

DELEGATED DECISION REPORT

HPK/2023/0419
Valid 26/09/2023

26, WOOD GARDENS,
HAYFIELD, DERBYSHIRE,
SK22 2HQ

TWO STOREY EXTENSION
OVER EXISTING AND
CONVERSION OF GARAGE
(RE-SUBMISSION OF
HPK/2022/0533) (FULL -
HOUSEHOLDER)

MAIN ISSUES

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

DESCRIPTION OF SITE

The application site lies within the settlement boundary for Hayfield as defined by the Local Plan policies map. The site relates to a two-storey detached property which is located within a predominantly residential area. The site is accessed via a driveway from Wood Gardens to the front and benefits from private amenity space to the rear. An Area TPO (153) covers the site area while a small part of the site is located within Flood Zone 2 and 3.

PROPOSAL

This application proposes the construction of a first floor extension over the existing garage to the side and the conversion of that garage. The extension would create a bedroom and bathroom at first floor level and sitting room, and utility at ground floor.

This application is the resubmission of a previously refused application (Ref: HPK/2022/0533). That application was refused on the following grounds:

1. The proposed two storey side extension, by reason of its height, scale and positioning, along with its orientation and juxtaposition to No.27 Wood Gardens, would resulting an unacceptable relationship with that property. The proposed relationship is considered to be un-neighbourly and would give rise to adverse loss of light to habitable rooms; overshadowing, overbearing to the property and its private amenity space; and an unacceptable loss of outlook. As such, the development would have a detrimental impact on the amenities enjoyed by residents of that property. The development proposals would therefore be contrary to Policies S1 and EQ6 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 of the NPPF.

2. The site is covered by an Area TPO 153. Within the rear garden of the site and to the side boundary are trees covered by the order which may be affected by the development. No Tree Report or Arboricultural Impact Assessment has been provided with the application to enable the Local Planning Authority to satisfactorily determine the impact of the development on these trees during or post construction. The proposals are therefore contrary to Policy EQ9 of the High Peak Local Plan 2016.

The scheme has proposed additional supporting information to seek to address the issues arising from the proposals. The proposed extension remains as previously considered.

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
EQ6 Design and Place Making
EQ9 Trees, woodland 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/2022/0533 - Two storey extension over existing and conversion of garage – Refused – 23/01/23

HPK/0000/9547 – Proposed Erection of 36 Houses and Garages – Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 09/11/23
Neighbour consultation period ends: 18/10/23
Press Advert: N/A

Public Comments

Two letters of objection have been received, the salient objections are:

- Scheme unaltered from previously refused;

- Same issues remain as in reasons for refusal
- Existing property casts a shadow all day
- Submitted simulation information is incorrect
- Option B marginally less impactful
- Loss of light, overshadowing, overbearing and loss of outlook
- Other approvals cannot be compared
- Unneighbourly

Town / Parish Comments

None received

DCC Highways

No highway safety comments to make

DCC Countryside Services

The applicant has provided insufficient information to properly assess whether the fencing indicated in the tree protection plan will adequately protect the RPAs of the trees involved, in particular T1.

In order to provide sufficient information to accurately assess the likely effects of the proposed development on trees, can we please request further information as regards a full BS5837:2012 Trees in relation to design, demolition and construction - This report should include:

- A survey of all trees which are likely to be impacted upon by the proposed development, with details and categorisation results provided in `an appropriate schedule (a per BS5837:2012 sections 4.4 - 4.6)
- Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site).
- Clear specifications for all proposed management works to retained trees.
- A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4)
- Root protection areas (RPA) and construction exclusion zones.
- Exclusion zone protective barriers (giving precise locations and specification).
- The position of all new underground services in relation to RPAs.
- Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs.
- Method statements for all other construction operations which impact on trees

Canal and River Trust

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

DCC Highways

The existing parking provision to the front of the dwelling will be maintained and is suitable to accommodate three vehicles. On that basis, there are no grounds for a highway authority objection to the application.

OFFICER COMMENTS

Principle of Development

The application proposes householder development to a property which is located within the settlement of Hayfield as defined by the Local Plan Policies Map which lies within the Glossopdale sub area. Within such locations extensions to dwellings are acceptable, as a matter of principle. The main considerations in this instance whether the design is appropriate, whether an amenity issues would arise, whether there would be an impact upon highway safety, and whether there would be an impact upon protected trees.

The application is a resubmission of a previously refused development. The scheme does not propose any alterations to the design of the extension. That previous application was refused on the grounds of the effect of the development on the living conditions of No.27 through loss of light, overshadowing, overbearing and loss of outlook; and, insufficient information with regard to the effect on trees. These are the main considerations of the application proposals.

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 Residential Design SPD states, at 9.2, that extensions should *“be of a scale and be designed and positioned to avoid undue harm to the amenity of neighbouring properties. They must have regard to the orientation of adjacent homes, the number and position of windows and land levels. Excessive overshadowing of neighbouring habitable rooms windows, glazed doors and private garden/amenity areas should be avoided.”*

At 9.3.1 the SPD states *“an extension should not unduly reduce outlook from a main habitable room window or produce a tunnelling affect. To prevent this, extensions affecting neighbouring property should not normally extend more than 2.5 m from the rear of the affected home”*.

The application site is a detached two storey dwelling which is located within a row of properties on the eastern side of Wood Gardens. With regard to the relationship with No.25 to the south, the positioning of the extension, on the northern side of the host dwelling, would mean that no issues would arise through overshadowing, overbearing or loss of daylight.

However, the relationship with No.27 Wood Gardens is noticeably different. Under the previous application it was noted that the application site and No.27 are

juxtaposed insofar as No.27 is set further forward than the application site, while identifying windows to habitable rooms at ground floor and first floor to the rear of No.27, and noting the private amenity space being to the rear. It was concluded that given the juxtaposition between the two properties, the positioning of openings to the rear of No.27, and the two storey nature of the extension, which would be sited close to the boundary, the proposals would be prominent and result in an overbearing impact on the neighbouring property, resulting in loss of light to habitable rooms, and overshadowing on its private amenity space. The orientation of the properties, with the application site being located to the south, would exacerbate this relationship in terms of loss of sun light and day light.

The application proposals have not been altered and the above analysis would remain prevalent. The application has been supported by a "Shade Modelling Analysis" prepared by Biora. The submitted information reaffirms the LPA's view that there would be additional overshadowing and loss of light created by the proposed extension. It is suggested that the effect is marginal and limited, however the LPA do not agree and it is maintained that the degree of harm compared to the existing relationship would have an unacceptable effect on the living condition of No.27 through loss of light and overshadowing. The effect in March detailed in the scheme is of particular note, while it is likely that the scheme would cast further shadow on a larger area of the garden into the afternoon beyond 12:00.

In any event, the support documentation only considers the effect of light and shadowing. The scheme was refused previously on its overbearing impact and the loss of outlook which are separate considerations. Given the scale and design of the extension and its proximity to the boundary the flank gable elevation of the extension would be prominent from both internal and external spaces of No.27 resulting in an overbearing impact and significant loss of outlook.

Reference has been made to the relationship between the application site and No.25 to its south. This is an existing relationship. Nonetheless, No.25 does not project as much to the rear of No.26 than No.26 does to No.27 i.e. those properties are more closely aligned. Furthermore, the roof of No.25 slopes away from No.26, which reduces its bulk, while the proposed extension has a gable proposed along its boundary. The extent of built form would be greater than the existing relationship cited.

The applicants have highlighted a number of other extensions which have been carried out in Wood Gardens, however it is considered that these do not present the same relationship as proposed and therefore are not directly comparable.

It is considered that the application presents an unacceptable impact on amenity for neighbouring dwellings, and as such would be contrary to EQ6, the Residential Guide SPD and guidance within the NPPF.

Impact on Trees

An Area TPO covers Wood Gardens and the site includes a number of trees within the rear garden and to the front of the site which are covered by this order. This includes trees on the rear boundary and also on the site boundary close to the

proposed extension. DCC Countryside Services have advised that a Tree Report would be necessary. Such a report would establish the accurate location of trees, their crown spread and their RPA's, and would determine the impact of the development upon trees, along with any future pressures, and also set out any mitigation that may be required during construction.

The submitted information includes trees plotted on the proposed site plan. The trees have identical crown spreads, while there is no indication of their RPA. The position of tree protection fencing is shown. For T1 this cuts across the purported crown of the tree. The proximity of the crown of T2 to the development cannot be determined, or the degree of any overhanging of the proposed fencing. While the crown for T1 may be greater than shown and therefore it is not clear whether the tree could be impacted by construction vehicles. Furthermore, the information is essential to establish whether there would be any future pressures for work to these trees.

The LPA therefore cannot be satisfied that the position of the trees or their crown spread is accurate, while there is no information of the RPA's. All these points would inform the position of effective fencing to minimise any harm to trees during construction, while the effect on the crown of the trees needs to be established.

It is acknowledged that the extension would be provided at first floor level and may not require any below ground works. However, this does not address the concern identified with regard to accurate information. The trees in this location are positive elements to the visual amenity of the area and any negative effect on these during or post construction would have an unacceptable effect on the area.

The proposals are therefore contrary to Policy EQ9 of the Local Plan.

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 which would be achieved by, inter alia, securing high quality and locally distinctive design. 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 townscape, and requiring development to contribute positively to an areas character, identity and history in terms of scale, height, density, layout, appearance, materials and relationship with adjacent buildings.

Further guidance for extensions is contained within the High Peak Residential Design Guide SPD (2005), and the Design Guide SPD (2018).

The Residential Design Guide (2005) provides guidance in section 9, and states that extensions should be designed to be subordinate to the main house and that an extension results in a dwelling which is well designed in itself.

The Design Guide SPD (2018) at 5.5 states that extensions should harmonise with the parent building and should respect the dominance of the original building, being subordinate to it in terms of size and massing.

The NPPF also seeks to deliver high quality design in development and, at paragraph 134, states that development which is not well designed should be refused.

The application proposes the conversion of the existing garage to the side of the property which is located within a single storey projection. The scheme also includes a first floor extension to create a two storey wide projection. The extension proposes a gabled roof design which is perpendicular to the host dwelling which has a roadside fronting gable. The extension would have a lower ridge height to the host roof and would appear as a subservient element with the host dwelling remaining dominant.

Due to the alignment of dwellings and gaps between dwellings, views of the extension would be visible from the public highway to the north. However it would be set against the existing built form and would not appear unduly prominent or incongruous from this vantage point. Additionally, from the front the extension would not appear out of character with the surrounding streetscene.

The proposed openings would be sympathetic to that of the host dwelling in terms of their proportions and design, which is appropriate. It would be necessary to ensure that materials to match the existing are used so that the extension appropriately harmonises with the dwelling.

It is considered that the extension could be carried out without causing harm to the character and appearance of the host dwelling, or streetscene.

Highway Safety

The proposal would result in the loss of a garage and would also increase the number of bedrooms within the property. The site benefits from a generous driveway which would be sufficient to provide the appropriate level of off site parking to serve the dwelling as extended. No objections have been raised by DCC Highways in this regard.

CONCLUSION / PLANNING BALANCE

For the reasons set out in this report, it is considered that the proposed development would have an unacceptable impact on the living conditions of No.27 Wood Gardens due to loss of light, overbearing, overshadowing and loss of outlook. There is also insufficient information to determine the impact of the development upon protected trees. Therefore, the previous reasons for refusal have not been addressed.

The proposals would be contrary to S1, EQ6 and EQ9 of the Local Plan, guidance contained within the Residential Design SPD, and the advice contained within the NPPF, and as such it is recommended that the application be refused.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Declan Cleary

Recommendation Date: 20/11/23

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council