

DELEGATED DECISION REPORT

HPK/2023/0225
Valid 05/06/2023

SUNNY SIDE
CHARLESTOWN
GLOSSOP

PROPOSED CHANGE OF USE
OF OPEN LAND TO PRIVATE
GARDEN AREA (RESIDENTIAL
CURTILAGE) ALONG WITH
THE PROPOSED ERECTION
OF A SINGLE STOREY SIDE
EXTENSION ON THE LAND AT
THE SIDE OF SUNNY SIDE,

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Flood Risk
- Design Character and Appearance
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application refers to a parcel of vacant land that lies east of the public highway (Charlestown) and beyond the side gable elevation of 'Sunny Side', a two storey semidetached dwellinghouse with a constrained curtilage, which has a principal elevation facing onto Charlesworth.

Beyond the site, on the opposite side of a small brook is the recently developed Charlestown Works residential development, with a row of properties facing the highway, and a row of properties situated further east facing southwards. A row of properties stands west of Charlestown fronting the highway.

The site lies in a highly visual and prominent location adjacent to the public highway and is therefore sensitive to change.

For the purposes of the Local Development Plan, the site lies within the built-up area boundary and is not constrained by any statutory designation, although does form part of the 'Industrial Legacy' site as defined by Local Plan (LP) Policy E5.

PROPOSAL

The application seeks full planning permission to erect a means of enclosure in the form of a stone wall, to construct a single storey side extension, which as a result, would change the use of the land to a domestic ancillary use in connection with Sunny Side.

The Site Plan shows that the means of enclosure would extend some 22m back from the public highway, creating a driveway to the front of the extension, which itself would be set back behind the principal elevation of the main house, with an enclosed yard area behind to serve as an amenity space.

The driveway provides an access directly onto the classified public highway with a width in excess of 6m – the drive having a depth of 10.4m.

Due to the side elevation being set at an angle to the public highway, the proposed extension has an angled side elevation that mirrors the existing side elevation, resulting in a front elevation that spans a width of 3.5m with the rear elevation being wider at some 4.3m, having a depth of 6m.

The boundary wall constructed of stone would have a height of 3.3m taken from the adjacent ground floor level, with the wall in front of the extension sitting slightly lower at 2.3m. At its highest point, the dual pitched roof of the proposed extension stands at a height of 6.4m. The extension is shown to be constructed in a natural stone, with a slate tiled roof, with both roof slopes characterised by velux rooflights.

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
- EQ11 Flood Risk Management
- CF6 Accessibility and Transport
- E5 Industrial Legacy

Supplementary Planning Documents

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

National Planning Policy Framework 2021

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2020/0040 Application for Lawful Development Certificate for Proposed
Dormer and Loft Conversion (Granted 09/04/2020)

CONSULTATIONS

Publicity

Site Notice expiry date: 27th July 2023
Neighbour consultation period ends: 3rd July 2023
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Environment Agency

No comments received at time of writing

Lead Local Flooding Authority

No comments received at time of writing

Derbyshire County Council Highways

No objections subject to conditions. The submitted Supporting Planning Statement mentions:

'4.6 The surface of the driveway would be constructed using porous materials (ornamental stone chippings) to ensure that it provides satisfactory sustainable drainage. There is an existing wide vehicle crossing point in place on the highway from when the land was previously used as Charlestown Works so easy and safe access can be achieved to the land.'

However, the 'ornamental stone chippings' have highway safety implications as loose material could be deposited on the adjacent public highway from the proposed driveway, so to prevent the situation occurring, it is recommended that a condition s be imposed requiring the first 5m of the driveway to not be constructed with loose material.

OFFICER COMMENTS

Principle of Development

The site comprises a redundant area of land that lies within the built-up area boundary of Glossop, identified as one of the larger Market Towns that sit at the top of the settlement hierarchy under Local Plan (LP) Policy S2, which are the focus for housing and economic growth.

The site is situated within Flood Zone 2 and Flood Zone 3, and as such the application is subject to LP Policy EQ11 and relevant restrictive national policies relating to climate change and flooding contained under Chapter 14 of the NPPF.

The site is situated within one of the areas designated under LP Policy E5 named 'Regenerating an Industrial Legacy'. This policy is primarily directed towards the regeneration of old industrial sites which includes the former Charlestown Works, subject of a recently completed housing development, a short distance to the west of the site.

Policy E5 says that the Council will seek to maximise the potential of constrained employment sites where their infrastructure and/or premises are no longer suited to meeting the needs of modern businesses in their present form.

This will be achieved by:

- Encouraging proposals for the redevelopment or reuse of the following sites which are no longer conducive to meeting the needs of modern businesses in their present form
- Stimulating investment on constrained sites in order to encourage their beneficial re-use
- Encouraging mixed-use developments, which retain or create employment opportunities on site, particularly those that support local economic growth sectors
- Ensuring that any buildings or features of acknowledged heritage value are retained or reused where viable and feasible in accordance with Policy EQ7 and the National Planning Policy Framework

The site comprises a previously developed site that historically, contained commercial buildings associated with Charlestown Works, confirmed by photographs submitted by the applicant's agent.

The site is currently vacant and has the potential to accommodate replacement small scale commercial or light industrial buildings that are commensurate with surrounding residential uses. As such, the application must demonstrate that efforts to the redevelop the site for commercial purposes and thus stimulate investment have been exhausted before considering any alternative uses.

The application has not submitted any evidence that demonstrates that any assessment to promote a light industrial/commercial to promote and to support local economic growth have been considered, which is a requirement of LP Policy E5. In

the absence of any confirmatory evidence that the site cannot accommodate any use promoted the policy, the application is considered to be in direct conflict with LP Policy E5, and as such the proposed change of use and associated development is not supported as a matter of principle.

Flood Risk

The site lies within Flood Zone 2 and Flood Zone 3 and is therefore subject to LP Policy EQ11 and relevant paragraphs contained under Chapter 14 of the NPPF.

The application has been accompanied by a Flood Risk Assessment. At the time of writing this report, the Lead Local Flooding Authority nor the Environment Agency has yet to comment on the application. Should the principle of development have been supported, Officers would have worked with the applicant to agree a suitable time extension to allow sufficient time for matters relating to flooding including any mitigation measures as appropriate to be satisfactorily addressed, which would include the use of planning conditions.

In any event the finished floor level will not be any lower than the existing and the FRA recommends that the applicants sign up to the EA flood warning system. It is therefore the case that any minor flooding issues could be suitably addressed by virtue of appropriate mitigation measures and planning conditions.

As such, there is not considered to be any conflict with LP Policy EQ11 and relevant paragraphs under Chapter 14 of the NPPF.

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. Relevant paragraphs contained within this SPD that are considered pertinent to assessment and determination of this application are set out as follows:

- 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 itself.*
- 9.4 *Extensions and other works should seek to match the prevailing angle of the original roof, to maintain its proportion of the house*

The Residential Design Guide SPD was more recently adopted in 2018. Relevant paragraphs contained within this SPD that are considered pertinent to assessment and determination of this application are set out as follows:

- 3.1 *The setting of any building should be carefully considered. Attention should be paid to its impacts on views, into, over and out of the site.*
- 3.10 *Where possible new buildings should pick up on the proportions of neighbouring buildings in some way..*
- 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 rear 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 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.

Paragraph 133 of the NPPF 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.

Whilst neither the dwellinghouse nor the adjacent application site is constrained by any sensitive statutory designation, it does nevertheless lie in a visually prominent location adjacent to the public highway and is therefore sensitive to change.

When viewing the site from Charlestown, the large stone wall that forms the existing side gable of the main house, and extends a significant distance eastwards, acts as a boundary for neighbouring plots.

Officers consider that this wall, which is constructed of a traditional natural stone and is a prominent feature in the immediate street scene, reads a very definitive 'marker' in the street scene. Older more traditional properties on Charlestown which includes 'Sunny Side' have very tightly drawn residential curtilages, with little amenity space, and therefore the justification for this proposal is fully understood. However, the tight curtilage of the property forms part of its traditional character.

It is considered that any encroachment beyond the wall which forms a gable end of the host property and elevations of other neighbouring buildings, which, whilst not a heritage asset in its own rights, does provides a nod to the areas industrial past, would be detrimental to the overall character and appearance of the immediate street scene, particularly when viewed from the neighbouring housing development.

The extended curtilage would appear as a “bolt on” to the dwelling and prominent stone wall, reading as an incongruous addition when viewed from the street scene.

Officers consider that the ‘threshold’ for extending and altering this property without being detrimental to its character is very low, with any opportunities located solely towards the rear of the house. It is considered that the extension outwards from what is a prominent and definitive side gable in the street scene, together with its associated means of enclosure, results in harm to the traditional character of the house and wider street scene.

Furthermore, the side extension would have a side elevation that runs parallel to the main house at a different angle, which results in an odd, contrived relationship between existing and proposed development. This relationship is further compromised by the conflicting roof angles between the proposed extension and existing house. As a result, the extension and associated development amounts to a dwellinghouse that is not well designed in itself.

When considered as a whole, it is concluded that the encroachment beyond a wall which is a definitive and important feature in the street scene beyond a traditional property with a tightly drawn curtilage, and the contrived design that occurs by virtue of conflicting angles between the walls and roofs in the existing dwelling and proposed development, results cumulatively, in detrimental adverse impact on the overall character and appearance of the existing dwelling and wider street scene, contrary to Local Plan Policies S1 and EQ6, the Residential Design Guide SPD (2005), Design Guide SPD (2018), 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 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The proposed development would result in further living accommodation and a yard area in connection with the host dwelling, to the benefit of their amenity. When considering the siting and orientation of the proposed extension, its modest scale and height, the layout of fenestration, and distance from nearby neighbouring properties, it is clear that the proposed development would not result in any harm to the amenity of any neighbouring properties, 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. Paragraph 111 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 proposed development shows a means of access directly on to the adopted classified public highway Charlestown which leads to a new private driveway that provides sufficient space to allow for turning and manoeuvring to take place and for vehicles to exit the site in a forward gear.

Like many of the older more traditional properties on Charlestown, the site does not currently benefit from any off-street parking, the proposed development would result in a minor enhancement with regards to highway safety, by providing a small number of off-street parking spaces. However, in the opinion of Officers, this benefits only attracts moderate weight in the overall planning balance.

In light of the above, and comments from the Highways Authority, who confirm that matters of clarification can be satisfactorily dealt with by way of planning conditions, it is concluded that notwithstanding the significant harm identified with regards to the character and appearance of the street scene, the application has demonstrated compliance with LP Policy CF6 and paragraph 110 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 to create a large means of enclosure to create a new means of access, private driveway, single storey side extension, and amenity space to the rear, which would as a result change the use of the existing site to ancillary domestic use.

The site lies within an area designated for its 'Industrial Legacy' under Local Plan Policy E5. The site is currently vacant and has the potential to accommodate replacement small scale commercial or light industrial buildings that are commensurate with surrounding residential uses. As such, the application must demonstrate that efforts to the redevelop the site for commercial purposes and thus stimulate investment to the benefit of the local economy, have been exhausted before considering any alternative uses.

The application has not submitted any evidence that demonstrates that any assessment or marketing exercise has been undertaken to promote a light industrial/commercial use on this site, which is a requirement of LP Policy E5. In the absence of any confirmatory evidence that the site cannot accommodate any use promoted the policy, the application is considered to be in direct conflict with LP Policy E5, and as such the proposed change of use and associated development is not supported as a matter of principle.

It is identified that the gable wall of Sunny Side is an important, definitive architectural feature in the immediate street scene, having a traditional character that points towards previous industrial uses. A detailed assessment of the application has concluded that the cumulative impacts associated with the very extension and encroachment and extension beyond the existing wall together with the poor design of the proposed side extension amounts to a degree of harm to the character and appearance of the dwelling and wider street scene, and significantly outweighs any minor benefit to highway safety.

For these reasons, the application fails to comply with LP Policies S1 and EQ6, the Residential Design Guide SPD, Design Guide SPD, and relevant paragraphs under Chapter 12 of the NPPF. The application therefore constitutes an unsustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for refusal.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 3rd August 2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council

