

DELEGATED DECISION REPORT

HNT/2024/0001
Valid 08/01/2024

FERN FARM FERNDALE
ROAD
PEAK DALE

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
SINGLE STOREY REAR
EXTENSION WITH PITCHED
ROOF -MEASURING 8M
BEYOND THE REAR WALL OF
THE ORIGINAL
DWELLINGHOUSE, 4M
MAXIMUM HEIGHT AND 3M TO
HEIGHT OF EAVES

(HOUSEHOLDER
NOTIFICATION APPLICATION)

MAIN ISSUES

- Whether the proposed development complies with all relevant criteria under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Whether Prior Approval is required with regards to potential impacts on neighbouring residential amenity

DESCRIPTION OF SITE

The application relates to Fern Farm, a large detached residential dwellinghouse that lies in a relatively isolated location south of Ferndale Road in the village of Peak Dale.

Historically, the dwellinghouse is likely to have consisted of a row of three agricultural cottages, but for the purposes of assessing this application, Officers are satisfied that the 'original' dwellinghouse (i.e. the building as it stood on 1st July 1948) comprises the entirety of the rectangular two storey building, as one single planning unit. Permitted Development rights are intact for this property.

The existing dwellinghouse has the appearance of a traditional agricultural building constructed in a natural limestone and tiled roof.

The dwellinghouse is unusual in that the northern elevation that faces towards the entrance to the site reads as the rear elevation by virtue of the fact that the majority of this elevation is blank with no notable architectural features. Conversely, the south-western elevation fronting the garden contains architectural detailing and

fenestration that is consistent with that which one would expect to see on the principal elevation of a property.

It is noted that the site has recently been the subject of planning permission for extensions and alterations which introduce fenestration to the northern blank elevation which may call into question which elevation reads as the principal elevation, having regard to guidance set out within the GPDO Technical Guidance document. However, until this application has been implemented, these changes have no weight when it comes to assessing whether a proposed extension requires planning permission having regard to the relevant parts of the GPDO.

PROPOSAL

This Prior Notification application has been submitted under Schedule 2, Part 1, Class A for a Larger Homes Extension under sub-paragraph (g), having regard to the procedure and conditions set out under Paragraph A.4.

The application as submitted is accompanied by a Cover Letter that specifies details of the proposed extension, as required by Paragraph A.4(2):

- Single Storey Rear Extension
- Shall be built no more than 8m from the existing rear wall of the property
- Height no more than 4m from existing ground floor level
- Eaves height no more than 3m from existing ground floor level
- Height of proposed extension shall be no higher than the original eaves height
- No parapet walls or eaves overhang
- Does not cover more than 50% of the existing site area surrounding property
- Materials of walls will match existing (Natural Stone)
- Materials of roof will match existing (Natural Blue Slate)
- Materials of doors and windows shall match existing (Brown UPVC)

The application as submitted does not include any Elevation Plans. The applicant was given the opportunity to provide these plans but declined to do so.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends: 30th January 2024

Press Advert: N/A

Public Comments

1 x objection has been received from the occupier of a nearby property that raises the following issues:

- Plans submitted do not show any elevation or internal detailing
- Not clear what the extension will be used for

- Building work currently underway which is causing high issues, new extension will exacerbate these issues

OFFICER COMMENTS

1. Whether the proposed development complies with all relevant criteria under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Schedule 2, Part 1, Class A of the GPDO relates to and permits the enlargement, improvement or other alteration of a dwellinghouse, subject to compliance with all relevant criteria under Paragraph A.1, and conditions under Paragraphs A.3 and A.4, with Paragraph A.2 not being relevant as this refers solely to Article 2(3) Land.

An assessment of the proposal against this legislation is undertaken below:

A. The enlargement, improvement or other alteration of a dwellinghouse

A.1 Development is not permitted by Class A if –

- (a) **permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);**

The dwellinghouse has not been the subject of any previous application for a change of use and as such the application is compliant with Paragraph A.1(a).

- (b) **as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

Whilst the ownership associated with the residential plot is very large, and extends northwards beyond the dwelling covering an area of grassland and internal access track, it is debatable as a matter of planning judgement as to whether this land can reasonably be said to form part of the domestic curtilage, having regard to relevant case law.

Notwithstanding, the property benefits from a large garden to the south-west of the building which undoubtedly does form part of the curtilage. A review of the Site Plan has confirmed that the proposed extensions would not have a footprint that equates to more than 50% of the total area of curtilage, in line with Paragraph A.1(b).

- (c) **the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

Whilst no Elevation Plans have been submitted at the time of writing this report, the Covering Letter and Application Form make clear that the proposed single storey

extension would have a maximum height of 4m, which would be significantly lower than the height of the main house, and compliant with Paragraph A.1(c).

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

Whilst no Elevation Plans have been submitted at the time of writing this report, the Covering Letter and Application Form make clear that the proposed single storey extension would have a maximum eaves height of 3m, which would be significantly lower than the height of the main house, and compliant with Paragraph A.1(d).

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—**
 - (i) forms the principal elevation of the original dwellinghouse; or**
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The GPDO Technical Guidance document defines the principal elevation as follows:

“in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that set the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.

There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation.”

The dwellinghouse is unusual in that the northern elevation that faces towards the entrance to the site reads as the rear elevation by virtue of the fact that the majority of this elevation is blank with no notable architectural features. Conversely, the south-western elevation fronting the garden contains architectural detailing and fenestration that is consistent with that which one would expect to see on the principal elevation of a property.

It is noted that the site has recently been the subject of planning permission for extensions and alterations which introduce fenestration to the northern blank elevation which may call into question which elevation reads as the principal elevation, having regard to guidance set out within the GPDO Technical Guidance document. However, until this application has been implemented, these changes have no weight when it comes to assessing whether a proposed extension requires planning permission having regard to the relevant parts of the GPDO.

As such, it is judged that the extension would protrude beyond the principal elevation of the dwellinghouse and fail to comply with Paragraph A.1(e)(i).

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

N/A

- (g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

The site is not constrained by being situated on Article 2(3) Land nor by a SSSI. The dwelling is detached. The proposed extension is shown to have a depth of 8 metres and have a maximum height of 4m. As such, the application is compliant with Paragraph A.1(g), notwithstanding the conflict with Paragraph A.1(e) identified above.

- (h) the enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of the dwellinghouse;**

N/A

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The proposed extension would be situated more than 2m from the boundary of the curtilage but would in any event have a maximum eaves height of 3m, and therefore notwithstanding conflict with other parts of the GPDO, the proposed extension is compliant with Paragraph A.1(i).

- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
 - (i) exceed 4 metres in height,**
 - (ii) have more than a single storey, or**
 - (iii) have a width greater than half the width of the original dwellinghouse; or**

N/A

- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e)-(j);**

The proposed extension would not be connected to or adjoin any existing enlargement of the original dwellinghouse (i.e. as the building stood at 1st July 1948) and therefore notwithstanding conflict with other parts of the GPDO, the application complies with Paragraph A.1(ja).

- (k) it would consist of or include—**
 - (i) the construction or provision of a verandah, balcony or raised platform,**
 - (ii) the installation, alteration or replacement of a microwave antenna,**
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) an alteration to any part of the roof of the dwellinghouse**

In the absence of any Elevation Plans being submitted, and the fact that the supporting Cover Letter does not provide any confirmation that the proposed extension will not include any of the aspects of development contained under Paragraph A.1(k), it is not possible to conclude that the proposed development will comply with this part of the GPDO.

2. Whether Prior Approval is required with regards to potential impacts on neighbouring residential amenity

The above assessment confirms that the proposed extension fails to comply with Schedule 2, Part 1, Class A, Paragraph A.1 by virtue of the fact that the proposed extension would protrude beyond what is judged to be the principal elevation of the dwellinghouse as it exists today.

Whilst a recently approved application has the potential to reorientate the property, which includes the addition of fenestration to what is currently a blank elevation, this cannot be taken to account for the purposes of this application.

Furthermore, the absence of Elevation Plans means that the Local Planning Authority are unable to confirm that the proposed extension will not contain any aspect of development as set out under Paragraph A.1(k).

Notwithstanding the above, if a Planning Inspector were to disagree with the view of the Local Planning Authority as to whether the proposed extension constitutes permitted development, then an assessment of whether Prior Approval is required having regard to the procedure contained under Paragraph A.4 is undertaken below as follows.

Paragraph A.4(7) states that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the Local Planning Authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

Paragraph A.4(9) goes on to state that the Local Planning Authority must, in assessing the potential impact, consider all representations submitted by neighbours, and consider the impact on all adjoining premises, not just those that are subject of representations.

Representations have been received from a neighbouring occupier objecting to the application, and whilst the grounds of objection do not relate to matters of amenity, the Local Authority are nevertheless now required to assess the potential impact on all adjoining premises.

It is clear that given the relatively isolated location of the dwellinghouse away from nearby residential properties, that the proposed extension would not give rise to any adverse harm to any neighbouring residential property in relation to overbearing impacts, overlooking, loss of privacy, or loss of sunlight, owing to its modest height, and distance between the proposal and neighbouring habitable windows.

As such, in the event that the proposed extension was permitted, prior approval would not be required.

However, for the avoidance of doubt, the lack of any harm to residential amenity does not override the fact that the proposed extension is located on what is judged to be the principal elevation of the existing dwellinghouse, and thus fails to comply with Schedule 2, Part 1, Class A, Paragraph A.1(e). In the absence of any information to demonstrate the contrary, the proposed extension also fails to comply with Paragraph A.1(k).

The application therefore requires full planning permission.

As such, the application is recommended for refusal.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 15th February 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council