

DELEGATED DECISION REPORT

HPK/2024/0093
Valid 18/03/2024

34 TOWN LANE
CHARLESWORTH

WINDOW, DOOR, INTERNAL
AMENDMENTS AND MINOR
SITE LANDSCAPING
ALTERATIONS, INCLUDING
STEPPED BOUNDARY WALL
AND CHANGES TO EXTERNAL
RETAINING WALL (NOW
CURVED) AND WIDER
DRIVEWAY TO PLOT 3 ALL TO
A PREVIOUSLY APPROVED
APPLICATION. NUMBER
HPK/2016/0022.

(FULL - MINOR)

MAIN ISSUES

- Design & Conservation
- Amenity

DESCRIPTION OF SITE

The application relates to the site of a former dwellinghouse known as No.34 Town Lane, Charlesworth which having received full planning permission under HPK/2016/0022 in December 2016, is in the latter stages of being redeveloped for the benefit of three detached dwellinghouses, with their associated driveways, amenity areas and landscaping. Due to the topography of the site, the dwellinghouse are split level, reading as standard two storey properties from the rear, and single storey from the rear.

The site lies within the built-up area boundary of Charlesworth village and within the Conservation Area.

PROPOSAL

This application seeks minor amendments to the approved scheme as summarised below:

- Amendments to windows and doors
- Widening of driveway to Plot 3

The specific changes to the windows and doors relate to Plot 2 and Plot 3 and are set out on the Application Form, as follows:

Plot 2

- Size of central window to first floor north facing elevation, construction and finish to match as per condition discharge approval
- Removal of first floor west facing window
- Additional fully glazed door to and window removed to south facing lightwell

Plot 3

- West facing door to change from timber panelled to fully glazed
- Pair of timber doors added to west facing (plant room)
- Additional window added to east facing wall (plant room)
- Changes to south facing first floor glazing and doors, new oak framed four panel UPVC folding sliding doors

The original plans and description of development referred to a watercourse and introduction of small ponds however by virtue of the submission of a revised Site Plan (Ref: 201B) this aspect has now been omitted.

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
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment
- CF6 Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed and Beautiful Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- HPK/2016/0022 Proposed rebuilding and extension of existing dwelling and erection of 2no. new dwellings. Demolition of single storey storage building (Approved 6th December 2016)

DOC/2018/0053 Discharge of Conditions 4, 6, 7, 8, 9 10, 13, 15 relating to
HPK/2016/0022 (Approved 5th May 2020)

CONSULTATIONS

Publicity

Site Notice expiry date: 11th June 2024
Neighbour consultation period ends: 29th April 2024
Press Advert: 2nd May 2024

Public Comments

1no. objection has been received in connection with the application. However, there are no specific material grounds of objection contained within this representation.

Charlesworth Parish Council Comments

No comments received

Environment Agency

No comments to make

HPBC Conservation Officer

No objections

Derbyshire County Council Highways

The application proposes a number of changes to the original consent. However, it is considered that the proposed alterations to the parking provision for Plot 3 is the only alteration relevant to the Highways Authority.

The proposed alterations to Plot 3 appear to be for the inclusion of a garage to the rear of the plot. The internal dimensions of the garage are below the recommended minimum dimensions and as such the garage is not recognised as a parking space. However, there are no significant alterations to the drive leading to the garage over those in the consent layout. The consented layout for Plot 3 provides space for 3 parked vehicles. As the drive will remain relatively unaltered, it is considered that Plot 3 will retain acceptable onsite parking provision as part of the proposed layout.

There are no highway safety objections to the above mentioned planning application.

OFFICER COMMENTS

Principle of Development

The application relates to a small scale housing development that is currently under construction following the granting of planning permission and discharge of pre-

commencement conditions. As such the general principle of housing development has already been established.

The site lies within the Charlesworth Conservation Area and as such this application for minor amendments to the approved plans is subject to Local Plan (LP) Policy EQ7 and relevant restrictive policies under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

The principle of development will be supported provided the application can satisfactorily demonstrate that the proposed amendments either preserve or enhance the character and appearance of the Conservation Area as a consequence of good design, notwithstanding all other relevant planning considerations.

Design and Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

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.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

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.

Paragraphs 205-209 of the NPPF sets out how a local planning authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The principle of re-developing the site has long been established, with the three plots under construction. Consideration is required as to the material amendments presented within this application.

Firstly with regards to the widening of driveway adjacent to Plot 3, clarification has been sought from the applicant as to whether this change results in any change to land levels. The Proposed Site Plan, when considered in context of site photographs provided by the applicant, show that the existing driveway to the side of Plot three would not involve any change in land levels or any significant engineering operations (cut and fill), and would, given its strong relationship with the approved development, and containment to land intimately associated with Plot 3, it is considered that this aspect of development would continue to preserve the character and appearance of the street scene and the Conservation Area.

The minor alterations to windows and doors as shown on the submitted Elevation Plans are considered to be commensurate with the character and appearance of the approved dwellinghouses, with alterations to the rear not benefiting from any public vantage points.

At the request of Officers, a technical specification document showing the details of the proposed window frames has been submitted, which ensures that the Authority can control and enforce the approved amendments.

The Conservation Officer has raised no objections to these amendments either individually or cumulatively. Taking into account this statutory consultee response, and having regard to the details of development as set out on the proposed plans, it is concluded that the material amendments proposed to Plots 2 and 3 continue to preserve the character and appearance of the site and wider Charlesworth Conservation Area, and in accordance with S1, EQ6 and EQ7 of the Local Plan, and relevant paragraphs relating to design under Chapter 12 of the NPPF and heritage conservation under Chapter 16 of the NPPF, the latter underpinned by Section 72 of the Act 1990.

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

The specific context and characteristics of the site and its surroundings means that the only potential properties to be impacted by the proposed changes to windows and doors would be each plot within the development.

The proposed changes to windows and doors are summarised as follows:

Plot 2

- Size of central window to first floor north facing elevation, construction and finish to match as per condition discharge approval
- Removal of first floor west facing window
- Additional fully glazed door to and window removed to south facing lightwell

Plot 3

- West facing door to change from timber panelled to fully glazed
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None of the proposed changes would result in any harm to residential amenity. Similarly, the minor changes to the boundary wall and access, and introduction of small ponds within the curtilage of Plot 3 will not result in any material change to the relationship with and impact upon any neighbouring property.

As such, the proposed changes are considered to preserve the residential amenity of neighbouring properties and continue to provide a high standard of amenity for future occupiers in accordance with LP Policy EQ6, the High Peak Residential Design Guide SPD, and paragraph 135 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 of the NPPF states 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 amendments that require consideration with regards to potential impacts on highway safety relates to the widening of the driveway to the east of Plot 3, and minor alterations to the boundary wall.

As shown on the Proposed Site Plan shows that the changes to the existing access are relatively minor, and are judged to enhance the manoeuvrability and internal access to Plot 3. As such, and having regard to comments from the Highways Authority that raise no objections to the proposed amendments, it is considered that the proposed development would not result in any adverse harm to highway safety, in accordance with LP Policy CF6 and paragraph 114 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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 minor material changes to an approved residential development for three dwellings that is currently under construction, located within the Charlesworth Conservation Area. The principle of development has long been established and this application is considering minor changes to design features associated with Plots 2 and 3.

A detailed assessment within this report, having regard to additional photographs provided by the applicant for clarification, and additional technical specification information and statutory consultee comments, has found that all aspects of development preserve the character and appearance of the site and wider Conservation Area, preserve residential amenity, and do not give rise to any highway safety impacts, in accordance with all relevant Local Development Plan policies and all other considerations including the NPPF.

As such, the application is found to constitute a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to relevant conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 16th July 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council