes the construction of a detached outbuilding which would be 10.5m in width and 6m in depth. The building would have a steeply pitched dual pitched roof, that would have eaves heights of approximately 3.3m and a ridge height 6.35m. The outbuilding is large, in terms of overall footprint, and its heights to eaves and ridge. The eaves height and steeply pitched roof, exacerbates the overall height of the proposed outbuilding.

The existing dwelling is a modest two storey mid-terraced unit. The proposed garage would be out of scale with that of the existing dwelling in terms of its footprint. Furthermore, it is noted that an existing large outbuilding is already in use for domestic purposes (the lawfulness of this use is unclear also). Cumulatively, the outbuildings would overwhelm the scale of the existing dwelling, and the uplift in residential accommodation would fail to be subservient to the host dwelling.

There is a large gap between the terraced group and the adjacent detached dwelling. Views between these buildings include modest outbuildings which are low level and clearly subservient to the buildings to which they relate. The proposed outbuilding, would be sited to the rear of these buildings. However, given the large scale of the building it would result in a dominant new outbuilding which would overwhelm the adjacent outbuildings, while also eroding the verdant views between the buildings and to the hills beyond.

The design of the outbuilding takes no reference whatsoever to the design of the existing dwelling, or any surrounding building. The steeply pitched roof would markedly contrast with roof form of any building within the immediate vicinity which are characterised by shallow pitched roofs, or hipped roofs. Furthermore, the inclusion of dormer windows to the front elevation would introduce a feature that adds unnecessary dwelling character to the outbuilding. The use of vertical timber materials is also inappropriate. While there are some timber buildings in vicinity of the site, these are modest in scale and relatively discrete. The proposed building by reason of its undue scale and form would fail to harmonise sympathetically into its surroundings.

The proposed development would fail to respect the character and appearance of the host building, would lead to an encroachment into the countryside and cause harm to the character and appearance of the rural landscape. The proposals considered to be contrary to Policies S1, S6, EQ2, EQ3, and EQ6 of the Local Plan, Policy H3 of the Neighbourhood Plan and guidance contained within the SPDs.

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.

While the proposed outbuilding is large, it is considered that it would be sited sufficient distance away from neighbouring dwellings not to give rise to adverse

effects through overbearing, loss of daylight, overshadowing or a reduction to outlook. The scheme includes dormer windows to the front elevation, these would face over land which is within the ownership of the applicants and sufficient distance from the amenity space of neighbouring properties not to result in overlooking or a loss of privacy.

The lawful private amenity space of the host dwelling would be unaffected by the proposed development and, as such, there a sufficient degree of private amenity space would be retained.

Highway Safety

There has been concern raised with regard to access to the building. When on site it was observed that the building would be accessed via an existing shared access from Tom Lane. This access, as existing, serves the application dwelling along with other properties. The proposed development does not result in an uplift of bedrooms, and therefore an intensification of the domestic use of the site. In such circumstances it cannot be considered that there would be an uplift in vehicular movements to/from the site to result in harm to highway safety.

Flood Risk

Part of the application site lies within Flood Zones 2 and 3. The proposed building would be sited clear of these areas and as such it is not considered that the proposals would result in any harm to flood risk elsewhere or be at risk from flooding. No comments have been raised by DCC LLFA in regard to this development, although standing advice has been provided.

CONCLUSIONS

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

OFFICER RECOMMENDATION: REFUSE

Case Officer: Declan Cleary

Recommendation Date: 31/07/23

X *J Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council