

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**22<sup>nd</sup> February 2021**

<b>Application No:</b>	HPK/2018/0092		
<b>Location</b>	1 Greggs Avenue, Chapel en le Frith		
<b>Proposal</b>	Single storey side extension to existing semi-detached property - retrospective		
<b>Applicant</b>	Mr C Tomlinson		
<b>Agent</b>	None		
<b>Parish/ward</b>	Chapel West Ward	<b>Date registered</b>	06/06/2018
<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 Young on the basis that it is retrospective and encroachment of highway land.

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

- 2.1 This application relates to a semi-detached two storey property and associated gardens and driveway. The property is situated at the end of the row of properties on this side of Greggs Avenue with a footway immediately adjacent to the south side and then the carriageway leading to Downlee Close.
- 2.2 The area is residential in character and the site is within the built up area boundary of Chapel en le Frith.

**3. DESCRIPTION OF THE PROPOSAL**

- 3.1 This application seeks retrospective planning permission for a single storey side extension.
- 3.2 The extension has been built on the driveway to the side of the property and extends along the full length of the gable end – approx. 8.1m. It projects approx. 2.5m from the original side elevation, its eaves height is approx. 2.6m and maximum height is approx. 3.5m. Materials used in the external surfaces of the development comprise matching brick and render with a concrete tiled roof.

3.3 The side extension and an unauthorised fence erected to the side of the property outside of the domestic curtilage were subject to investigations by the Planning Enforcement Team.

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=222452>

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

None.

#### **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  
S6 Central Sub Area Strategy  
EQ6 Design and Place Making  
CF6 Accessibility and Transport

##### **Chapel-en-le-Frith Neighbourhood Development Plan**

H3 – Design Criteria  
TR1 – Information Required to Support Planning Applications

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

Paragraph 2 – 14  
Chapter 9 Promoting sustainable transport  
Chapter 12 Achieving well-designed places

##### **Supplementary Planning Documents**

High Peak Design Guide 2018  
Residential Design SPD 2 Adopted December 2005

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

<b>Site notice</b>	Expiry date for comments: 12/07/2018
<b>Neighbour letters</b>	Expiry date for comments: 28/06/2018
<b>Press Notice</b>	N/A

**Neighbours**

6.1 None received.

Consultee	Comment	Officer response
<b>Chapel En Le Frith Parish Council</b>	No objection.	
<b>Severn Trent Water</b>	No comments received.	
<b>DCC Highways</b>	<p><u>Original comments 26/06/2018</u></p> <p>The owner has erected an unauthorised fence to the side which encroaches onto the public highway. The Council's Legal Section have written to the owner advising that the fence be removed by 30 June 2018.</p> <p>It would appear that the SE elevation of the extension is on the line of the highway boundary and the applicant has installed domestic apparatus – a meter box which would open outwards over the highway and a drainpipe. It is not clear what system the drainpipe is connected to but there can be on domestic drainage into the highway drainage system.</p> <p>The extension has removed a section of drive reducing the space available for on site parking to just one space which is below standards. There is space to the frontage to provide replacement parking but this would require relocation of street name plate, removal of garden and widening of dropped kerb, and as the site slopes to public highway, the installation of appropriate drainage. None of which has been included in this submission.</p> <p>To the rear of the extension</p>	Paras 7.13 – 7.20

there would appear to be an outbuilding/log store not included on the drawings which encroaches on the highway. It is not clear whether these would require planning permission.

On the basis of the above the applicant would have difficulty replacing the fence onto its correct alignment.

The main highway issue is the loss of on site parking and as such the proposals are open to highway objections. This could be overcome by the inclusion of a condition for the provision of additional parking space to the frontage of your Authority may choose to seek revised drawings to resolve the matter.

Revised comments 25/01/2021

Unfortunately, due to the current pandemic restrictions, I've still been unable to visit the site, however, I have received a number of photos showing the existing situation.

The images indicate that the extension and gully are located outside of the existing public highway. It's not clear where the drainage is connected to although, from speaking with the applicant, I understand that they were advised by their architect/builder? at the time of construction that all apparatus should be clear of the highway therefore I would expect that this may be confirmed.

The fence erected between the footway and carriageway of Downlee Close has been removed as has the original site

boundary fence. The latter has resulted in there being no hard edging to restrain the footway construction and it's recommended that a PCC back edging is put in place to both clearly define the highway boundary in future as well as support the footway construction.

Measures to prevent the meter box door opening out over the highway were discussed (clear Perspex cover was mentioned if acceptable to the suppliers) although I don't know whether anything has been implemented to allay this concern.

I trust that you will ensure that the level of off-street parking within the site satisfies the requirements of your own Authority's Standards and spaces meet the recommended dimensions. Any under provision would be likely to result in vehicles being parked on the fronting roads, or on footway, in close proximity to a junction, situations considered against the best interests of safe operation of the public highway. Given the parking layout on the attached photo, the lack of boundary fence between the footway and existing drive is likely to result in vehicles over-running the former thereby supporting the above recommendation to provide edge restraint for the rear of footway.

Therefore, subject to it being confirmed that the meter box door does not open out over the footway, drainage connections are clear of the highway and adequate off-street parking being demonstrated (to be

	maintained in future clear of any obstructions), there are no highway objections.	
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## 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 and the Chapel Neighbourhood Development Plan.

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 Although the proposed extension is clearly visible in the street scene due to its position on the end of the building, it is a modest addition which projects 2.5m from the side of the property. The overall design, including lean-to roof design and fenestration, are sympathetic to the appearance of the property. Materials used in the external surfaces of the development comprise matching brick and render with a concrete tiled roof. These are acceptable and ensure that the extension assimilates with the host property. The scale and design of the proposal are acceptable in the context of the residential area and it is not harmful to the street scene.

7.9 The proposed extension therefore achieves a satisfactory relationship to the existing building and the impact on the street scene is acceptable. Accordingly it is considered that the proposal complies with Policy EQ6 of the Local Plan, the High Peak Design Guide and Section 12 of the NPPF.

## **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 proposal, due to its position on the side elevation of the property, does not affect the attached neighbouring property, No. 3 Greggs Avenue. The neighbouring property facing towards the site on the opposite side of Greggs Avenue (No. 2) is not significantly affected by the extension which is approx. 22m away from this neighbour. Similarly, the neighbouring property to the rear (No. 12 Downlee Close) is approx. 24m away and would not be adversely affected. The extension does not contain any windows to the side elevation facing towards No. 83 Frith View to the south east and this neighbour is also not affected.

7.12 Therefore, as a result of its siting and scale, the proposed extension does 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**

7.13 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. Local Plan Policy CF6 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking.

7.14 Derbyshire County Council Highways raised objections to the proposed development as originally presented on a number of grounds, as detailed (above) in their original consultation response dated 26<sup>th</sup> June 2018. In summary, the concerns related to an unauthorised fence to the side of the extension which encroached onto the public highway; a meter box and drainpipe that had been attached to the side wall of the extension overhanging the highway; the possibility that domestic drainage from the extension connected into the highway drainage system; and the need to provide appropriate off road parking space within the site to compensate for the parking space lost to the side of the building as a result of the side extension. Highways advised that the latter could be overcome by inclusion of a condition for the provision of an additional parking space within the site.

7.15 Since the original consultation response from Highways, the unauthorised fence erected to the side of the extension which encroached on the highway has been removed. With regard to the extension itself and adjacent gully, Highways comment in their latest consultation response that images provided by the Applicant indicate that these are located outside of the existing public highway, but that it is unclear where the drainage is connected to.

7.16 Highways advise that, subject to it being confirmed that the meter box door does not open out over the footway, drainage connections are clear of the highway and adequate off-street parking being demonstrated (to be maintained in future clear of any obstructions), there are now no highway objections.

7.17 An additional off road parking space has now been formed within the garden to the front of the property, meaning that there are now 2 no. parking spaces within the site, which, according to the Parking Guidance set out in the Local Plan, would be considered sufficient provision for a three bedroom property. However, it is unclear whether the parking spaces are of the recommended minimum dimension of 2.4m x 5.5m or whether the space parallel to the frontage of the building can be accessed without having to travel along the footway of Downlee Close. It is considered that this matter can be addressed by way of a condition requiring provision of 2 spaces of

sufficient size within the site in accordance with details to be submitted for approval.

7.18 As a result of the removal of the original site boundary fence there is no hard edging to restrain the footway construction and Highways recommend that a PCC back edging is put in place to both clearly define the highway boundary in future as well as support the footway construction. The lack of a boundary fence between the footway and existing drive is likely to result in vehicles over-running the former thereby supporting the above recommendation to provide edge restraint for the rear of footway. This latter requirement can be secured by way of a condition.

7.19 Confirmation is currently being sought from the Applicant that the meter box door does not open out over the footway and drainage connections are clear of the highway. Members will be updated on these matters via the Update Sheet.

7.20 Therefore, taking the above into account, and subject to the Applicant providing the above confirmations, it is concluded that there would be no adverse, or 'severe', impact on highway safety and the proposal thereby complies with the provisions of section 9 of the NPPF and Local Plan policy CF6.

### **Planning Balance & Conclusion**

7.21 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.

7.22 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 relevant policies contained in the High Peak Local Plan 2016, Chapel Neighbourhood Development Plan 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>
AP01	Approved Plans	
DE03	Matching materials.	
NSTD	2 no. off road parking spaces to be provided	

	within the site and hard edging installed to restrain the footway construction in accordance with details which shall first have been submitted to and approved by the LPA.	

**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**



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