

## DELEGATED DECISION REPORT

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HPK/2023/0390  
Valid 11/09/2023

15 LEE HEAD  
CHARLESWORTH

**PROPOSED PART TWO  
STOREY SIDE EXTENSION,  
SINGLE STOREY REAR  
EXTENSION, ENLARGEMENT  
OF REAR DORMER,  
RETENTION OF RAISED  
PATIO AREA, AND RENDER  
TO ALL ELEVATIONS**

**(FULL - HOUSEHOLDER)**

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### MAIN ISSUES

- Design Character and Appearance
- Amenity

### DESCRIPTION OF SITE

The application relates to a semi-detached dormer split level property No.15 Lee Head, Charlesworth, which sits at the end of a cul-de-sac which is made up predominantly of properties of a similar character and appearance.

The residential plot is made up of a small front garden, that extends around the eastern gable to a rear garden. The topography of the site is such that the rear garden slopes away from the rear elevation resulting in a significant drop in levels.

Despite a planning application being refused for raised decking in January 2015, a site visit has confirmed that decking of a similar nature has been introduced without planning permission. The decking as shown on the Existing Plans extends some 3.8m outwards into the garden, having a height of 1.4m above natural ground floor level, and spans the width of the entirety of the rear.

The existing dwellinghouse has a relatively unsympathetic appearance being clad in peddle-dash render, with an odd, awkward side extension with a mono-pitched roof being added in the late 1980's / early 1990's.

The site is bounded to the south by the turning head of the cul-de-sac, to the east by the large recreational park/play area, and to the west by the neighbouring semi-detached property, No.13 Lee Head. The rear boundary is shared with No.33 Marple Road, with no intermittent views due to natural vegetation screening.

### PROPOSAL

The application as submitted sought full planning permission for the following aspects of development:

- Two storey side extension
- Single storey rear extension
- Enlargement of rear dormer
- New raised patio extension
- Render of all elevations

Further to ongoing discussions with and concerns voiced from Officers, a revised scheme has been submitted, with the description of development amended accordingly.

The amended scheme shows a significant reduction in a decked area beyond the rear extension, and seeks retention of the existing raised patio that the extension would be built on, which on inspection of the site and a review of the planning history has been found to be unlawfully implemented.

The plans that are therefore subject of assessment within this report are listed as follows:

- Proposed Plans (Ref: HP1 Rev A)
- Proposed Plans (Ref: HP1 Rev B)
- Location Plan (Ref: HP2 Rev A)

## **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
- S5 Glossopdale Sub-area Strategy
- EQ6 Design and Place Making

### **Supplementary Planning Documents**

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

### **National Planning Policy Framework 2023**

|                                                   |            |
|---------------------------------------------------|------------|
| Achieving Sustainable Development                 | Chapter 2  |
| Achieving Well Designed Places                    | Chapter 12 |
| Conserving and Enhancing the Historic Environment | Chapter 16 |

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

HPK/0002/5667      Kitchen/Bedroom Extension (Approved 5<sup>th</sup> Aug 1987)  
HPK/0002/6071      Dormer Conversion (Approved 8<sup>th</sup> Jan 1988)  
HPK/2014/0534      Proposal of Rear Domestic Decking (Refused 6<sup>th</sup> Jan 2015)

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 9<sup>th</sup> November 2023  
Neighbour consultation period ends: 6<sup>th</sup> October 2023  
Neighbour re-consultation period ends: 5<sup>th</sup> December 2023  
Press Advert: N/A

### **Public Comments**

2no. objections have been received from occupiers of neighbouring properties, in connection with the scheme as submitted, which raises the following issues:

- Harm to amenity (overlooking, loss of privacy, loss of sunlight)
- Excessive Size and Scale
- Inappropriate Design and Materials
- Unauthorised development exists following refusal

### **Town / Parish Comments**

No comments received

### **HPBC Conservation Officer**

This proposal sits between two Conservation Areas; Charlesworth to the north and Holehouse to the east and south.

The site location is at a northerly point of Lee Head in an exposed and open area with direct views into and from the Conservation Areas. No Heritage Statement accompanies this application to analyse this, or explore any intervisibility issues the scheme may pose. Currently as the site sits within direct line of sight and therefore setting of the Conservation Areas, I would encourage a Heritage Statement accompanies this application.

## **OFFICER COMMENTS**

### **Principle of Development**

The application seeks extensions and domestic alterations to an existing dwellinghouse that lies within the built-up area boundary of Charlesworth, a Larger Village that having regard to the settlement hierarchy under Local Plan (LP) S2 can accommodate development of a modest scale.

The site does lie within the setting of two nearby Conservation Areas but is not directly constrained by any statutory designation.

Having regard to the above, the general principle of development is supported subject to careful consideration of potential impacts to the setting of the Conservation Areas as a consequence of all aspects of design, the impacts on the character and appearance of the dwellinghouse and wider street scene, and potential impacts on the amenity of neighbouring properties.

### **Design Character and Appearance**

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.

Chapter 9 of the Residential Design Guide SPD (2005) relates specifically to Domestic Extensions. The relevant guidance pertinent to the assessment and determination of this application is set out as follows:

- 9.0 *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.*
- 9.1 *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.*
- 9.4.2 *Dormers pose difficulties in terms of design and overlooking. They should be kept as small and as simple as possible...*

The more recently adopted Design Guide SPD (2018) contains further guidance for designing domestic extensions in Chapter 5. Relevant guidance is set out as follows:

- 5.5 *All extensions should harmonise with the parent building. An extension should respect the dominance of the original building and be subordinate to it in terms of size and massing...*

Paragraph 130 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.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The proposed extensions and alterations as submitted were judged to cause considerable concern, as set out in an email to the applicant's agent dated 20<sup>th</sup> November 2023, as set out below:

*"The first thing to note is that an application was refused on 6<sup>th</sup> January 2015 for raised decking. From my site visit, I can see that such development has occurred without the relevant planning consent and therefore this would require retrospective planning permission in its own right as this is an engineering operation.*

*The proposed extensions are set on these new levels, which were previously found to be unacceptable given the relationship and impact to the neighbouring residential property. Notwithstanding whether it could be proven that the existing raised area is lawful, by virtue of it being immune from enforcement action, the proposals appears to breach the 45 degree angle of the nearest neighbouring habitable window and as such would result in an unacceptable impact on the amenity of this property. The extension of the raised decking area including a timber screen, which, whilst providing privacy, is not acceptable in design terms, and would exacerbate the impact to the nearest habitable window.*

*It is therefore advised that the single storey extension and raised decking area would need to be removed in order for me to support this application.*

*Turning to other aspects, I could support the 'infill' of the side elevation, given that at present the existing side extension appears as an odd and contrived addition that is wholly unsympathetic. I would require the rear aspect to be revised so that it does not result in an odd flat roof that jars with the existing dual pitched gable. Revised plans should show a pitch that mirrors the existing mono-pitch side extension.*

*Given the presence of pebbledash render, I would not object to the re-rendering of existing side and rear elevations."*

Having progressed discussions, it was accepted that the existing (unauthorised) raised patio area that would be used as the ground floor area could be included within an amended description to regularise this element, thereby allowing a modest extension to be constructed in a more appropriate manner.

The revised plans show the omission of any enlarged decking and encompasses changes to roof angles that addresses all matters raised within the email of 20<sup>th</sup> November in relation to design.

The plans in their revised form show extensions and alterations that compliment the existing dwellinghouse and thus the character and appearance of the building and wider street scene, in accordance with LP Policies S1 and EQ6, relevant

Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

## 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.

Chapter 9 of the Residential Design Guide SPD (2005) relates specifically to Domestic Extensions. The relevant guidance pertinent to the assessment and determination of this application is set out as follows:

- 9.2 *Domestic 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.*
- 9.3 *If the centre of a main habitable room window is affected by the heavily shaded area i.e. overshadowed on both a vertical and horizontal plane, then the extension may well cause a significant reduction in the skylight received by the window.*

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

The site is bounded by No.13 Lee Head, the semi-detached bungalow that shares a partition wall and garden boundary with the host property which is defined by a combination of timber fencing and hedgerow.

The photographs below show that despite a planning application for external raised decking being refused in 2015 under HPK/2014/0534, decking which requires planning permission and is unauthorised, has been introduced. In light of the Levelling Up and Regeneration Act being granted royal ascent in October 2023, which states that all unauthorised development must have been in situ for 10 years to be immune from enforcement action, it is clear that this development is in breach of planning control.



**Above:** *(Left) site as it stood in 2014 when application for raised decking was submitted under HPK/2014/0534 and subsequently refused (Right) evidence of unauthorised decking being added since January 2015.*

Due to the proximity of the neighbouring property and the raised land levels, the existing (unauthorised decking) already results in harm to the neighbouring property by way of overlooking to the detriment of their privacy.

The application seeks to build a single storey rear extension utilising these new land levels, and as such, the description of development has been amended to reflect this fact.

As stated previously within this report, Officers were prepared to accept an amended description of development that deals with the unauthorised raised patio area.

The revised plans show that the external decking that protrudes a considerable distance into the garden and associated timber screen has been omitted. In addition, the side wall nearest the neighbour has been amended in a manner that preserves the 45 degree angle to the nearest neighbouring habitable window. It is further noted that the extension lies to the north of the attached property which will reduce the potential for overshadowing.

In its revised form, it is judged that all previous concerns relating aspects of residential amenity (overlooking, loss of privacy, and loss of sunlight) that were voiced by the occupier of the neighbouring properties and set out within the email addressed to the agent on 20<sup>th</sup> November have been satisfactorily addressed, in accordance with LP Policy EQ6, the Residential Design Guide SPD, and paragraph 130 of the NPPF.

## **Other Matters**

### Heritage Conservation

The site does not lie within a Conservation Area (CA) and is situated a relatively significant distance from the border of the two CA's in the vicinity of Charlesworth. Given the nature and scale of the proposed development and the low visual qualities of the existing dwellinghouse, it is not considered that there would be any harm to the character and appearance of any nearby heritage asset.

## **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.

The application seeks permission for extensions and alterations to an existing property that lies within the built-up area boundary of Charlesworth, on a site not constrained by any sensitive statutory designation.

Whilst Officers identified significant concerns in relation to the scheme as submitted, it has been possible to work with the agent in a constructive and positive manner to address issues relating to Design and Residential Amenity in order to achieve an acceptable scheme.

In its revised form, the proposed extensions and alterations are considered to align with all relevant Local Development Plan policies, relevant Supplementary Planning Guidance, and other considerations including the NPPF.

As such, the application constitutes 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: 12<sup>th</sup> December 2023**

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**