

DELEGATED DECISION REPORT

HPK/2025/0040
Valid 19/02/2025

139 MARPLE ROAD
CHISWORTH

PROPOSED OAK FRAME
GARDEN ROOM TO REPLACE
EXISTING GARAGE

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Principle of Development & Green Belt
- Design Character and Appearance
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to No.139 Marple Road, Chisworth, a two storey terraced property that sits centrally within a ribbon of development, situated south of the public highway, outside of the defined built-up area boundary in the open countryside, and constrained by the Green Belt.

The property benefits from a small rear garden that owing to changes in topography is situated above the finished floor level of the house, consistent with other properties east and west. The garden terminates by way of a small gate that leads onto a shared rear access providing parking provision of each property. The boundary to neighbouring properties are defined by dry stone walls.

The garden contains an existing outbuilding (garage) that is split level, reading as a single storey structure from the rear shared access, characterised by an up and over garage door, and two storey when seen from the rear elevation of the existing property. The structure does not have a sympathetic appearance, constructed in a combination of brick and render that is showing signs of decay.

PROPOSAL

The application seeks full planning permission to replace the existing garage with a replacement building of a similar siting, scale and height, to serve as garden room to the main house.

Revised plans (Ref: 3308.003 Rev A & Ref: 3308.004 Rev A) have been received further to minor concerns raised by Officers with regards to the amount of proposed glazing and potential impacts on neighbouring amenity and are the subject of the assessment within this report.

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
EQ3 Rural Development
EQ4 Green Belt
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
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Protecting Green Belt Land	Chapter 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 9th April 2025
Neighbour consultation period ends: 21st April 2025
Press Advert: N/A

Public Comments

None

Town / Parish Comments

No comments received at time of writing

Derbyshire County Council Highways

No objections

OFFICER COMMENTS

Principle of Development & Green Belt

The application seeks full planning permission for the replacement of an existing outbuilding with a similar ancillary domestic outbuilding in broadly the same location, within the residential curtilage of the property.

The site lies within the open countryside and in the Green Belt and is therefore subject to Local Plan (LP) Policies EQ3 and EQ4, in addition to restrictive policies relating to the Protection of the Green Belt contained under Chapter 13 of the NPPF.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy supports extensions and alterations to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policy.

Chapter 13 of the NPPF contains the relevant restrictive policies relating to the Protection of the Green Belt.

Paragraph 153 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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 goes on to set out the types of development that are exceptions to inappropriate development, and are therefore acceptable as a matter of principle, and includes the following:

- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

The existing building is shown to have a height of 2.9m to eaves, and 3.4m to ridge, spanning a length of 4.9m and width of 2.8m, equating to a floor area of 13.72m² and approximate volume of 41.1m³.

The latest Plans shows the replacement building to have a height of 2.7m to eaves, and 4.0m to ridge, having a consistent width and length as the existing building. This

equates to the replacement building having a consistent footprint of 13.7m² and a marginally larger volume of 43.1m³.

There can be no doubt that the replacement building would be used for the same purpose as the existing building (ancillary outbuilding to an existing dwellinghouse) which is contained within the domestic curtilage of the property.

Whilst the replacement building is shown to have a larger volume, this increase (2m³) is not considered to be materially larger than the existing building, and as such the application is considered to be compliant with LP Policy EQ4 and relevant paragraphs contained under Chapter 13 of the NPPF.

The principle of development is therefore acceptable subject to the proposed replacement building being found to preserve the intrinsic landscape character of the rural area by virtue of its design and use of materials.

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 EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

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 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.

The site lies within the open countryside however has a semi urban character, given that it is situated centrally within a line of ribbon development, with rear gardens fronting on to a hard surfaced shared access track. Whilst the rear of the site is visible from the shared access track and neighbouring properties, there are no public views to the rear of the site.

The existing outbuilding is split level, owing to a sudden change in land levels between the finished floor level of the house and the shared access track beyond the rear boundary. It is noted that three are similar buildings found elsewhere in the rear gardens of neighbouring properties, along with garages beyond the access road.

The existing outbuilding is unusual in this regard, having a scale and height that begins to compete with the scale and height of the parent building and ordinarily would unlikely be judged to read as an ancillary building. The existing building contributes negatively to the character and appearance of the site and its immediate setting owing to the quality and tired condition of external materials.

The proposed replacement building in its latest revised form shows a building with a consistent footprint, with a marginal increase in overall height of 600mm, totalling 4 metres when taken from the finished ground floor level of the house, and 3 metres when taken from the rear boundary.

It is acknowledged that due to being split level, the eaves of the outbuilding would be consistent with the main house, with the overall ridge line protruding 600mm beyond, which in normal circumstances would not be found to be ancillary.

However, there are visual enhancement benefits associated with this replacement building comparable to the existing building, that are material to the overall planning judgement with regards to its siting, design and appearance.

As set out on the Application Form, the replacement building would be constructed in natural stone, supplemented with oak frames and a slate tiled roof which is considered to result in a significant visual enhancement compared to what currently exists. Furthermore, the 'up and over' garage door is to be removed and replaced with a stone wall, which again amounts to a visual enhancement. Lastly, the windows fronting the rear elevation of the main house have been replaced with one single proportionate window, which is also considered to result in a visual benefit.

The side elevation is shown to incorporate a set of bi-fold doors with three panels, which are considered to be acceptable for its domestic setting.

Therefore in conclusion, it is considered that when taking account of the scale, height and appearance of the existing building, and the visual enhancements that would result from the replacement of this building with the proposed revised scheme, the application in its latest form is considered to enhance the character and appearance of the site and its immediate surroundings, in accordance with LP Policies S1, EQ3 and EQ6, relevant Supplementary Planning Guidance, and relevant paragraphs contained under Chapter 12 of the NPPF.

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 property is bordered to the east and west by terraced residential properties. No.141 lies to the west whilst No.137 stands to the east, with the outbuilding built up to the boundary within this latter neighbour.

A site visit combined with photographs provided by the applicant's agent have confirmed that the dry stone wall that defines the boundary with No.141 stands at an approximate height of 3 metres, with the garden associated with this neighbour situated at the same finished floor level as No.139.

Given that the bi-fold doors located on the side elevation of the outbuilding stands at a height of 2.5m, and that there would be a gap of approximately 5m between this elevation and the western boundary, there would be no adverse impacts to the occupiers of No.141 Marple Road with regards overlooking impacts, loss of privacy or any other aspect relating to amenity.

Turning to the other neighbour No.137, the existing building stands immediately adjacent to this boundary, at a height of 3.5m at its highest point above finished floor ground level, which reduces as it extends outwards towards the rear. The replacement building would be situated on the same footprint with a marginally increase height (3.8m) adjacent to this boundary. Both existing and proposed buildings do not contain any windows in this elevation.

No objections have been received from the occupiers of this neighbouring property.

Taken in isolation without considering the existing building, the scale and height of this ancillary outbuilding and its proximity to the boundary would likely be found to be overbearing to the rear garden of this neighbouring property. However, the presence of the existing building is an important material consideration to be taken into account in the overall assessment.

When considering the existing context, and the marginal increase in height of the building, it is considered that on balance, the replacement building would not give rise to a degree of overbearing impact that would warrant a sustainable reason for refusal.

As such, in light of the above analysis, the application is considered to satisfactorily preserve the amenity of both neighbouring properties, and is in accordance with LP Policy EQ6, the Residential Design Guide SPD, and relevant paragraphs under Chapter 12 of the NPPF.

Parking Provision and 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 application would see the loss of an existing garage that facilitates a single parking space. Although the property would be left with no off road space, this would be no different to other properties found within the row of terraced houses. It is noted that the Highway officer raises no objection to the development proposals, and therefore it is concluded that there would be no harm to highway safety.

As such, the application is considered to be compliant with LP Policy CF6 and relevant paragraphs contained under Chapter 9 of the NPPF.

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 full planning permission for the removal of an existing outbuilding and erection of a replacement outbuilding within the existing residential curtilage of No.139 Marple Road, Chisworth.

The site lies within the open countryside and in the Green Belt. Based on the fact that there are only marginal differences with regards to the overall volume of the replacement building, and that the building would continue to serve as an ancillary outbuilding to the main dwellinghouse, it has been judged that the proposed development is compliant with LP Policy EQ4 and paragraph 154(d) of the NPPF and thus does not constitute inappropriate development in the Green Belt.

Having regard to the latest revised plans, the proposed development is judged to result in a considerable visual enhancement comparable to the existing building, owing to the quality of materials and layout and design of fenestration.

Whilst the building would be sited immediately adjacent to a neighbouring garden, and be marginally higher than the existing building, this, together with the introduction of bi-fold doors, is considered to give rise to adverse harm to residential amenity to a degree that warrants a credible or sustainable reason of refusal.

The loss of the garage is not considered to result in any harm to highway safety.

The application in its revised form is considered therefore on balance to accord with the Local Development Plan and thus constitute a sustainable form of development. In line with LP Policy S1a and paragraph 11 of the NPPF the application is thus recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 9th June 2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council