

DELEGATED DECISION REPORT

HPK/2024/0276
Valid 04/07/2024

**THE BARN UNNAMED
ROAD FROM STUBBINS
LANE TO TITHE BARN
FARM
CHINLEY**

**VARIATION OF CONDITION 1
AS APPROVED UNDER
HPK/2023/0541
(FULL - MINOR)**

MAIN ISSUES

- Green Belt
- Design
- Residential Amenity

DESCRIPTION OF SITE

The application site is located outside any recognised settlement boundary in the development plan, part way down an unnamed road from Stubbins Lane to Tithe Barn Farm, adjacent to Stubbins House.

The application site is located within the Green Belt, the site sits below road level and backs on to fields, with the rear part of the site sloping away. The land lies within a cluster of residential properties comprising historic workers dwellings and agricultural buildings, some of which have been converted into dwellings. The site is located adjacent to an access track which is also a public footpath and is adjacent to Stubbins House, which is the nearest neighbouring property immediately to the west of the site.

The erection of a stone building to provide a dwelling has recently been built under planning application HPK/2023/0541. The applicant has already laid foundations and built the shell of the extension.

PROPOSAL

The proposal is for variation of condition 1 to include an extension, two extra velux windows to the rear roof slope, and removal of transoms and mullions from the previously approved window design on the front elevation.

The extension is in situ and did not form part of the approval of HPK/2023/0541. Therefore, retrospective permission is sought for a single storey rear extension which extends 4m from the rear elevation of the dwelling, with a flat parapet roof, for which a green eco roof is proposed.

The ground floor external footprint of the extension measures 32sqm, approximately 26% of the size of the original dwelling house.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S 2 Settlement Hierarchy
EQ 2 Landscape Character
EQ 3 Rural Development
EQ 4 Green Belt Development
EQ 6 Design and Place Making
CF 6 Accessibility and Transport

National Planning Policy Framework

Chapter 12: Achieving well designed places
Chapter 13: Protecting Green Belt

Supplementary Planning Document

High Peak Design Guide 2018
Residential Design SPD 2005
Landscape Character SPD 2006

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2017/0476	Convert an existing agricultural barn into a single dwelling including parking and private garden space	Refused 9th April 2019
APP/H1033/W/19/3231073	HPK/2017/0476	Dismissed - 5th Nov 2019
HPK/2020/0152	Proposed conversion of an existing (now disused) agricultural barn into a single dwelling, to include parking and private garden space	Approved - 14/08/2020 (But not implemented – because the building had been demolished. (as concluded when Enforcement team investigated)
HPK/2023/0068	Erection of a stone building to provide a dwelling (part retrospective) and associated landscaping works	Refused 28/07/2023
HPK/2023/0541	Erection of a stone building to provide a dwelling (part retrospective) and	Approved at committee 25/03/2024

	associated landscaping works	
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CONSULTATIONS

Publicity

Site Notice expiry date: 27/08/2024

Neighbour consultation period ends: 27/08/2024

Press Advert: N/A

Public Comments

Friends of Chinley Park 12/07/24:

Support- The Nature Reserve is directly East of this Barn Conversion. A finished abode is better for the wildlife/flora/fauna than the ongoing building site. support the building of the small extension which is not intrusive and doesn't seem to be much different from the original plans. I would love to see this extension go ahead without impedance. It will be so good for the area and beneficial for our Nature Reserve. The current delays are doing nothing at all for our work in the Reserve.

Neighbour representation 18/07/2024:

Strong objection based on the fact the extension remains in situ and has no planning consent. Concerns that the new build is itself is already larger than the old barn it replaced. The extension did not form part of the original building or the approved conversion plans and is completely out of place in this location.

Neighbour representation 15/07/2024:

Support – “The windows of the extension are almost as large as those next door, on the Stubbins House extension, but are necessary in order to allow maximum light to enter. Light from the north side is reduced by the buildings opposite. The flat roof is more practical than the original sloping roof of the "out rigger". “

Cllr A Benham Blackbrook Ward 26/07/2024:

Objection – “The persistent failure to comply with the original approved plans for a simple barn conversion means that this construction is still incomplete and uninhabitable. The proposed flat roofed rear extension is even larger than the one originally refused approval and its size, style and position bears no resemblance whatsoever to that in the historical photo presented as updated supporting evidence. This large extension is not in keeping with the character or heritage of the original traditional barn. What is more the size of the extension and the enormous windows pose potential harm to the amenities of neighbouring properties and Green Belt openness.”

Town / Parish Comments

Chinley, Buxworth & Brownside Parish Council 25/07/2024:

Strong objection to the flat roofed rear extension based on its inappropriate scale and design, moving away from the original plans which was meant to be a simple barn conversion for which the Parish Council had previously supported.

Environmental Health

None received.

Derbyshire County Council Highways

There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.

OFFICER COMMENTS

Principle of Development

The site lies outside the built up area boundary within the Green Belt and Open Countryside. Paragraph 152 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

NPPF paragraph 142 states the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

NPPF paragraph 153 states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

NPPF Paragraph 154 (c) states that the extension or alteration of a building is considered appropriated development provided that it does not result in disproportionate additions over and above the size of the original building.

LP Policy EQ 4 states that within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy. As such it must be determined if the proposal is considered appropriate development for within the Green Belt.

The extension is considered to be within the 30% extension which would be considered acceptable for a dwelling within the greenbelt. However, given that the extent of the curtilage has been increased in this proposal from the previously approved plans submitted with the planning application HPK/2023/0541, having

previously been set back from the rear boundary of Stubbins House, it is now proposed to almost align it, as shown in the images below:



Figure 1: Submitted location plan



Figure 2: Approved location plan under HPK/2023/0541

With regards to the above, this extension to the curtilage would be regarded as inappropriate development, and by definition, harmful to the Green Belt. The increase would amount to a material change of use of the agricultural field to curtilage, which in accordance with paragraph 155 will only be permitted if it preserves openness and does not conflict with the purposes of including land within the green belt. As such, it is considered the application does not demonstrate compliance with National Green Belt policy and therefore, the principle of development is not acceptable.

Greenbelt

Paragraph 152 of the NPPF states Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF states When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations

Paragraph 154(c) of the NPPF does state that "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building" is appropriate.

The NPPF does not define the term 'disproportionate' however as a typical guide a figure of 30% increase in floorspace from the original dwelling is not uncommon and is generally considered an acceptable extension in the Green Belt.

The ground floor external footprint of the existing dwelling house measures 124sqm (6.5m x 17.50m plus a side garden store measuring 4m x 2.47m). The first floor measures 83.72 sqm (12.88m x 6.5m). The height of the two storey building measures 6.65m to apex. The external footprint of the proposed extension is 32.8sqm, giving a 26% increase in floorspace.

The ground floor external footprint of the original barn measures (17.5m x 6.5m, plus a side outrigger 3.35x2.57) 121.9sqm. It is recognised that in this case the replacement building relating to HPK/2023/0541 for the erection of the original dwelling house, is already materially larger than the original barn it has replaced. Given that the extension did not form part of the approval for HPK/2023/0541, it is established there has been clear intent to erect the extension without planning permission. However, the extension is considered to be within the 30%, which would be considered acceptable for a dwelling within the greenbelt under NPPF para 154(c).

However, it has been noted the extent of the curtilage has increased from the plans submitted with the approved planning application HPK/2023/0541, having previously been set back from the rear boundary of Stubbins House, it is now proposed to almost align it. It is noted that the original barn did not have any definitive curtilage and therefore the location plan for HPK/2023/0541 was drawn with a relatively tight boundary in order to ensure that any encroachment into the green belt was limited. Therefore, it is considered the red line boundary accompanying this application would result in additional harm to openness by the encroachment of domestic paraphernalia into the green belt.

The plans approved under HPK/2023/0541 shows a distance of 4m from the rear of the dwelling to the red edged boundary. Considering this, the extension would lie within the approved red line boundary, but the proposed decking and remaining garden area would sit outside of the curtilage as outlined in red and approved under HPK/2023/0541. This increase would amount to a material change of use of the agricultural field to curtilage, which in accordance with paragraph 155 will only be permitted if it preserves openness and does not conflict with the purposes of including land within the green belt. In this case, the increase in the size of the curtilage would conflict with paragraph 143 (c) which seeks to ensure that the countryside is

safeguarded from encroachment. The enlarged curtilage would fail to keep the land permanently open, a fundamental aim of green belt policy.

This amounts to inappropriate development which harms the openness of the Green Belt with an enlarged curtilage than that of the previously approved scheme. No very special circumstances have been submitted by the applicant, to outweigh the inappropriateness, or any other harm to the green belt.

As such, the proposed development is considered inappropriate development that would be harmful to the Green Belt by definition and would result in a loss of openness, which does not accord with the provisions of Section 13 of the National Planning Policy Framework and Policies EQ3 and EQ4 of the High Peak Local Plan 2016.

Design

Policy S1 of the Local Plan 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.

Section 12 Paragraph 135(c) of the NPPF states that development should be sympathetic to the character and history of the area, while not restricting change.

Policy EQ3 of the LP seeks to ensure that all development is of a high quality design and protects or enhances landscape character and the setting of the Peak District National Park. Extensions to existing dwellings are allowed provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

Policy EQ6 of the Local Plan states all development should be well designed and of a high quality that respects local distinctiveness and sense of place.

The Adopted Residential (SPD) (2005) chapter 9 states :

- *“extensions and alterations to existing houses can have a significant impact on the appearance of a house, neighbouring property and the street scene. It is important, on all types of houses, that domestic development is carefully designed.”*
- *9.4.1 “appropriate extensions to the roofline can be made by extending the main roof to the side (a ‘catslide’ roof) or by creating a secondary gabled roof at right angles. In view of their often squat and ungainly appearance, the prevailing climate and ongoing maintenance problems, flat roofs should be avoided.”*

The High Peak Design Guide states:

Para 5.2

“Alterations need to be undertaken with care. Insensitive changes can easily spoil a building. The key to a sensitive approach is to take note of what is there already before preparing the design and to work with, and not against, the buildings character. The aim should be to revitalise the building without altering its fundamental character.

para 5.5 states:

- *“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.”*

Para 5.15 states:

- *“The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained. This means in most cases the barn, mill or Chapel, should afterwards look like a converted barn, mill, or Chapel and not like a new house or a new block of flats. When converting traditional buildings, new uses should not normally require the construction of extensions or ancillary buildings.”*

The extension is in situ and extends 4m beyond the rear elevation of the host dwelling and 8.2m in width. Whilst the extension is subordinate in height to the host dwelling, it extends beyond the rear elevation by over 50% of the depth of the original dwelling house resulting in a contrived and disproportionate addition which is considered to be harmful with regards to its scale.

The harm to the character and appearance of the dwellinghouse by virtue of the large extension is exacerbated and amplified by the flat roof, which conflicts the prevailing angle of the original roof, therefore failing to maintain the proportion of the house. As a result, the extension does not harmonise well with the host dwelling, and fails to achieve a satisfactory relationship with the existing dwelling, detrimental to the overall character and appearance of the existing dwelling house.

The former barn on this site was characterised by its simple, traditional nature, forming a significant part of its materiality. The approved dwelling under the 2023 consent, equally ensured that the traditional rural character of the former barn was retained. The original character of the building should remain legible, with the surrounding properties located along the lane further characterised by their traditional architectural detailing and simple form. As such, the siting and scale of the extension, in addition to the flat roof do not respect the site's rural setting within the countryside and the character of the surrounding properties located along the Lane, neglecting to protect local distinctiveness of the landscape and its setting. It is akin to a modern extension, more commonly found in a suburban setting.

It is also noted, had this extension been included in the original planning permission for the erection of the dwelling under HPK/2023/0541, it would have further exacerbated the fact that this planning application did not implement the permitted residential conversion of the original barn and is materially larger. As such, the

inclusion of this extension in this rural setting changes the appearance of the dwelling to such an extent that would lead to prominent intrusion into the countryside.

Moreover, officers have noted that planning application HPK/2023/0068 which was refused, initially included a proposed rear extension of the same scale and design, amended plans were sought from officers to remove the proposed flat roof rear extension and decking area as it was not deemed appropriate.

The disproportionate length and uniformity of the windows in the extension also fail to respect and retain the character of the building and its setting. Barns are characterised by quirks that would not be encountered in new buildings, such as windows at unusual heights and of different sizes and proportions. The guiding principle behind the design of any barn replacement is that it should respond to the character, form and function of the building, rather than the building being made to fit the new use.

Moreover, the proposal includes the removal of transoms from the windows on the front elevation and elongated bi-folds to the entrance. Bi-fold doors of similar design had been approved on the rear elevation of the original dwelling under planning application HPK/2023/0541, large panels of glazing infill are not uncommon features on converted rural buildings, as they utilise a characteristic of rural barns where they may have had areas of open frontages. However, excessive glazing such as this does not retain the character of the rear elevation of the barn and is not deemed appropriate for a replacement barn.

The introduction of two Velux windows to the rear is considered acceptable and falls under Permitted Development Class C.

Overall, the extension is considered to amount to a poor form of design which significantly harms the character and appearance of the dwelling house, and to a minimal extent the wider street scene, due to the adjacent footpath and Stubbins Park Local Nature Reserve and Chinley Community Meadow Local Wildlife Site.

Considering the above, the proposed extension by reason of its siting, scale, design, height and appearance would result in an incongruous addition to the host dwelling and would be visually unsatisfactory to the character and appearance of the adjoining dwelling, and wider area. As such it would be contrary to policies EQ2, EQ3, EQ6, the High Peak Residential Design Guide, and the NPPF with regards to design.

Amenity

Section 12 Paragraph 135(f) of the NPPF states that development should create places with a high standard of amenity for existing and future users.

LP Policy EQ 6 states that all development should achieve a satisfactory relationship to adjacent development and doesn't cause unacceptable effects by reason of vision intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The Adopted Residential (SPD) (2005) paragraph 8.6.1 states that there should be

21 metres between adjacent habitable windows to provide an acceptable level of amenity.

It is not considered that the bi-fold doors on the southern elevation and the windows on the east elevation of the extension would have any adverse impact on privacy, as these both front on to the rear garden of the property which is bounded by open countryside. Additionally, with the retention of trees along the eastern boundary this provides further screening. However, the extensive glazing is likely to affect local amenity and rural tranquillity by means of light pollution.

The extension sits 7.5m from the adjoining boundary with the neighbouring property Stubbins House to the west. Given the existing boundary treatment, there are privacy issues associated with the proposed windows on the west elevation of the extension, which are sited in direct line into the window of the neighbouring property of Stubbins House, resulting in views between ground floor windows. With a separation distance of some 19m this falls short of the required 21m separation distance required between habitable rooms and is considered to be insufficient and will lead to harm to the amenity of this neighbour with regards to loss of privacy. Moreover, the western facing window would overlook into the neighbours garden as the existing boundary treatment is too low to provide a suitable privacy screen. This would not be considered compliant with Local Plan Policy EQ6, the Residential Design Guide SPD and the NPPF, with regards to potential impacts on neighbouring residential amenity.

It is noted the planning application HPK/2023/0541 that granted permission for the erection of the dwelling proposes boundary landscaping, however, this does not extend to the entirety of the western boundary, moreover the proposed tree plant of "species Beech 'Fagus Sylvatica' Height 60-80cm high", would not be sufficient to maintain the privacy of Stubbins House. Therefore, if this scheme was deemed acceptable it would be conditioned to implement a replacement fence of 1.8m, a sufficient height to maintain appropriate screening between the extension and the neighbouring property, or the windows to be fixed and obscure glazed, to protect the privacy of Stubbins House.

Highway Safety

The extension would not increase the number of bedrooms at the application site, therefore, will not increase demand for off-street parking. Furthermore, the existing provision for off-street parking will not be impacted by the proposal. As such, there are no highway safety concerns and the proposal complies with Local Plan Policy CF6.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the proposal is considered inappropriate development in the Green Belt and contrary to the provisions of Section 13 of the National Planning Policy Framework and Policies EQ3 and EQ4 of the High Peak Local Plan 2016. The development is also considered contrary to Policy EQ6, the High Peak Residential Design Guide, and the NPPF with regards to design.

As such the application is recommended for refusal.

OFFICER RECOMMENDATION : Refuse

Case Officer: Jennifer Robb

Recommendation Date: 29/08/2024

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Signed by: Jane Colley Signature

On behalf of High Peak Borough Council