

DELEGATED DECISION REPORT

HPK/2024/0113
Valid 25/03/2024

36 BURRFIELDS ROAD
CHAPEL-EN-LE-FRITH

ERECTION OF DWELLING
HOUSE

(FULL - MINOR)

MAIN ISSUES

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

DESCRIPTION OF SITE

The application relates to a relatively narrow parcel of land south of No.36 Burrfields Road, Chapel-en-le-Frith, which is within the same ownership as the existing dwellinghouse, and currently functions as an area of off-street parking provision, characterised by hard standing supplemented by a low dry stone wall and natural vegetation, with direct access to the public highway.

Burrfields Road is lengthy and runs downhill in a northerly direction from the narrow one way street that connects the Market Place with this street. There is a varied character of properties associated with Burrfields Road, with traditional two storey terraced properties on the eastern side of the street punctuated by occasional blocks of post war housing, with a more modern residential development flanking the western side of the street to its junction with the A624 Hayfield Road.

No.36 Burrfields is a two storey terraced property that, owing to a blocked doorway, is thought to have originally been two smaller terraces converted to a large single dwellinghouse. Like its neighbours running northwards from the stie, the property is built very close to the highway edge, and is characterised by walls finished in a traditional dark gritstone with chimney stacks adorning a slate tiled roof.

This characteristic of the street scene continues into the small cul-de-sac of Poplar Terrace a short distance to the north, and continues on the eastern side of the street, albeit with variations in materials, to the junction with Hayfield Road.

The western boundary of the site is characterised by a dry stone wall that is pierced to provide vehicular access to the off-street parking area. The wall tapers northwards and southwards containing a small area of amenity space immediately adjacent to the southern gable.

To the south of the site stand a detached dwellinghouse No.34 Burrfields Road, and a semi-detached block (Nos.30-32) beyond that are thought to date from the post war era (1950's-1970's) which are set back much further behind the carriageway

edge, with intermittent front gardens sitting between the principal elevations and the public highway, finished in a peddledash render with hipped roofs.

These two semi-detached blocks represent a minor interruption in the dominant character of the street scene, with the pair of terraced properties Nos. 28 and 26 Burrfields Road maintaining the more traditional siting and appearance of older properties, with a consistent building line, form, massing and visual to No.36 Burrfields Road.

For the purposes of the Local Development Plan, the site lies within the built-up area boundary of Chapel-en-le-Frith on a site that is not constrained by any sensitive statutory designation.

PROPOSAL

The application seeks full planning permission for a two storey detached dwellinghouse on the land immediately south of the existing dwellinghouse No.36 Burrfields Road, which currently facilitates off-street parking for that property.

The Block Plan submitted with the application shows the dwellinghouse to have a relatively narrow width, that is sited centrally within the plot, with the principal elevation running parallel to the central ridgeline of the existing house.

The scheme aims to provide off-street parking spaces for 2no. vehicles in front of the dwellinghouse, and also seeks to provide two parking spaces adjacent to the southern gable, resulting in the northern section of the dry stone boundary wall being removed.

The Floor Plans show the ground floor to comprise a Hallway, Lounge, Kitchen/Dining Room including a single storey annex to the rear. At first floor level, the dwelling consists of two double bedrooms and a shared bathroom. A third bedroom with en-suite bathroom is shown to be provided in the roof space.

The Elevation Plans show the dwellinghouse to have a finished floor level that sits approximately 2.1m above that of No.36 Burrfields Road, spanning a width of 6.3m and a depth of 8.5m which includes the single storey lean-to annex. The dwellinghouse is shown to have an eaves height of 4.72m with the overall height of the dwellinghouse standing at 8.0m above ground floor level.

The front elevation is characterised by an entrance door supplemented by fenestration that has a symmetrical appearance, with regards to their layout, scale and appearance.

The Application Form, supplemented by a Material Samples document, confirms that the walls of the dwellinghouse would be constructed from a reconstituted gritstone with slate tiled roof and heritage style PVC windows.

A revised Block Plan (Ref: 02A) and Levels Plan (Ref: 15A) has been submitted for consideration in response to Highways Authority comments.

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

- H2 Smaller (Housing) Sites
- H3 Design Criteria

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- S6 Central Sub-area Strategy
- EQ6 Design and Place Making
- H1 Location of Housing Development
- H3 New Housing Development
- CF6 Accessibility and Transport

National Planning Policy Framework 2023

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| Achieving Sustainable Development | Chapter 2 |
| Delivering a Sufficient Supply of Homes | Chapter 5 |
| Promoting Sustainable Transport | Chapter 9 |
| Achieving Well Designed and Beautiful Places | Chapter 12 |

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 16th May 2024
Neighbour consultation period ends: 24th April 2024
Press Advert: N/A

Public Comments

None

Chapel-en-le-Frith Town Council Comments

No comments received at the time of writing

United Utilities

No objections subject to drainage condition

Derbyshire County Council Highways

The application proposes to utilise the existing access to serve as the parking provision for the new dwelling, with replacement parking for the existing dwelling being provided immediately adjacent. Sufficient space is considered to be available to the front of the proposed dwelling to provide two accessible parking spaces. It is also considered that there is sufficient space to the side of No.36 to provide 2no. replacement spaces.

It is noted that the application form does not include the creation of, or alteration to an existing access; the access and parking arrangement proposed will require the existing access to be altered. You may wish to require the applicant to amend the application form accordingly.

It is noted that the proposed boundary treatment between the proposed and existing dwellings will be above 1m in height; the submitted details indicate a 900mm wall to be retained with 1200mm high fence above. The additional fence will restrict emerging visibility from both access points if the fence extends up the site boundary.

Therefore, the first 2m of the boundary treatment between the existing and proposed properties should not exceed 900mm in height (i.e. the height of the stone retaining wall, measured from the site/highway boundary).

As the site slopes towards the highway, a drainage channel will be required at or near to the site/highway boundary to prevent water from discharging on to the public highway.

Based on the above comments, there are no highway safety objections to the above mentioned planning application subject to the following conditions being included in any consent granted:

1. The development hereby approved shall not be occupied until the access and parking facilities have been provided as shown on the submitted drawings
2. The boundary treatment between the proposed and existing dwelling shall not exceed 900mm in height relative to the adjacent footway level for the first 2m measured from the highway boundary

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission for a residential open market dwellinghouse on a site that lies within the built-up area boundary of Chapel-en-le-Frith, one of the larger Market Towns that are home to the majority of services facilities and public transport links, and sits at the top of the settlement hierarchy under Local Plan (LP) Policy S2. Such settlements are the focus for housing and economic growth.

LP Policy S3 contains the strategy for the location of housing development throughout the Borough and makes clear that 30-33% of the housing requirement in the plan period will be delivered in the Central Sub-area which includes Chapel-en-le-Frith.

Chapel Neighbourhood Plan (CNP) Policy H2 refers to 'Smaller Housing Sites' and states that permission will be granted for small residential developments of fewer than 6 units on infill plots and redevelopment sites within the Parish that lies outside of the Peak District National Park. Such proposals are required to be within the built-up area boundary, be of a high quality and should not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours.

LP Policy H1 relates to the Location of New Housing Development and supports housing development on unallocated sites within the defined built-up area boundaries of the towns and larger villages.

Chapter 5 of the NPPF contains the relevant national planning policies aimed at delivering a sufficient supply of homes. Paragraph 70 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly and to promote the development of a good mix of sites local planning authorities should, amongst other things,

- d) *support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using **suitable sites** within existing settlements for homes;*

(My Emphasis)

With regards to the sites location within the built-up area boundary of Chapel-en-le-Frith, which is not constrained by any sensitive statutory designation, the general principle of housing development is acceptable. However, the scheme can only be supported in the event that a thorough assessment of all material planning considerations finds that the application complies with all relevant Local Development Plan policies, and other material considerations, which amount to Supplementary Design Guidance, and relevant paragraphs contained within the NPPF.

Design Character and Appearance

CNP Policy H3 contains a list of design criteria that should be adhered to in any new residential development, and includes the following:

Development should seek to create a place with a locally inspired or otherwise distinctive character.

Development should take advantage of existing topography, landscape features, wildlife habitats, existing buildings, site orientation, and microclimates.

Buildings should be designed and positioned, with landscaping, to define and enhance streets and spaces...

Resident and visitor parking should be sufficient and well-integrated so that it does not dominate the street....In addition, frontages must not be entirely dedicated to car parking, but should provide for appropriate and significant public and private open space and landscaping, reflective of the Parish's character and countryside setting.

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.

The Design Guide SPD (2018) contains useful guidance for how development can achieve a high quality design in a manner appropriate for its context. In particular:

3.5 *New development, be it a single building or a group, must respect the 'grain' of the settlement, By this is meant the relationship buildings have to the street and to each other...*

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 139 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.

Burrfields Road is lengthy, and extends some 350m from its starting point out with a narrow one way street from the Market Place to the south, to its junction with Hayfield Road. Due to changes in topography, the public highway slopes quite sharply in a northerly direction.

When taken as a whole, Burrfields Road depicts two distinct characteristics. The eastern side of Burrfields Road, including a small cul-de-sac Poplar Terrace, is characterised predominantly by two storey terraced properties that present traditional architectural details and in the main are constructed in a dark gritstone.

With the exception of the detached hipped dwellinghouse No.34 Burrfields Road, and its adjacent semi-detached block (Nos. 30-32 Burrfields Road), which are thought to date from the post war period (1950's-1970's) and are set back a considerable distance behind the public highway with large front gardens, the vast majority of properties sitting east of Burrfields Road are positioned immediately adjacent to the highway and do not benefit from any off-street parking.

West of Burrfields Road, the southern part is characterised by large mature trees, beyond which is the eastern fringe of a more recent housing development that was granted planning permission in 2012, and, subject to minor amendments secured in 2016, has been built out in the last 8 years.

These properties are orientated to face the street scene constructed from a lighter natural stone. On both sides of Burrfields Road, there is a generally consistent building line, with the anomaly being the three post war hipped dwellings to the south of the site.

When considering the role that the site plays in the character of the street scene, its current function is domestic curtilage to the existing dwellinghouse No.36 Burrfields, and thus the site has a much stronger and closer spatial and visual relationship with the row of terraces that ends with the existing property than the neighbouring hipped properties, which, as stated above, represents a departure from the prevailing character. This is evidenced further by the fact that beyond these hipped properties to the south, the prevailing character is reinstated with two terraced properties (Nos.26-28 Burrfields Road).

Having regard to the above context, Officers consider that the proposed dwellinghouse, by virtue of its siting, poor relationship with the prevailing character and existing pattern of development, neither reading as a continuation of the existing row of terraces to the north, or an extension of the cluster of post war properties to the south. The development thus reads as a development that fails to respect the pattern or 'grain' of development as referred to within the Design Guide SPD, and as a consequence, irrespective of its scale, height, massing or visual appearance, result in harm to the overall character and appearance of the street scene.

Moreover, the introduction of off-street parking to the side of the existing gable of No.36 is wholly uncharacteristic for traditional terraced properties, and when considered alongside the off-street parking provision for the proposed dwellinghouse, results in a car dominated frontage, resulting in further detriment to the character and appearance of the street scene.

With regards to the specific detail of the dwellinghouse taken in isolation, the scale of the dwellinghouse is out of keeping with the character of the street scene. Whilst respecting the scale, height and proportions of the neighbouring terrace, it reads as

an odd, and alien form of development, when considered in the context of the large hipped dwellinghouse to the south and narrow row of terraces to the north.

Notwithstanding the above, the dwellinghouse has been designed in a manner that respects the traditional characteristics of the High Peak with regards to its simple architectural detailing, and choice of materials.

For the reasons set out above, it is judged that the proposed development, by virtue of siting, scale and layout, would result in an inappropriate form of development that fails to respect the existing pattern of development and as a consequence, amounts to poor design that results in harm to the overall character and appearance of the street scene, contrary to CNP Policy H1, LP Policies S1 and EQ6, the High Peak Design Guide SPD and relevant paragraphs contained under Chapter 12 of the NPPF.

Amenity

LP Policy H3 refers to New Housing Development and requires proposals to provide a high quality of amenity for future occupiers, by ensuring that residential dwellinghouses comply with Nationally Described Space Standards (NDSS) published by DCLG (2015) having regard to the size of bedrooms, the size of the residential unit as a whole, and occupancy level.

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. A minimum of 21m should be achieved between existing and proposed habitable windows.

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

With regards to NDSS compliance, the proposed development makes provision for 3no. bedrooms, all of which exceed the minimum internal floor area of 11.5sqm to serve as double bedrooms. The proposed dwellinghouse is split over 2 storeys with living space in the attic, and is calculated as slightly exceeding the minimum overall internal floor area of 102sqm for a 3no. bedroom 6no. person occupancy.

Turning to potential impacts on neighbouring properties, the site lies adjacent to No.36 Burrfields Road, which presents a blank southern gable. The siting of the proposed dwellinghouse sees the northern gable fronting the rear garden of the existing house. Given that there is a distance of some 3.0m between the proposed gable and the garden, it is considered (notwithstanding the resultant harm in design

terms), that this relationship would not be overbearing to the detriment of occupiers of No.36.

Similarly, due to there being no breach of the 45 degree angle from the centre point of the nearest habitable window in the rear of No.36 Burrfields Road, the lack of first floor windows in any side (northern) elevation of the proposed dwellinghouse, and boundary treatment preventing any overlooking or loss of privacy from the bi-fold doors contained in the side elevation of the rear annex, the proposed house would not give rise to any harm to the amenity of occupiers of No.36 Burrfields Road.

Turning to the neighbouring property to the south No.34 Burrfields Road, there is considered to be a sufficient distance separating the proposed dwellinghouse from both the principal elevation and front garden associated with this neighbour to not result in any overbearing impacts. The lack of fenestration in the side elevation prevents any overlooking or loss of privacy, and in light of there being no breach of the 45 degree angle from the centre point of the nearest habitable window, does not result in any loss of sunlight. As such, it is not accepted that the proposed dwellinghouse would not result in any harm to the amenity of this neighbouring property.

Lastly, the eastern boundary of the site is shared with No.6 Carriers Meadow, a semi-detached two storey property that is orientated in a manner consistent with No.36 Burrfields Road and the proposed dwellinghouse. The residential plot of this neighbour is characterised by a private driveway leading to off-street parking that immediately abuts the boundary with the application site.

Whilst not sited in a direct line with the proposed dwellinghouse, the development would nevertheless result in intermittent views between habitable first floor windows in the rear elevations of both existing and proposed dwellinghouses, at a distance of some 16m, falling some way short of the required 21m separation distance between habitable windows. Even when taking into account the fact that there is not a direct line of sight, the relationship is considered to be close enough that this separation distance is insufficient, and will lead to harm to the amenity of this neighbour with regards to a loss of privacy.

As such, the application is considered to be in conflict with LP Policy EQ6, the Residential Design Guide SPD, and relevant paragraphs contained 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 site benefits from an existing vehicular access to Burrfields Road which currently facilitates off street parking for the existing property No.36 and is bounded by a tapered dry stone boundary wall.

The proposals shows provision of 2no. off-street parking spaces to serve the 3no. bedroom dwellinghouse, with provision made for a further 2no. spaces immediately to the side of the existing gable, to mitigate the loss of parking for the existing dwellinghouse. This aligns with the Council's parking standards.

In response to comments from the Highways Authority, the applicant has submitted a revised Block Plan (Ref: 02A) and Levels Plan (Ref: 15A) that ensures that the first 2m of the boundary will not exceed a height of 900mm in order to ensure sufficient exit visibility.

Whilst harm has been identified with regards to the layout of the dwellinghouse and the introduction of a car dominated frontage, which is an alien characteristic to traditional terraced properties that immediately front the highway, it is the case that in light of comments received from the Highways Authority, and revised plans received that any potential impacts to highway safety could be satisfactorily addressed through appropriately worded planning conditions, and thus there is no conflict with LP Policy CF6 and relevant 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 Council can currently demonstrate a 5 year supply of deliverable housing land and as such relevant policies for the supply of housing can be attributed full weight in the overall planning balance.

The application seeks full planning permission for a single open market dwellinghouse on a site that lies within the built-up area boundary of Chapel-en-le-

Frith that is not constrained by any statutory designation. As such the general principle of development is supported, having regard to CNP Policy H2, LP Policies S1, S2, S3 and H1, and relevant paragraphs under Chapter 5 of the NPPF.

However, in order to be supported, the application must be assessed having regard to all relevant Local Development Plan policies and all other material considerations that relate to all technical matters associated with the application.

As set out within the body of the report, it has been found that the proposed development constitutes poor design that fails to respect the character and appearance of the street scene, contrary to LP Policies S1 and EQ6, the Design Guide SPD (2018) and relevant paragraphs contained under Chapter 12 of the NPPF.

Furthermore, whilst the proposal would provide a sufficient standard of amenity for future occupiers, but would, due to the relationship with the neighbouring property to the east and a separation distance of 16m between habitable windows, fail to preserve the amenity of neighbouring properties, contrary to LP Policy EQ6, the Residential Design Guide SPD and relevant paragraphs contained under Chapter 12 of the NPPF.

In light of the above, the application is judged to conflict with an up-to-date Local Development Plan and thus constitutes an unsustainable form of development, contrary to LP Policy S1a and paragraph 11 of the NPPF, and is thus recommended for refusal for the reasons set out on the Decision Notice.

OFFICER RECOMMENDATION : Refusal

Case Officer: James Stannard

Recommendation Date: 15th May 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council