

DELEGATED DECISION REPORT

HPK/2024/0460
Valid 27/11/2024

25 WHITE KNOWLE ROAD
BUXTON

CHANGE OF USE OF 2
APARTMENTS TO FORM ONE
DWELLING WITHIN SAME
FOOTPRINT

(FULL - MINOR)

MAIN ISSUES

- Design Character and Appearance
- Amenity
- Parking Provision and Highway Safety
- Ecology (Nutrient Neutrality)

PROCEDURAL MATTERS

The application as submitted was accompanied by an Application Form that included a signed Certificate of Ownership A, claiming that all of the site contained within the red edge as shown on the Location Plan was within the sole ownership of the applicant.

In light of comments from the neighbouring property, it has come to light that part of the site (the driveway connecting the property with the public highway) is part owned by the neighbouring property.

At the request of Officers, Certificate B which identifies the other part owner of the site has been completed and submitted, and notice served on this neighbour by way of Notice 1, in line with Article 13 of the General Procedure Management Order (GPMO) 2015 as amended, allowing a period of 21 days for this neighbour to submit comment.

All outstanding procedural matters have now therefore been satisfied and addressed.

DESCRIPTION OF SITE

The application relates to No.25 White Knowle Road, a two storey detached property set out in an 'L' shaped form, that is constructed in a traditional natural stone with slate tiled roof. It is served by a private access shared with its neighbour No.27 White Knowle Road that extends southwards from the public highway to an area of hard standing utilised for off-street parking and turning provision.

It is understood that historically the property would have been in use as a single dwellinghouse, but that at some point at a time unknown in the absence of planning history, the property was sub-divided into 2 no. independent flats.

Owing to the character of fenestration and where the entrance is located, the property is orientated in a manner that sees the rear elevation faces westwards towards the highway, with the principal elevation situated on the other side, characterised by an entrance door and supplementary windows facing south, with a large garage adjacent.

For the purposes of the Local Development Plan the site lies within the built-up area boundary of Buxton.

PROPOSAL

The application seeks full planning permission to combine the two existing independent flats to create a single dwellinghouse, which as described above is likely to amount to the original occupation of the property.

As shown on the submitted floor plans the resultant dwellinghouse would see the basement function as a Study, with the ground floor serve the communal rooms (Kitchen, Lounge, Dining). The first floor is shown to contain four bedrooms and a shared bathroom.

Minor changes are shown to be made to the exterior walls of the property, in the form of additional or replacement fenestration and the introduction of a new staircase on the rear elevation.

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
- S2 Settlement Hierarchy
- S3 Strategic Housing Policy
- H1 Location of New Housing Development
- H3 New Housing Development
- EQ5 Biodiversity
- EQ6 Design and Place Making
- CF6 Accessibility and Transport

Supplementary Planning Documents

Residential Design Guide SPD (2005)

Design Guide SPD (2018)

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2013/0072	Proposed change of use from domestic garage to business storage (Approved 13/05/2013)
HPK/2014/0205	Variation Of Condition 1 Relating To Application HPK/2013/0072 Use Of Garage For Storage Purposes (Approved 30/06/2014)

CONSULTATIONS

Publicity

Site Notice expiry date: 2nd January 2025
Neighbour consultation period ends: 18th December 2024
Press Advert: N/A

Public Comments

1no. comment has been received in connection with this application stating that:

The only comment that we would like to make is the access points from land owned by 27 White Knowle Road (our property) to 25 White Knowle Road is incorrect on A1 PLANNING DRAWINGS-block plan 01A. We appreciate that this matter needs to be resolved between the two parties (rather than requiring Council input), but wish to take the time to make sure that this is formally recorded as part of the development activities.

The same neighbour has forwarded additional comments as a consequence of being served notice in accordance with Article 13 of the GPDO:

As noted previously, we have no objections to the proposed plans for the building, and are pleased to see an appropriate and sympathetic use of the full building.

However, we would like to object to the Ground Plans (presented in A1 PLANNING DRAWINGS-block plan 01A).

For background, the drive (running between 23 and 27 White Knowle Road, marked in grey on plan 01A) is owned by 27 White Knowle Road, with access granted over this to 25 White Knowle Road. Access was granted in 1951 at which time an outline ground plan was provided. The boundaries marked on plan 01A are broadly correct,

but an accurate plan is attached (Access 25 WKR.pdf) which shows the current boundaries with the route of access (which has been in place for at least 20 years) shown in green. On the plan there is access to 25 White Knowle Road from our drive between points A and B (5-bar gate and pedestrian side gate) and between B and C (2-part 5-bar gate). However, there is no access to 25 White Knowle Road between points C and D where there is a hedge.

Our objections to the Ground Plans are as follows:

- 1. Plan 01A shows a vehicle parked partially beyond the gate between points A and B whereas any vehicles should be parked behind the gate*
- 2. Plan 01A shows a drive access through the hedge between points C and D whereas any access to the garden to the West of the house should be through the gate (between points B and C)*

Thus we request that the plans are updated to resolve these inaccuracies (or the plans should not show vehicles and new drives).

Town / Parish Comments

N/A

AES Waste

Properties should be planned so bins can be stored within the property boundary and be moved to the presentation point without the need to go up or down steps or through the property. Garden gates need to be wide enough to accommodate a standard 240l wheeled bin.

Environmental Health

No comments to make

Derbyshire County Council Highways

No objection subject to parking and turning facilities have been provided as shown on submitted drawings.

OFFICER COMMENTS

Principle of Development

The application concerns the conversion of two independent flats into a single 4no. bedroom residential dwellinghouse, in addition to the introduction of a new staircase to the rear and new and replacement and additional fenestration.

The site lies within the built up area boundary of Buxton, one of the larger Market Towns that sits at the top of the settlement hierarchy under Local Plan (LP) Policy S2, an area earmarked for housing and economic growth. LP Policy H1 refers to the

location of new housing development and supports the redevelopment and conversion of buildings to facilitate housing in the built-up area boundary of larger towns.

The application is therefore compliant with the relevant Local Development Plan policies for the strategic delivery of housing in addition to relevant paragraphs contained under Chapter 5 of the NPPF.

It is acknowledged that at the time of writing the Council cannot demonstrate a 5 year housing land supply and that the proposal would see the loss of 1 no. residential unit. However, it is considered that the loss of one independent unit, in place of a large single family dwellinghouse would not result in any material impact to the overall housing supply in the Borough, and certainly does not come close to meeting the threshold of significant or demonstrable harm (having regard to the presumption in favour of sustainable development).

As such, the principle of development is considered to be acceptable subject to an assessment of all relevant planning considerations that are material to this application.

Design Character and Appearance

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.

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 development adds to the overall quality of the area, are visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

The existing property is set back a considerable distance behind the public highway but nevertheless possess a reasonably attractive façade given its construction in traditional materials (stone and slate). However, fenestration throughout the property varies with regards to scale, appearance and colour which somewhat reduces the visual aesthetic.

The proposed elevations show the introduction of new fenestration, the design of which in the majority of cases sees standard window frames being replaced with bi-fold doors. Whilst in more sensitive and prominent locations this extent and design of glazing may be inappropriate and not supported, it is considered that in this particular context, with only glimpsed views of the property from the public highway, and the varied character of existing fenestration which does not present an attractive character, does not result in any degree of harm to the character and appearance of the property or indeed the wider street scene. In addition, the proposed rooflights would have no material impact on the character and appearance of the property.

The introduction of the new staircase is located to the rear of the property, and provides access from the ground floor to the rear of the site which has a lower finished floor level. The staircase is modest in scale and is shown to be constructed in a traditional stone with an aluminium balustrade in place, which is understood to be necessary for building regulations and safety.

Similar to the proposed fenestration, this glazed aluminium balustrade may not be appropriate and resisted in more sensitive and prominent locations in Buxton. However, subject to a compliance condition that would see the staircase finished in a matching stone to the main house, it is considered that owing to this aspect not being visible from any public vantage point, and that it is discreetly hidden to the rear of the property, this aspect of development would also not result in any degree of harm to the character and appearance of the property or indeed the wider street scene that would warrant a credible or sustainable reason for refusal at appeal.

As such, the application is considered to be acceptable with regards to design principles set out under LP Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

Amenity

LP Policy H3 requires all new housing development to provide a high standard of amenity for all future occupiers by ensuring that it is compliant with Nationally Described Space Standards (NDSS), published by DCLG (2015).

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. A minimum of 21m should be achieved between existing and proposed habitable windows.

Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

Firstly with regards to the amenity for future occupiers, the dwellinghouse would be situated within a generous plot, providing suitable amenity space for future residents outside of the dwellinghouse.

The NDSS requires a two storey property with four bedrooms based on full occupancy of eight people to achieve a minimum internal floor area of 124sqm. As shown on the proposed floor plans, the proposed dwellinghouse comfortably achieves and exceeds this threshold. In addition, each bedroom would exceed the minimum requirement of 11.5sqm for a double bedroom, and minimum required width of 2.15m. As such the proposed resultant dwellinghouse would provide a high standard of amenity for future occupiers.

Turning to potential impacts to residential amenity, the site is bounded to the east by a large wooded area, with properties situated to the south-west (No.27 & No.29 White Knowle), the north-west (21 & 23 White Knowle), and to the north (Nos. 4 & 6 Alexandra Road).

With regards to new (as opposed to replacement) fenestration, new first floor bedroom windows are to be added to the northern side elevation. The distance between this new fenestration and No.4 Alexandra Road is 21m at its closest point, and would thus achieve the required privacy standard. The distance between the new bedroom window and No.6 Alexandra Road is slightly closer at 20m, however due to the orientation of and relationship between both properties, this distance would be acceptable given that no direct views would occur. Other new fenestration would be located in the elevation fronting the wooded area, with no resultant impacts to neighbouring amenity.

Replacement fenestration would not result in any material impact on any neighbouring property given that the distance between habitable windows would remain consistent.

In light of the above analysis, Officers consider that the proposed development would not result in any adverse harm to the residential amenity of any neighbouring property and would provide a high standard of amenity for future occupiers, in accordance with LP Policies H3 and EQ6, the Residential Design Guide SPD, and relevant paragraph under Chapter 12 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 115 of the NPPF states that in assessing sites for specific applications, it should be ensured that safe and suitable access to the site can be achieved for all users.

Paragraph 116 of the NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

The site currently benefits from an established access to the public highway and a private driveway that extends to a large area of hard standing used for parking and turning.

The Council's Parking Guidelines require a 4 bedroom property to contain a minimum of 3no. parking spaces within its curtilage. As shown on the Block Plan this is easily achievable.

The Highways Authority have requested a pre-occupation condition be appended to the decision which would require parking and turning facilities to be provided on the submitted drawings. It is not considered that such a condition is either reasonable or indeed necessary given that the parking layout is already in situ and that there is more than sufficient space to accommodate the necessary off-street parking and turning provision within the curtilage.

In light of the above, the application is considered to result in no material impact to highway safety and is acceptable having regard to LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

Ecology and Nutrient Neutrality

LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate. Chapter 15 of the NPPF contains the relevant national planning policies relating to the conservation and enhancement of the natural environment.

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 application is accompanied by a Water Neutrality Statement which confirms that the current use of the property comprises 2no. residential units with a maximum occupancy of 6-8 people. The proposal would reduce the overall number of residential units and as a consequence based on average occupancy rates, there would be a net reduction. Moreover 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, and the application is acceptable with regards to LP Policy EQ5 and relevant paragraphs contained under Chapter 15 of the NPPF.

Other Matters

The neighbouring property have raised concerns in relation to Block Plan 01A and the indication of parked cars at the southern access, south of the property.

The issue of land ownership and rights to land are not material to the application. The cars shown on the Block Plan merely show how cars can be laid out within the domestic curtilage, which do not represent what is actually positioned on the land. The neighbour notes that one of the parking spaces extends over an existing hedgerow. It is clear that the required amount of off-street parking provision can be achieved within the curtilage on land that is within the control of the applicant and not necessarily in the locations shown on the block plan. As there are sufficient parking spaces on the site, and as set out above, it is not considered necessary to impose a condition, securing parking.

As such, whilst the comments of the neighbour are acknowledged, they would not prevent the grant of planning permission.

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:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

- ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

The application seeks permission to convert a property that contains 2no. independent residential units to a single 4no. bedroom dwellinghouse, together with minor alterations to the exterior comprising a new stone staircase with balustrade, new and replacement fenestration.

It is accepted that the proposal would see the loss of 1no. residential unit. However, this is not considered to amount to significant or demonstrable harm to the Council's housing supply and as such, owing to the strategic location of the site within the built up area boundary on a previously developed site, the principle of development is acceptable.

An assessment has concluded that whilst some aspects of the minor alterations proposed may be resisted in other more sensitive and prominent locations, insufficient harm to the character and appearance of the dwellinghouse or wider street scene arises from the proposals to warrant a sustainable reason for refusal.

The proposal would preserve residential amenity of neighbouring occupiers and provide a high standard of amenity for future occupiers and would not result in any material impact upon highway safety.

As such, the application is considered 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 appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 25th February 2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council

