

DELEGATED DECISION REPORT

HPK/2023/0331
Valid 07/08/2023

33 THE FRONT
WATERSWALLOWS ROAD
FAIRFIELD
BUXTON

REPLACEMENT OF FLAT
ROOF TO GARAGE WITH
PITCHED ROOF. PROPOSED
SINGLE STOREY REAR
EXTENSION. INTRODUCTION
OF FLUSH WINDOWS AND
CLEANING OF EXISTING
STONework

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design and Conservation
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application relates to a residential plot located adjacent to Waterswallows Road, in the Fairfield area of Buxton, within the built-up area boundary and within the Fairfield Conservation Area. No.31 Waterswallows Road is a Grade II Listed Building that shares a boundary with the host property.

The plot contains No.33 'The Front' Waterswallows Road, a detached two storey residential dwellinghouse with a simple rectangular form with gable ends, constructed in limestone, orientated so that the principal elevation fronts the public highway. The rear elevation is finished in a peddledash render, whilst other shades of render are present within the vicinity of the site.

The curtilage is made up of an area of hard standing to the front of the property that serves off-street parking provision. A flat roof porch / garage extends outwards from the front elevation by some 3.3m and is considered to contribute negatively to the character of the dwellinghouse and the wider Conservation Area, by virtue of its scale and form.

PROPOSAL

The application seeks full planning permission for the remodelling of the existing front porch / garage with a different roof form, together with a single storey rear extension.

Following discussions with Officers, revised plans have been submitted which are the subject of discussion and assessment within this report.

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
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment
- CF6 Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 15th September 2023
Neighbour consultation period ends: 5th September 2023
Press Advert: 14th September 2023

Public Comments

None

Town / Parish Comments

N/A

HPBC Conservation Officer

Initial Response:

The Heritage Statement is weak and fails to note the proposal is between two listed buildings of which are not identified, and their setting is not acknowledged or assessed. The document describes only the modern buildings and that of which the proposal relates to.

Cherry Tree Farmhouse and adjoining house. GII Listed is immediately behind this proposal. Consequently setting is a direct concern and has not been noted at all in the Heritage Statement. This GII is a traditional farmhouse of the vernacular with long bays and rural character of the High Peak.

The proposal appears to create a confused dwelling with no concise frontage or rear, meaning that from a design standpoint the ratios are competing and not balanced, making for a visually obtrusive set of blocky squares within the setting of the GII.

The current dwelling is unassuming and relatively submissive within this portion of the Conservation Area. I am not sure enlarging the footprint to the proposed extent and the amount of render will harmonise successfully. Generic render weathers poorly and risks creating a depreciated look. I am not confident this will be enhancement to this vicinity.

I cannot provide full support at this time with lack of sufficient information for the project. Further, as none of the heritage assets have been assessed appropriately as per NPPF paragraph 194, the scheme is at conflict with this wording and I believe there will be harm imposed.

Further Comments:

(In connection with revised plans) - No objection subject to following conditions:

1. Prior to the commencement of works on site full details of joinery including colour code, frame type, glazing type, fittings and fixtures, opening mechanisms, putty, beading where relevant and unit position within the reveals are to be submitted to the Local Planning Authority. Once approved in writing the development shall be undertaken in accordance to this specification.

Reason – to conserve the character of the Conservation Area.

2. Prior to the commencement of works on site full details of finishing and facing materials are to be submitted to the Local Planning Authority. Once approved in writing the development shall be undertaken in accordance to this specification.

Reason – to conserve the character of the Conservation Area.

Derbyshire County Council Highways

The proposal suggests that the frontage boundary treatment is to be a stone wall which reflects that fronting the neighbouring dwellings. The submitted plans also appear to indicate a slight alteration to the access location with the proposed access being nearer to no. 31 whereas the current access is located centrally.

Can the applicant confirm and provide details of the boundary treatment i.e. height and position in relation to the highway boundary and the location of the access; if the access location is altered the applicant will require an extension to the footway crossing under S184 of the Highways Act 1980. For the applicant's information, the boundary wall should not exceed 1m in height relative to the adjacent carriageway level.

OFFICER COMMENTS

Principle of Development

The application seeks permission for extensions and alterations to a dwellinghouse that lies within the built-up area boundary of Buxton, one of the larger Market Towns that sits at the top of the settlement hierarchy under LP Policy S2 that are the focus for housing and economic growth.

The site also lies within the Fairfield Conservation Area and as such the application is subject to LP Policy EQ7 and restrictive national planning policies relating to heritage conservation contained under Chapter 16 of the NPPF.

As such, the application can be supported in principle only where it can demonstrate compliance with the above policies, notwithstanding all other material considerations.

Design & Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

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.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

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.

Paragraphs 199-202 sets out how a local authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The Conservation Officer has raised concerns regarding the quality of the submission and the applicant's failure to assess the significance of the heritage assets that are pertinent to this site, which includes the contribution the dwelling makes to the overall character of the Fairfield Conservation Area and the setting of the neighbouring Grade II Listed Building, thereby failing to comply with Paragraph 194 of the NPPF.

Notwithstanding the above, Officers (before being in receipt of Conservation Officer comments) raised concerns with regards to the original submission as stated in an email dated 5th September:

"With regards to the above application, I have no objections to the principle of re-altering the roof of the existing front annex and the erection of a rear extension.

However, the choice of a hipped roof is in my view actually worse than the current flat roof as it would result in a conflict of ridge lines and angles with the simple rectangular gabled house.

As such, I would ask that you re-design both extensions to show a pitched gable at the front that sits at a right angle to the ridgeline of the main house, and a mono-pitched lean to extension at the rear."

In response to the above, the applicant has submitted revised plans that show the roof form of the front porch to read as a simple gable that would, due to its single storey nature, continue to read as a subordinate and secondary addition in the

context of the main house, and, by virtue of replacing an unsympathetic flat roof not supported by supplementary design guidance with a much more sympathetic dual pitched roof, is considered to amount to a visual enhancement.

The revisions to the rear extension show a simple mono-pitch lean to that is understood to be consistent with the parameters of scale, height and depth that are permitted under Schedule 2, Part 1, Class A of the GPDO. As such, these revisions are considered to be acceptable in its own right and would not result in any material impact to the setting of the nearby Listed Building.

The revised plans show the property to be rendered in its entirety in an off-white colour. In more sensitive areas of the Conservation Area, such a proposal would likely be deemed highly inappropriate and unacceptable. However, every application is to be taken on its own individual merits.

In this case, Waterswallows Road is not a particularly sensitive area of the Fairfield Conservation Area, with a varied palette of materials on show some of which are unsympathetic, including the pebbledash render to the rear of No.33 and the off-yellow render on the neighbouring property to the west.

Taking the existing context into account, it is considered that replacing the rather non-descript artificial stone elevations with an off-white render and the re-rendering of the peddle-dash to the rear with a similar off-white render would not give rise to a change in the character and appearance of either the building, the wider street scene or the Conservation Area as a whole that in the view of Officers, that results in a negative impact that warrants a reason for refusal. It is considered that the proposed development in their revised form preserves the character and appearance of the Conservation Area and does not affect the setting of nearby Listed Buildings.

The Conservation Officer has accepted that the revised proposals are acceptable subject to two conditions, which Officers recommend be attached to the Decision Notice.

As such, the application in its revised form is considered to accord with LP Policies S1, EQ6 and EQ7, relevant Supplementary Design Guidance, relevant paragraphs relating to design under Chapter 12 of the NPPF, and relevant restrictive paragraphs relating to heritage conservation under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

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 and alterations to preserve the residential amenity of neighbouring properties, having regard to the

relationship between existing and proposed development, the positioning of windows, and changes in land levels amongst other things.

Paragraph 130 states that planning should create places with a high standard of amenity for existing and future users.

The existing property is set a considerable distance behind the public highway with the projecting garage / porch sitting adjacent to a large gable of the neighbouring property to the east, which immediately fronts the highway. Given this relationship, this neighbouring property would not be adversely affected by the proposed pitched roof or alterations to fenestration

Similarly, the property to the west is positioned slightly further towards the public highway meaning that the different roof form would not result in any material impact to the amenity of this neighbouring property.

Lastly turning to the proposed single storey addition to the rear, this extends some 3.6m and has a height of 2.1m to eaves, and overall height of 3.5m, falling within the parameters of dimensions permitted under Schedule 2, Part 1, Class A of the GPDO.

Given that an extension with these dimensions (albeit perhaps with different materials) could be constructed without planning permission, there are no grounds to refuse this aspect of development in relation to impacts to neighbouring properties.

Whilst the side elevation facing the neighbour to the west contains a side of French doors, there would be no harm to the neighbouring property given the presence of a 1.8m timber fence, and therefore in any event there would be no harm to this, or any other neighbouring property.

As such, it is concluded that the proposal in its revised form would not give rise to any harm to the amenity of any neighbouring residential property, thereby according with LP Policy EQ6, the 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 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.

The Highways Authority have sought clarification regarding the boundary treatment specifically its height and position in relation to the highway boundary and location of access.

The applicant has clarified that the existing (unsympathetic) wall will indeed be replaced with a low dry stone wall no more than 1m in height in a straight line across the frontage, maintaining a (larger) vehicular entrance sat centrally within the plot. A compliance condition is recommended to secure this height.

On this basis, it is considered that there would be no harm to highway safety. It is however recommended that an informative be added to the Decision Notice that makes clear to the applicant that in light of the access location being altered will require an extension to the footway crossing under S184 of the Highways Act 1980.

In conclusion subject to an appropriate condition relating to the height of the wall, it is considered that the proposal would not give rise to any harm to highway safety in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Other Matters

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 increase overnight stays. However, the proposal does involve additional roof area and will therefore increase surface water run-off. However, given the very limited extent of the additional roof it will not significantly increase run-off from the site and in turn 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 contained within the National Planning Policy Framework. 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 permission for extension and alterations to an existing property that lies within the built-up area boundary of Buxton and within the Fairfield Conservation Area.

Further to an initial assessment, the application has submitted revised plans that subject to conditions, are considered to address concerns raised by Officers and the Conservation Officer, and amount to a sustainable form of development that accords with all relevant local development plan policies, supplementary guidance, and relevant paragraphs within the NPPF, including those restrictive paragraphs that relate to heritage conservation.

As such, the application in its revised form is considered to constitute a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 9th October 2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council