

DELEGATED DECISION REPORT

HPK/2023/0536
Valid 06/12/2023

67 MEADOW LANE
DOVE HOLES

TWO STOREY SIDE
EXTENSION, SUNK PATIO
AND ASSOCIATED
ENGINEERING OPERATIONS

(FULL - HOUSEHOLDER)

MAIN ISSUES

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

DESCRIPTION OF SITE

The application refers to No.67 Meadow Lane, Dove Holes, a two storey end-of terrace cottage, situated in an elevated and prominent location above the main core of the village, being highly visible in both short and middle distant views from public footpaths and public highways including the A6.

No.67 sits at the end of a row of terraced cottages of a consistent depth and narrow width, constructed from a traditional local stone, with slate roofs characterised by chimney stacks. Whilst there some degree of variety with regards to the appearance of fenestration, the row of cottages does overall depict a number of traditional architectural details found throughout Dove Holes and the High Peak more generally, such as headers and sills and first floor windows situated just below the eaves of each property.

No.67 has at some point in time been the subject of minor changes to the principal elevation, which has seen the original doorway replaced with a small scale window – the original stone surround still in situ – and the introduction of a small side annex that now contains the main entrance to the property, in addition to a small storage area. This annex is finished in a white render consistent with the main gable, with a mono pitched tiled roof.

Beyond this annex to the east stands an area of grassland that sits approximately 1m above the finished floor level of the main house, separated from the public highway by a small dry stone retaining wall. This grassed area also rises away from the highway beyond the rear of the dwelling at the side of the rear patio. This grassed area, together with a small area of hard standing served by a widened vehicular access, was the subject of a recent planning application (HPK/2023/0361) that sought part retrospective permission for this widened access, and the use of this land for domestic purposes to the enjoyment of the dwellinghouse. This application was approved on 2nd November 2023.



Above: Photographs showing the principal and side elevation of No.67 Meadow Lane and its relationship with elevated grass land beyond.

It does not automatically follow that land that it is use for domestic purposes to the enjoyment of a dwellinghouse forms part of the domestic curtilage associated with that property. However, in this case, as a matter of planning judgement having regard to the specific characteristics of the site, it is concluded that this land does indeed form part of the curtilage associated with No.67 Meadow Lane.

PROPOSAL

This application follows extensive pre-application advice provided by Officers in connection with proposed extensions and alterations to the existing property, and a planning application for a two storey side extension (HPK/2022/0455) that was withdrawn in light of Officer concerns.

The application seeks permission for development described on the Application Form as “Two Storey Side Extension.” However, it is judged that this description does not accurately described all aspects of development proposed.

The Proposed Plans as submitted showed the introduction of a sunken patio to the side of the proposed two storey side extension. The newly proposed extension and patio would both involve significant engineering operations in order to achieve finished floor levels consistent with the main house. Both aspects would require planning permission in their own right and as such the description of development has been amended to reflect this.

In response to an initial comment and concerns provided by Officers, revised plans (Ref: 200A) have been submitted which shows the proposed sunken patio relocated to the rear of the proposed extension rather than to the side. These plans are the subject of 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 Chapel-en-le-Frith Neighbourhood Plan (2015), and 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.

Chapel-en-le-Frith Neighbourhood Plan 2015

No relevant policies

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable 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 2023

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed and Beautiful Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2022/0455	Two storey gable end extension and single storey mono pitched rear extension (Withdrawn)
HPK/2023/0361	Change of use of land to domestic use incidental to the enjoyment of the dwellinghouse No.67 Meadow Lane, Dove Holes. Retrospective permission for new vehicular access to Meadow Lane (Approved 2 nd November 2023)

CONSULTATIONS

Publicity

Site Notice expiry date: 5th February 2024
Neighbour consultation period ends: 4th January 2024
Press Advert: N/A

Public Comments

None

Chapel Town Council Comments

Support for application provided that the extension solely forms part of existing dwellinghouse

Severn Trent Water

No objection – informative

Derbyshire County Council Highways

No objections

OFFICER COMMENTS

Principle of Development

The application seeks permission for domestic extensions to the existing property and engineering operations in the form of land excavation immediately adjacent to the property to introduce a sunken patio area.

In light of a recent planning application that has granted the use of this adjacent land for domestic use incidental to the existing dwellinghouse, which includes the regularisation of a parking area and access, it is reasonable to conclude that this adjacent land does form part of the domestic curtilage, that in turn lies within the built-up area boundary of Dove Holes, and not constrained by any sensitive statutory designation. Dove Holes is identified as a Larger Village under the Settlement Hierarchy set out under Local Plan (LP) Policy S2 which allows for development of a modest scale.

Having regard to the above, the **general** principle of extending or altering the existing dwellinghouse is supported. However, the acceptability or otherwise of the proposed development will be subject to assessment against all relevant material considerations with regards to planning issues pertinent to this application.

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) contains design guidance for proposed extensions. The following is considered pertinent to this application:

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 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.*

The more recently adopted Design Guide SPD (2018) contains further useful guidance for designing extensions. The following is considered pertinent to this application:

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 its size and massing. Setting back the new section from the building line and keeping the eaves and ridge lower than the parent building will normally help.*

5.7 *The smaller the parent building, the fewer the options for extension. A two storey (sic) extension to a small cottage is unlikely to be acceptable, even on the rear.*

5.8 *Irrespective of size, however, all buildings can reach a threshold point beyond which further extension is just not possible without destroying their character...*

Paragraph 135 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.

Paragraph 136 of the NPPF goes on to state 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 application relates to a traditional end of terrace property that lies in a prominent and elevated location above the main core of Dove Holes village. No.67 and its neighbours are therefore highly visible in short distance views from nearby public footpaths including HP6/49/1 and Meadow Lane, and middle distance views from Dove Holes village, most notably from the A6.

The site has previously been subject to a planning application for a two storey side extension under HPK/2022/0455 that was withdrawn due to concerns raised by Officers with regards to its scale, height, massing and resultant harm to the character and appearance of the property and wider street scene.

Whilst the dwelling has historically been the subject of minor changes in the form of a new side annex that replaced the original main entrance which arguably has

resulted in a minor infringement on the traditional character of the property, this remains subservient and allows the original dwelling to be read. Consequently the existing dwellinghouse is nevertheless very sensitive to change and possesses very limited opportunities for extension, particularly at two storey level.

The existing dwellinghouse comprises a traditional end of terrace cottage that sits at the end of a row of four similar terraced cottages, characterised by natural stone walls and tiled roofs with chimney breast atop. The existing house spans a width of approximately 4.5m, which is supplemented by a small lean-to side extension serving an Entrance Porch and small storage space beyond that is built into the existing adjacent grassed bank, providing very little in the way of usable floor area. This addition spans a width of approximately 1.8m.

The proposed development as submitted would see the existing lean-to demolished, replaced by a two storey side extension which has a width of 4.5, essentially doubling the width of the existing cottage. The principal elevation of the proposed extension would be flush with the existing house whilst the eaves and ridgeline would also show a continuation of the existing roof.

In addition, a sunk patio would be introduced to the side of the proposed extension. Both aspects would involve the substantial amount of engineering works, which would see a significant change in levels and removal of a considerable amount of earth (estimated to be some 25.1m³).

The fundamental issue with the proposal is the scale, height and mass of the proposed extension, its relationship with the existing terrace, and resultant impact on the wider street scene. The extensions clearly and obviously fail to respect the existing proportions of the existing dwellinghouse, and remain subordinate to it, amounting to over a 100% increase in floor area and volume. The failure to set the ridgeline lower than the existing ridge and set the front elevation behind the existing principal elevation exacerbate design concerns.

Officers are of the view that the only possible way in which this house could potentially be acceptable is if the width of the extension were to be significantly reduced, incorporating a set back showing the front elevation of the extension behind the existing principal elevation and similarly setting the ridgeline down below the existing. Given the modest scale and width of the existing cottage, and that the property forms part of a row of similar sized cottages, it is questionable as to whether the existing property has the capacity to accommodate any extensions above what is already in situ, and that the 'threshold' for accommodating extensions or alterations may have already been reached in the form of the side annex.

As submitted, the creation of the sunk patio was considered to read as an odd, and heavily contrived aspect of development that would be visible in both short and middle distance views and fails to respect the traditional character and appearance of the dwellinghouse and its setting within a traditional row of terraced cottages.

The agent has subsequently submitted revised plans (Ref: 200A) in order to address these concerns. The plans show no change to the scale, height and appearance of

the proposed side extension but now shows the sunken patio to be situated to the rear of the extension.

Whilst it is acknowledged that the revised plans amount to a modest improvement comparable to the original proposals, it is judged that the fundamental design issues associated with the introduction of a two storey extension to a small terraced cottage, and the significant harm to the character and appearance of both the existing property and the street scene that would occur as a result, by virtue of its scale, height and massing outweigh this improvement.

Even in the event that revised plans showed the width to be reduced by half, and introduced a principal elevation set back behind the main elevation and a ridge line similarly set down from the ridge, it is questionable whether this would address design concerns, when having regard to paragraph 5.7 and 5.8 of the Design Guide SPD (2018).

The agent states that the relevant SPD's are guidance only and that every planning application should be determined on its own individual merits, suggesting that design guidance can be disregarded if it is concluded that the design is good and appropriate for its context. The agent submits that this proposal amounts to an 'innovative solution' that responds to its context, represents a 'seamless' extension to the existing property, and bears no adverse impact on the immediate or wider locality.

In short, Officers reject this alternative analysis. Whilst it is the case that guidance is supplementary to Local Plan policies, Supplementary Planning Documents that are consistent with the Local Plan are material considerations to the assessment of any application that can, and will, be given significant weight.

It is clear that in this case, there is no design justification for extending the property in this manner. The agent submits that the proposed extension would allow both bedrooms to meet Nationally Described Space Standards which should be taken into consideration.

Whilst it is acknowledged that the proposed extension would enhance the amenity for occupiers of the property, very limited weight can be attributed to this modest (private) benefit, and in any event, does not outweigh the harm to the character and appearance of the site and wider street scene by virtue of poor design. Traditional cottages by nature comprise small and constrained living spaces, which would have been clear to the applicant when purchasing the property.

As such, it is judged that the proposed extensions and alterations in their revised form (Ref: 200A) fail to respect the character and appearance of the existing dwelling and wider street scene by virtue of scale, height, massing and visual appearance and as a consequence of poor design, would result in significant harm to that character and appearance, contrary to LP Policies S1 and EQ6, Chapter 9 of the Residential Design Guide SPD, Design Guide SPD, 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.

The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

Paragraph 135 states that planning should create places with a high standard of amenity for existing and future users.

No.67 is bounded to the east and north by open countryside and to the south by the public highway. As such the only property that has the potential to be adversely affected by the proposed extensions and alterations is the neighbouring terraced cottage No.65 Meadow Lane.

Given that the proposed side extension would not protrude beyond the rear elevation of the main house, and that the rear patio would have a finished floor level consistent with the main house separated by existing boundary treatment, it is clear that, notwithstanding the harm resulting from poor design, there would not be any harm to neighbouring residential amenity as a result of this proposal, in accordance with LP Policy EQ6, the Residential Design Guide SPD, 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 114 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 115 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 contains 2no. bedrooms, and as a result of the recent retrospective application approved under HPK/2023/0361 now benefits from lawful off-street parking and access. The proposed extension does not result in the increase of the number of bedrooms and as a result there is no trigger for any additional off-street parking. As such, and in light of there being no objections from the Highways Authority, there are not considered to be any adverse impacts to

highway safety, in accordance with LP Policy CF6 and paragraphs under Chapter 9 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.

The application seeks full planning permission for a two storey side extension, a sunken rear patio, and associated engineering operations. The application follows extensive pre-application advice which concluded that a two storey extension of the scale height and mass proposed would unlikely be supported, and also follows a recent application (HPK/2022/0455) that was withdrawn in light of similar comments.

The site lies within the built-up area boundary of Dove Holes and not constrained by any statutory designation. As such, the general principle of extending and altering a domestic property is acceptable, subject to a detailed assessment of all relevant planning considerations.

Following a detailed assessment, forwarded in the form of an email dated 1st February 2024 to the agent, revised plans have been submitted which aim to address these comments, which show the sunken patio relocated to the rear with no changes made to the dimensions and appearance of the extension.

Whilst the comments of the agent are noted with regards to creating a bedroom that meets NDSS and further comments regarding the status of Supplementary Planning Documents and the alternative analysis that the proposal does represent good design, Officers respectfully reject this analysis. Very limited weight can be given to the (private) benefit of creating a larger bedroom, and this does not outweigh the substantial harm to the character and appearance of the traditional cottage and wider streets scene, resulting from poor design.

The proposed development does not result in any harm to residential amenity or highway safety. However, by virtue of the scale, height, and massing of the proposed extension, having regard to the existing character and appearance of the property and the row of traditional cottages it forms part of, the proposed two storey side

extension would fail to respect the character and appearance of the existing property and wider street scene, contrary to Local Plan Policies S1 and EQ6, the Residential Design Guide SPD (2005), the Design Guide SPD (2018) and relevant paragraphs under Chapter 12 of the NPPF.

As such, the application constitutes an unsustainable form of development contrary to Local Plan Policy S1a and paragraph 11 of the NPPF and is recommended for refusal.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 12th February 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council