

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**15<sup>th</sup> July 2019**

<b>Application No:</b>	HPK/2019/0167	
<b>Location</b>	55 Berwick Road, Buxton	
<b>Proposal</b>	Demolition of rear conservatory and construction of new single storey rear extension and extended porch extension to front.	
<b>Applicant</b>	Mrs Clare Graham	
<b>Agent</b>	Mr Andrew Smith	
<b>Parish/ward</b>	Cote Heath	<b>Date registered</b> 23/04/2019
<b>If you have a question about this report please contact:</b> Faye Plant, Tel. 01538 395400 extension 4995, faye.plant@highpeak.gov.uk		

**1. SUMMARY OF RECOMMENDATION**

<b>APPROVE with conditions</b>
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**1. REASON FOR COMMITTEE DETERMINATION**

- 1.1 This application has been brought before the Development Control Committee as the applicant is a Council employee.

**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 This application relates to a semi-detached brown brick dwelling situated within the development boundary of Buxton. The site dwelling occupies an elevated position to the highway, which lies to the south, and features driveway parking and integral garage. A private pedestrian access is located along the northern boundary with dwellings beyond positioned with their rear gardens backing onto the site.
- 2.2 The dwelling has been previously extended to the side, to create a two storey side extension set back from the front elevation and down from the main ridge line and at the rear to provide a conservatory. The property features sloped garden to the front and terraced garden at the rear. Dwellings in the vicinity of the site have been extended resulting in a mixed street scene.

**3. DESCRIPTION OF THE PROPOSAL**

- 3.1 This application seeks full consent for a replacement front porch and small front extension and replacement of the conservatory at the rear with a single storey extension.

- 3.2 To the front the existing porch is to be removed and replaced with a single storey extension which provides for a porch and extension to the existing garage. The front extension will measure 5.7m in width and shall extend 1.4m from the front of the existing dwelling, (1.7m in front of the garage as this is set back slightly from the original front elevation.) The extension will be a simple lean to design, 2.5m to eaves, 3m to the abutment point. The extension will be constructed from matching brown brick and concrete tiles with two roof lights.
- 3.3 To the rear, the extension will project 3m and extend across the rear of the dwelling some 8.3m, set off the shared boundary by 0.15m. The extension will be 2.2m to eaves, 3.3m to ridge and shall be constructed in brown brick to match the existing with bi-fold doors at the rear and roof lights within the lean to roof slope. There shall be no side facing windows.
- 3.4 The application, the details attached to it including the plans and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=231890>

#### **4. RELEVANT PLANNING HISTORY**

HPK/0002/9114 - Extension Of Dwelling To Form Two Additional Bedrooms, Kitchen, Utility Room, Garage And Enlarged Porch And Study - Approved 1990

HPK/2002/0612 - Two Storey Side Extension To Form Garage, Dining Room And Conservatory On The Ground Floor With An En-suite bedroom at first floor – Approved 2002.

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

##### **High Peak local Plan 2016**

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S7 Buxton Sub Area Strategy
- EQ6 Design and Place Making
- CF6 Accessibility and Transport

##### **National Planning Policy Framework**

Paragraph 2 – 14  
Section 12

## High Peak Design Guide 2018

### 6. CONSULTATIONS CARRIED OUT

<b>Site notice</b>	Expiry date for comments: 07.06.2019
<b>Neighbour letters</b>	Expiry date for comments: 25.05.2019
<b>Press Notice</b>	N/A

#### Neighbours

No neighbour representations have been received.

<b>Consultee</b>	<b>Comment</b>	<b>Officer response</b>
<b>DCC Highways</b>	No objection	7.14- 7.15

### 7. POLICY AND PLANNING BALANCE

#### Planning Policies

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Local Plan Policies Adopted April 2016.

7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more 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 clear 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.

7.4 Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

7.5 The presumption in favour of sustainable development is reflected in Local Plan policy S1, where it states that the Council expects all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing the environment. Policy S1a sets out how the Council will work with applicants to secure development that improves the economic, social and environmental conditions of the area.

### **Principle of Development**

7.6 The application site lies within the development boundary whereby the principle of extending a dwelling is acceptable, subject in this case to matters relating to design, amenity, and parking which are discussed in detail below.

### **Design – Impact on the street-scene & character and appearance of the area**

7.7 Section 12 of the NPPF aims to ensure that developments function well and add to the overall quality of the area and are visually attractive. Local plan policy EQ6 requires that all new development should be well designed and be of a high quality that responds positively to the environment. The High Peak Design Guide requires extensions to respect the dominance of the original building and be subordinate in terms of size and massing.

7.8 The front extension is a simple and appropriately designed extension on the front elevation that will not detract from the character or appearance of the host dwelling or wider street scene. At the rear, the extension is considered to be an acceptable form and design that maintains the character of this dwelling. Materials of construction will match those on the main dwelling.

7.9 As such this application is considered to accord with the Local Plan policy EQ6, section 12 of the NPPF and the principles of the High Peak Design guide in this regard.

### **Amenity**

7.10 Paragraph 127 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.11 The front extension is not considered to harm the amenity of neighbouring properties by virtue of shadowing or overbearing due to its

limited projection from the existing front elevation. There are no new side facing windows which would otherwise affect privacy.

7.12 At the rear the proposal will extend 3m into the rear garden, close to the common boundary (0.15m). The extension is not considered to affect the amenity of properties to the north due to the distance to the neighbouring dwellings, their intervening rear gardens and the private access. Given that the extension is sited to the north, it will not affect the light to the ground floor windows of the attached dwelling. Also, an existing boundary fence already shadows these windows to some extent and the neighbouring dwelling is located to the south of the extension. There are no side facing windows would otherwise affect privacy. In any event the proposal is within the tolerances of a rear extension constructed under Class A of the GPDO.

7.13 The proposal is therefore considered to be acceptable and will not have any undue harm on the amenity of neighbouring properties. The proposal is in accordance with the provisions of local plan policy EQ6 and paragraph 127 f) of the National Planning Policy Framework.

### **Parking and Access**

7.14 Paragraph 102 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy CF6 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking.

7.15 The proposal does not affect the level of parking on site nor does it create the requirement for additional parking spaces. The proposal complies with local plan policy CF6 and section 9 of the NPPF in this regard.

### **Planning Balance & Conclusion**

7.16 At the heart of the NPPF is a presumption in favour of sustainable development. In accordance with paragraph 11 of the NPPF, this means that local planning authorities should positively seek opportunities to meet the development needs of their area and approve development proposals that accord with an up-to-date development plan without delay.

7.17 The proposals are considered to be acceptable in terms of their appearance and design and will not harm the amenity of neighbouring properties. This application is considered to accord with the policies contained in the High Peak Local Plan 2016 and the National Planning Policy Framework; accordingly it is recommended that planning permission be granted.

## **8. RECOMMENDATIONS**

**A. APPROVE, subject to the following conditions;**

Condition number	Brief description	Comment
TL01	Commencement of development	
AP01	Approved Plans	
DE03	Matching materials	

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

### Site plan

