

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**9<sup>th</sup> September 2019**

<b>Application No:</b>	HPK/2019/0309		
<b>Location</b>	1 Foxlow Mews, Hereford Close, Buxton		
<b>Proposal</b>	Retention of utility / store room in place of approved garage and proposed loft conversion and associated dormers above.		
<b>Applicant</b>	Mr Peter Watmough		
<b>Agent</b>	Mr Andrew Smith		
<b>Parish/ward</b>	Cote Heath	<b>Date registered</b>	01/07/2019
<b>If you have a question about this report please contact:</b> Mark Ollerenshaw, Tel. 01538 395400 extension 4921, mark.ollerenshaw@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 at the request of Cllr Grooby for the following reason:

I have concerns about it. This is a new development not fully completed. I cannot understand where this additional building will go since as far as I can see there is not garage for it to go on. In my view this is overdevelopment of this site.

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

- 2.1 This application relates to a detached three storey dwelling forming part of a small residential development of 3 detached dwellings, located on a cul-de-sac to the south of Hereford Close, Harpur Hill. The site is located to the east of Foxlow Grange and forms part of what was once the rear garden of that property. To the south of the site lies Foxlow Coach House and to the east there are properties on higher ground on Hereford Road. The site is within the built up area boundary of Buxton.
- 2.2 The development is still under construction and the dwelling the subject of this application is largely completed but not yet occupied.

**3. DESCRIPTION OF THE PROPOSAL**

- 3.1 This application seeks full planning permission for the retention of a utility room / store room in place of the previously approved garage and a proposed loft conversion and associated dormer extensions to the front

and back of the existing roof slope above the utility room to provide a play room at first floor level.

- 3.2 The originally approved scheme for this development detailed an attached garage to the eastern side of the property with a garage door to the front elevation. The extension to the side, as built, is not a garage but provides a utility room and store. It is largely of the same form and design as the previous approval with the exception of the omission of the garage door which has been replaced with a window and door. The application seeks to retain this revised arrangement.
- 3.3 Above the utility room/store it is proposed to convert the roof space into a play room and insert dormers with pitched roofs to both the front and rear elevations. Revised plans were submitted during the course of the application which change the window designs to the dormers from an arched window opening to a rectangular opening to match the design of the existing dormer.
- 3.4 The applicant has submitted a revised block plan showing 3 no. parking spaces to the front of the property.
- 3.5 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=233360>

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

HPK/2017/0382 – Variation of condition 3 in respect of HPK/2016/0557 – Approved 07/06/2019.

HPK/2016/0557 – Variation of condition 2 (approved plans) relating to HPK/2016/0027 for proposed 3 new detached dwellings to cleared site to the rear of Foxlow Grange with access off Hereford Close – Approved 08/02/2017.

HPK/2016/0027 – Proposed 3 New Detached Dwellings to Cleared Site to the rear of Fowlow Grange with Access off Hereford Close – Approved 26/04/2016.

#### **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**

Paragraphs 2 – 14  
Section 12 – Achieving well designed places

## **High Peak Design Guide 2018**

### **6. CONSULTATIONS CARRIED OUT**

<b>Site notice</b>	Expiry date for comments: 13.08.2019
<b>Neighbour letters</b>	Expiry date for comments: 16.08.2019
<b>Press Notice</b>	N/A

#### **Neighbours**

2 no. letters/emails have been received from neighbouring occupiers both of whom raise no objections to the proposed development.

<b>Consultee</b>	<b>Comment</b>	<b>Officer response</b>
<b>DCC Highways</b>	No objection subject to applicant maintaining 3 no. off street parking spaces clear of any obstruction to their designated use.	7.16- 7.17

### **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 altering and 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 retention of the utility room and store with a window and door to the front elevation in lieu of the previously approved garage door does not affect the character of the area as this change would not be readily apparent from public vantage points due to the enclosed nature of the site.

7.9 The dormers to the front and rear slope above the utility room/store are of the same scale, design and materials as the existing dormer to the second storey of the property. The window openings to the proposed dormers were originally shown as being arched whereas the window to the existing

approved dormer is rectangular. A revised plan has been submitted detailing window designs to the proposed dormers to match the existing dormer. As revised, the design of the dormers would be in keeping with the host property and not harmful to the street scene.

7.10 It is considered that the retention of the approved garage as a utility room and store with the loft conversion and addition of the dormers above to the front and rear elevations would not result in overdevelopment of the site. The dormers are minor additions to the property which would not have any significant impact on the appearance of the site and the footprint of the dwelling is not increasing, such that there is little change to the amount of development on the site.

7.11 This application, as revised, is considered to accord with Local Plan Policy EQ6, section 12 of the NPPF and the principles of the High Peak Design guide.

### **Amenity**

7.12 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.

7.13 The proposed retention of the approved garage as a utility room and store does not result in any adverse impact on the amenities of neighbouring occupiers as the size of the building is the same as approved and the new window and door to the front elevation do not cause overlooking.

7.14 The proposed dormers to the front and rear elevations would not significantly affected the amenities of the neighbours. The front dormer would face towards the entrance to the cul-de-sac and not directly towards any of the neighbours. The dormer to the rear roof slope would overlook the rear gardens of properties on Hereford Road but at an oblique angle. It would also overlook the garden of Foxlow Coach House at relative close range, however, the existing windows to the rear elevation of the property already overlook this neighbour's garden. Given that the new dormer window would cause some additional overlooking, it is considered reasonable to attach a condition requiring obscure glass to be fitted to this window.

7.15 The proposal is therefore considered to be acceptable, subject to an appropriate condition 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 the National Planning Policy Framework.

### **Parking and Access**

7.16 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.

7.17 County Highways raise no objections to the application proposals subject to 3 no. off street parking spaces being maintained. As noted above, a revised block plan has been submitted which details 3 no. parking spaces to the front of the property thereby maintaining a sufficient level of parking on the site to meet the needs of the property and satisfying the requirements of County Highways. The proposal does not create the requirement for additional parking spaces. The proposal would not cause harm to highway safety and the operation of the highway network and therefore complies with local plan policy CF6 and section 9 of the NPPF in this regard.

### **Planning Balance & Conclusion**

7.18 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.

7.19 As revised the proposals are considered to be acceptable in terms of their appearance and design and will not be harmful to the amenity of neighbouring properties or highway safety. 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;**

<b>Condition number</b>	<b>Brief description</b>	<b>Comment</b>
TL01	Commencement of development	
AP01	Approved Plans	
DE03	Matching materials	
NSTD	Window to the rear dormer to be fitted with obscure glass.	
NSTD	Prior to occupation of the development 3 no. off road parking spaces shall be provided within the site in accordance with the application drawings and retained	

thereafter.
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**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

