

DELEGATED DECISION REPORT

HPK/2024/0457
Valid 08/11/2024

12 OVERTON LANE
WHALEY BRIDGE

INSTALL PVCU
CONSERVATORY TO THE
REAR OF THE PROPERTY

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design
- Neighbouring amenity

DESCRIPTION OF SITE

The application site relates to a semi-detached property on Overton Lane, which relates to a larger new build housing estate in Whaley Bridge.

The application site has a driveway to the front of the property and a private garden with high boundary fencing to the rear.

PROPOSAL

The application proposes the installation of a single storey conservatory to the rear elevation of the property. The proposed materials are grey UVPC to match the existing windows and patio doors to the rear elevation.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
EQ 6 Design and Place Making
CF 6 Accessibility and Transport

National Planning Policy Framework

Chapter 2: Achieving Sustainable Development
Chapter 12: Achieving Well Designed Places

Supplementary Planning Documents

High Peak Residential Design Guide (2005)
High Peak Design Guide (2018)
Whaley Bridge Neighbourhood Plan

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2014/0119 - Proposed Outline Planning Permission For Up To 107 Dwellings, Site Access, Highway Works, Landscaping, Public Open Space & Associated Works. Approved 07/05/2015.

CONSULTATIONS

Publicity

Site Notice expiry date: 20/11/2024
Neighbour consultation period ends: 04/11/2024
Press Advert: N/A

Public Comments

1x objection outlining the following reasons:

- Glass not in keeping with the design and character of the area and the Green Belt.
- None of the 2 /3 /4 Bedroom houses have a conservatory.
- New Conservatories on New Build are not allowed to be built on properties built after June 2022.
- Able to view the occupants from above when they use the conservatory
- Light pollution
- Noise concerns & construction noise
- Restriction of ladder access to upper floors

Town / Parish Comments

None

Derbyshire County Council Highways

None

OFFICER COMMENTS

Principle of Development

The property lies within the built up area boundary of Whaley Bridge, which is identified as a Market Town in the settlement hierarchy under Local Plan Policy S2 in recognition of it being a moderately sustainable location with access to services and facilities. Therefore, the principle of development is acceptable subject to a detailed assessment of relevant planning considerations.

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 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.”*

Para 9.6 states

- *“Conservatories may require planning permission just as any other domestic extension; they should be sited and designed so as to be subordinate to the main dwelling. Conservatories are best sited on the side or rear of a house or to infill a corner. Simple and well-proportioned conservatories are best, with detailing to match the age and style of the main house. Structural elements should usually be coloured to match the window frames. The Council encourages householders to use timber from renewable sources and to consider avoiding non-renewable hardwoods.”*

The 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.

Para 5.11 states:

- *“historically, these only occurred on larger houses from later architectural periods. Like porches, they can be out of keeping on small cottages or houses where simplicity of form is an important existing characteristic. In sensitive historical locations, upvc is unlikely to be a suitable material for conservatories that are located in a prominent position.”*

The proposed conservatory is single storey and extends just under 3m from the rear elevation of the host dwelling, remaining a subservient addition to the main dwelling house. The proposed materials are anthracite grey PVCu frames with tinted toughened glass roof sheets, to match the existing window frames as per the Residential Design Guide.

It has been noted an objection has been received, with concerns a glazed structure is not in keeping with the design and character of the area and the Green Belt. The application site is located within the built up area boundary, not the Green Belt, whilst the properties along Overton Lane are characterised by stone brick, it is not unusual

to see glazed structures such as conservatories or green houses in a domestic garden setting. The conservatory represents a simple design, the existing property is a new build which carries little architectural merit, as such it is not considered the conservatory will cause harm to the character of the dwelling house.

Whilst it is noted that none of the other houses along Overton Lane have a conservatory, due to the rear location of the proposal, it would not be visible from the public highway and therefore, would not cause any harm to the street scene.

Accordingly, the siting, scale and proposed materials are considered appropriate and accord with the requirements of S1 and EQ6, the Residential Design Guide SPD and the NPPF.

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 inhabitable windows to provide an acceptable level of amenity.

9.6.1 of the Residential Design Guide states:

- *“Conservatories can cause amenity problems to adjacent property and should be sited so as to avoid undue overlooking and loss of privacy. Particular care is required where the proposed site is higher than adjacent housing. Obscure glazing may assist in resolving some amenity issues.”*

The objection received also highlights concerns over being able to view the occupants from above when using their conservatory, this is not a loss of privacy to the neighbour, but rather the applicant, and therefore, there are no concerns regarding this. Moreover, the proposed materials are tinted glass sheets to the roof, which offsets this concern as well as light pollution.

Turning to noise concerns, all the properties along Overton Lane have adjoining rear gardens, as is the nature of new build properties, and a small patio area to the rear garden. As such when the conservatory doors are opened out noise levels and loss of amenity are considered to be no greater than when using the existing patio & garden area. Construction noise and disturbance during development is not a material planning consideration and has not been considered as part of this application.

Given that the conservatory sits below the existing fence line, there are no concerns regarding overshadowing or loss of light to the two neighbouring properties.

The rear garden of the application site is bounded by high boundary fencing which is considered sufficient to screen no.10 Overton Lane to the north and no.14 to the south, accordingly, there are no concerns regarding loss of privacy to these neighbours. There is some 19m between the conservatory and the new build properties currently under construction to the rear of the application site, this is slightly under the Council's privacy standards, however, impacts on privacy when using the conservatory will be no different than when using the existing garden/ patio area, as such it is not considered the application could be refused on this basis.

The application is considered to be compliant with Local Plan Policy EQ6, the Residential Design Guide SPD, and the NPPF, with regards to potential impacts on neighbouring residential amenity.

Highway Safety

The proposal will not lead to an increase in 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 CF 6.

Other Matters

Officers have noted the objection states that Barratt Homes have applied a restrictive covenant on this development for a period of 5 years. This is not a planning matter and does not bind the Local Planning Authority. As such, this has not been considered as part of this application. Planning permission does not over ride restrictive covenants and this should be dealt with separately by the homeowner and beneficiary of the covenant.

With regards to the comment that 'new conservatories on New Builds are not allowed to be built on properties built after June 2022'. This seems to be referring to conservatories on new build properties needing to demonstrate it does not create 'unwanted solar gain'. This, however, falls outside of the remit of planning and under Building Control Regulations, which is separate from planning permission, and again will need to be dealt with separately.

CONCLUSION / PLANNING BALANCE

The proposal is considered acceptable in terms of design and amenity and will not result in any adverse amenity impacts and is of acceptable design and is considered to be in accordance with the relevant policies put forward in the Local Plan and NPPF. Therefore, the application is recommended for approval.

OFFICER RECOMMENDATION : Approve

Case Officer: Jennifer Robb

Recommendation Date: 03/01/2025

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council