

DELEGATED DECISION REPORT

HPK/2024/0463
Valid 19/12/2024

IVY COTTAGE
CHINLEY

RETROSPECTIVE
PERMISSION FOR EXTENSION
TO BARN AT REAR OF
DWELLING

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Principle of Development
- Green Belt location
- 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 seeks part retrospective permission for a single storey rear extension. The application is a re-submission of HPK/2024/0276, which was refused due to the application proposing an increase in curtilage (the “red line” plan) which amounted to inappropriate development in the Green Belt, and design concerns regarding the flat roof and overly large and uniform windows.

The works on the extension have stopped and the agent has since sought pre-application advice with the Council and has re-submitted the scheme, taking into account Officer recommendations, amending the flat roof to a pitched roof and reducing the size of the windows to be much more in keeping with the barn style. This application has also removed the rear decking and reduced the curtilage and drawn the correct red edge as approved in the original planning consent HPK/2023/0541,

with the exception of a small increase to accommodate for steps to the rear bi-fold doors due to the change in ground level.

The extension is in situ and did not form part of the approval under HPK/2023/0541. Therefore, part retrospective permission is sought for a single storey rear extension which extends 4m from the rear elevation of the dwelling, with a pitched roof and steps to the rear to accommodate a ground level change.

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 2: Achieving Sustainable Development
Chapter 12: Achieving Well Designed Places
Chapter 13: Protecting Green Belt Land

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	Approved - 14/08/2020 (But not implemented – because the building had been demolished. (as concluded when

	parking and private garden space	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 associated landscaping works.	Approved at committee 25/03/2024
HPK/2024/0276	Variation of Condition 1 as approved under HPK/2023/0541.	Refused 29/08/2024

CONSULTATIONS

Publicity

Site Notice expiry date: 04/02/2025

Neighbour consultation period ends: 28/01/2025

Press Advert: N/A

Public Comments

Cllr A Benham Blackbrook Ward – objection 24/01/25:

- Building still incomplete due to the applicant not complying with the approved plans.
- HPK/2024/0276 was refused on various grounds, would like to see the barn restored to its former size & appearance.
- Would urge the applicant to return to the approved plans under HPK/2023/0541.

Neighbour representation – objection 19/01/25:

- Location given as Ivy Cottage, site location is adjacent to Stubbins House
- Consent for a barn conversion was given (HPK/2020/0152) on the basis that there would not be additional extensions or ancillary buildings

- The extension did not form part of the original planning consent & despite clear instructions by the Planning Department, that there should be no additional extensions or ancillary buildings, the Applicant proceeded to lay foundations for an extension in February 2022.
- The suggested change to a pitch roof further increases the size and profile of this extension

Town / Parish Comments

Chinley, Buxworth & Brownside Parish Council 23/01/25:

The Parish Council would find it preferable if it were reduced in depth and had a pitched roof with a steeper angle to reflect better the character and appearance of the existing dwelling. This would be more akin to the outrigger on the original barn and would encroach less into the greenbelt compared to the current unauthorised extension.

Derbyshire County Council Highways

No objection as there appears to be no material impact on the public highway and therefore the Local Highway Authority (LHA) has no further 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 proposed extension and alterations amount to the extension or alteration of a building under para 154c.

It has been noted by Officers, that the red edge drawn on the plan is mostly in line with what was approved under HPK/2023/0541, with the exception of a very minor increase to accommodate steps to the rear of the building to exit the bi-fold doors. As shown in the images below:

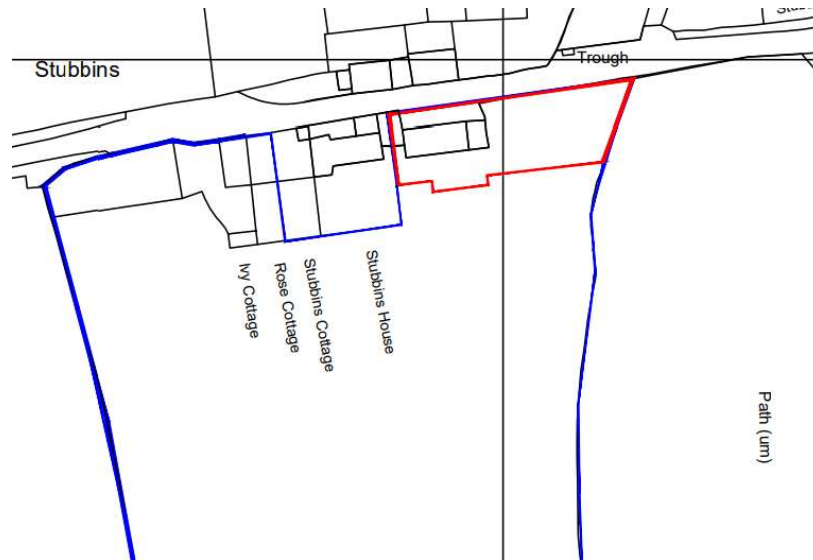


Figure 1: Submitted location plan

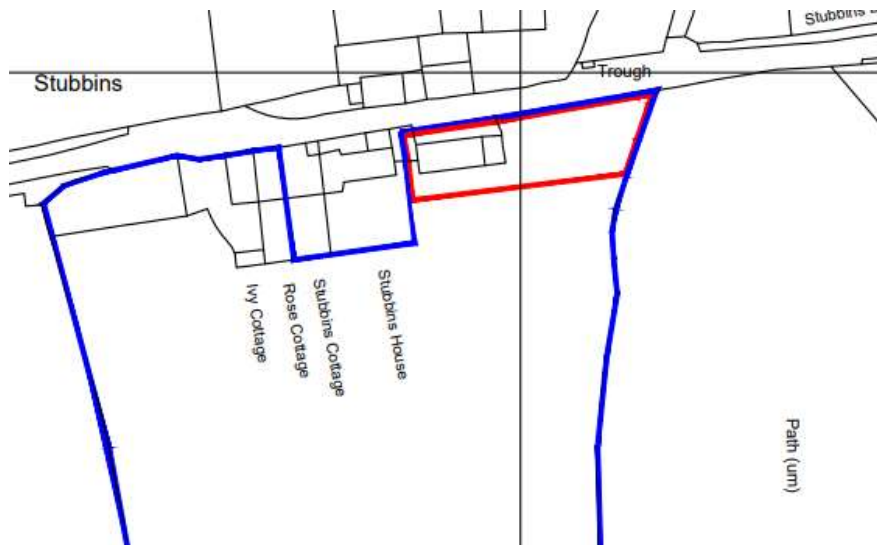


Figure 2: Approved location plan under HPK/2023/0541

Generally it is considered an increase to the curtilage would amount to a material change of use of the agricultural field to curtilage, which in accordance with paragraph 155 of the NPPF will only be permitted if it preserves openness and does not conflict with the purposes of including land within the green belt. Whilst an increase in curtilage

would be regarded as inappropriate development in the Green Belt and by definition, harmful to the Green Belt. Officers consider this increase to the 'red edge' to be so minor that it would preserve openness of the Green Belt and would not be judged as inappropriate development, the original dwelling was drawn with a very tight curtilage compared to neighbouring properties. Moreover, due to the floor level of the extension sitting higher than the natural ground level (shown below), for practicality reasons it would be considered unreasonable for the Council to refuse the application on this basis.



Therefore, the principle of development is acceptable subject to a detailed assessment of relevant planning considerations.

Impact on Green Belt

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 a 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 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). As such the proposal would not constitute disproportionate development that would impact the openness of the Green Belt.

It is accepted that there is inevitably a visual change to the aesthetics of the site comparable to the original planning consent. However, just because a proposal can be seen does not make it harmful in visual terms. The nature of the proposal is appropriate for its rural and secluded location and due to its somewhat modest nature, it is considered that the visual aspect of openness would be preserved.

Officers have noted the comment received by the Parish Council, who would find it preferable for the extension to be reduced in depth to encroach less into the green belt. The extension sits within the curtilage of the dwelling house, and as mentioned above, up to a 30% increase is considered acceptable for a dwelling within the green belt.

As such, it is considered that all aspects of the proposed development, would preserve openness of the Green Belt and the application is compliant with LP Policy EQ4 and relevant restrictive policies contained under Chapter 13 of the NPPF.

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: “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: “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.”*

As mentioned previously in the report, following the refusal of HPK/2024/0276, the agent engaged with pre-application discussions with Officers to achieve a scheme that would be acceptable. Pre-application feedback has been implemented and the requested design amendments have been made to this application which includes revising the flat roof to a pitched roof, amending the disproportionate length and uniformity of the windows, having just one small window on each side elevation, with a significant reduction in size to create a mismatch that is typical of a barn conversion.

The shell of the extension is in situ and extends 4m beyond the rear elevation of the host dwelling and 8.2m in width. Officers have noted that the siting and scale of the extension, does represent a somewhat large addition to the property. An objection has been received with concerns the change to a pitched roof further increases the size and profile of this extension. Notwithstanding this, the extension by way of its single storey nature remains a subservient addition, the roof form follows that of the host dwelling and is constructed of matching materials, as per the Council’s design guidance. As such, the proposal is considered to be in keeping with the character of the main dwelling house, and the local distinctiveness and its setting, which does not lead to prominent intrusion in the countryside.

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 proposal preserves traditional architectural detailing and simple form, enabling the original character of the building to remain legible.

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. The plans show a small window to each side elevation of the extension, these represent the proportions of the barn style windows on the main dwelling, ensuring the building still reads as a barn.

The additional two roof lights to the rear roof slope of the main dwelling is acceptable and falls under Permitted Development Class C.

Officers have noted 2x objections have been received, regarding frustrations the extension has been built without planning permission. The neighbour references consent for a barn conversion was given under HPK/2020/0152, this permission has since been superseded by HPK/2023/0541 for the erection of the dwelling. The dwelling has been built in line with the approved plans, with the exception of the proposed extension.

Contemplating the points above, the siting, scale and proposed materials are considered appropriate and accord with the requirements of policies S1, and EQ6, the Residential Design Guide SPD, High Peak Design Guidance 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 habitable windows to provide an acceptable level of amenity.

The extension does extend beyond the rear elevation of the property, the 45 degree rule has been assessed, from the central point of Stubbins House closest fenestration in the rear elevation. It has been established that the proposal would not breach the 45 degree angle, there is also a reasonable distance of approx. 9.8m between the extension and this property. There are no concerns regarding overshadowing or loss of light.

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 garden of the property which is bounded by open countryside. Additionally, with the retention of trees along the eastern boundary this provides further screening.

The extension sits some 7.5m from the adjoining boundary with the neighbouring property Stubbins House to the west. There is one small window proposed to the west elevation of the extension. There may be some overlooking into the garden area of the neighbouring Stubbins House. However, this will be limited and as is the nature of these properties, with mutual overlooking between all the dwellings along the south side of this lane. Moreover, there is a generous distance between this window and the garden space of Stubbins House.

There is a separation distance of just over 19m between the window proposed to the west elevation and the side facing window at Stubbins House, which falls just short of the Council's privacy standards. Nevertheless it is considered prudent to impose an obscured glazing condition, particularly as the room benefits from a significant amount of glazing and outlook from the other elevations.

Due to the significant reduction in glazing in comparison to the scheme submitted under HPK/2024/0276, it would not be considered the proposal would affect local amenity and rural tranquillity by means of light pollution for the neighbouring properties.

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 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

The Council have noted the objections received, and general frustrations the extension has been built without consent. Officers consider this proposal to represent a much improved scheme to that refused under HPK/2024/0276, the approval of which will allow for the much anticipated completion of the dwelling.

Despite the clear intent to erect the extension without planning permission, this proposal is considered acceptable in principle and 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 considered acceptable.

OFFICER RECOMMENDATION: **Approve**

Case Officer: Jennifer Robb

Recommendation Date: 13/02/2025

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council