

DELEGATED DECISION REPORT

HPK/2024/0232
Valid 31/05/2024

4 ROCK BANK SPENCER
ROAD
BUXTON

SINGLE STOREY REAR
EXTENSION

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design & Conservation
- Amenity

DESCRIPTION OF SITE

The application relates to No.4 Rock Bank, Spencer Road, Buxton, a large two storey semi-detached dwellinghouse that lies within the Buxton College Conservation Area. An Article 4 Direction removes permitted development rights for domestic extensions and alterations.

The rear elevation of the property is characterised by a single storey UPVC conservatory on a low brick base, which extends outwards from the kitchen.

PROPOSAL

This application seeks full planning permission for a single storey rear extension that would replace the existing conservatory.

The plans show that the replacement extension would have a similar width of 4.4m and depth of 3.4m extending outwards from the existing kitchen, with external walls finished in a course stone, and fenestration supplemented by stone headers and sills and a slate tile roof, with two velux roof lights adorning the eastern roof slope.

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

S7 Buxton Sub-area Strategy
EQ6 Design and Place Making
EQ7 Built and Historic Environment

National Planning Policy Framework 2023

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0003/7997 Single storey detached garage (Approved 10/06/1999)

CONSULTATIONS

Publicity

Site Notice expiry date: 11th July 2024
Neighbour consultation period ends: 28th June 2024
Press Advert: 4th July 2024

Public Comments

None

Town / Parish Comments

N/A

Severn Trent Water

Informative advised

HPBC Conservation Officer

No comments to make.

Derbyshire County Council Highways

No objections

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission for a replacement single storey rear extension that relates to a residential property within the built-up area boundary of Buxton.

Due to the fact that the site lies within the Buxton College Conservation Area which is covered by an Article 4 Direction removing permitted development rights for domestic extensions and alterations, the application can only be supported as a matter of principle where the application is found to either sustain or enhance the character and appearance of the building and wider setting of the Conservation Area. Relevant policies and material considerations include Local Plan (LP) Policy EQ7, and restrictive paragraphs relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

Design & 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.

The High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) contains further design guidance for extending and altering domestic properties. Extensions and alterations should respect the scale and height of the parent building reading as a subordinate and secondary addition and respecting the character and appearance of the building through an appropriate choice of materials.

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 assess 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 existing property lies within the Buxton College Conservation Area and therefore any extensions or alterations to the property need to be handled in a sensitive manner.

The rear elevation is characterised by an existing UPVC conservatory situated on a low stone base, which as a matter of judgement, is, like many UPVC conservatories, considered to detract from the overall character and appearance of the site, although it should be noted that no views of the rear elevation exist from any public vantage point.

It is clear from a review of the proposed plans and elevations that the replacement extension would be of an appropriate scale, height and massing that continues to read as a subordinate and secondary addition to the main property. The introduction of solid walls constructed in a coursed stone to match the materials of the existing house, supplemented by stone headers and sills is welcome, and results in an overall visual enhancement of the site.

As such, it is considered that the proposed replacement extension will sustain and enhance the character and appearance of the site and wider Buxton College Conservation Area, in accordance with LP Policies S1, EQ6 and EQ7, relevant Supplementary Planning Guidance and restrictive policies contained under Chapter 16 of the NPPF, 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 proposed replacement extension would be of a similar footprint to the existing UPVC conservatory extension and due to being single storey with a modest footprint, would not result in any overbearing impacts. There would be no breach of the 45 degree line.

Given the presence of solid walls rather than transparent glazing, the extension would present less potential or opportunity for any loss of privacy. Fenestration facing the immediate neighbour in the form of bi-fold doors is broadly consistent with

what currently exists and given the presence of a solid boundary wall and soft landscaping would not give rise to any harm to privacy. With respect to the neighbour to the west, the new extension would have no greater impact on overlooking than the existing conservatory.

As such, the application is considered to be acceptable with regards to any potential impacts to residential amenity, compliant with LP Policy EQ6, the Residential Design Guide SPD, and relevant paragraphs under Chapter 12 of the NPPF.

Other Matters

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays or surface water run-off from the site. Therefore it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

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 permission for a replacement single storey extension on a property that lies within the Buxton College Conservation Area in the built-up area boundary of the town.

A detailed analysis of the proposal has concluded that the proposed extension is of an appropriate scale, height, massing and visual appearance that will preserve and to some degree enhance the character and appearance of the property and wider conservation area, without resulting in any harm to residential amenity.

The application thus complies with all relevant Local Development Plan policies and other material considerations including restrictive policy considerations contained under Chapter 16 of the NPPF and constitutes a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to standard conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 17th July 2024

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council