

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 7th March 2022

Application No:	HPK/2021/0648	
Location	1 Royle Avenue, Glossop	
Proposal	<i>Lower ground floor attached garage to be formed partially through excavation. Single storey side extension linking to two storey rear extension. Inglenook single storey extension to kitchen. Alterations to existing porch</i>	
Applicant	Mr Craig Jackson	
Agent	Archonic Architecture	
Parish/ward	N/A/Dinting	Date registered 26 th November 2021
If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Refuse

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee by Councillor Wharmby in light of the applicant disagreeing with the Officer's assessment of the application.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application relates to a relatively large residential corner plot that stands at the western end of Royle Avenue, east of Norfolk Street. The site contains No.1 Royle Avenue; a relatively large two storey four bedroom dwelling that is finished in a white render and situated on higher ground comparable to the public highway, orientated in a similar manner to neighbouring properties sited on the northern side of Royle Avenue whereby the front principal elevation faces southwards on to a front garden and private driveway.
- 2.2 The main body of the dwelling comprises an 'L' form which spans a width of approximately 12.2m and has a depth of some 5.3m. The western side of the dwelling extends outwards from the main part of the house by a further 2.3, in the form of a cat slide roof with a pitched dormer above.
- 2.3 The rear elevation of the dwelling is characterised by a small single storey Utility Room that has a flat roof on the eastern side that cover an

approximate area of 3.6sqm that is physically connected to the adjoining kitchen which extends outwards from the rear elevation by 4.8m and spans a width of 7.6m. Following the granting of planning permission in 1994, a first floor was added to this outrigger which serves a bedroom and en-suite bathroom and is characterised externally by two pitched gables which have a relatively consistent scale, but when read as a whole against the backdrop of the rear elevation of the main house are considered to represent a disproportionate and unbalanced addition, thus contributing negatively to the overall character and appearance of the dwelling.

- 2.4 The site is bounded to the southwest by the side elevation and associated amenity areas of No.3 Royle Avenue; the side elevation contains a ground floor habitable window serving a kitchen which stands some 10m distant from the side elevation of the host property.
- 2.5 Beyond the northern boundary stands No.68 Norfolk Street, which lies in a large residential plot bounded by a large conifer hedge. The public highway lies to the west and south, whilst to the north-east beyond the larger rear garden is an open area of land free from development.
- 2.6 The site has a long planning history. The most recent application assessed and determined under HPK/2020/0525 was for the following description of development:

“Proposed two storey side extension linked to two storey rear extension. Lower ground floor attached garage to be formed partially through excavation. Inglenook single storey extension to kitchen. Elevational alterations including to the front elevation.”

- 2.7 The application was refused by the Council on 5th February 2021 for the following reasons:
 1. *The proposed development, by virtue of its scale, height, massing and visual appearance would result in a wholly disproportionate additions that dominate and consume the existing dwelling to the extent that the original building could not be read in conjunction with the new additions. The application fails to respect the dominance of the parent building and as a result of its design, fails to read as a subordinate and secondary addition; contrary to High Peak Local Plan Policies S1 and EQ6, the High Peak Residential Design Guide SPD 2005, the High Peak Residential Design Guide SPD 2018, and relevant paragraphs under Chapter 12 of the NPPF.*
 2. *The proposed development, by virtue of the siting, scale and massing of the proposed two storey side extension would, due to its proximity with the side elevation of No.3 Royle Avenue that contains a habitable kitchen window, result in significant harm to the residential amenity for occupiers of this property with*

regards to an overbearing and oppressive development that reduces sunlight to habitable window and the quality of outlook from it, contrary to High Peak Local Plan Policy EQ6, the High Peak Residential Design Guide SPD 2005, and paragraph 127 (now paragraph 130) of the NPPF.

- 2.8 This applicant lodged an appeal against the above decision, which was subsequently dismissed by the Inspectorate on 4th June 2021. As such, the conclusions of the Inspector is now the starting point for assessing any applications for similar development at this property.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 This application seeks consent for the following aspects of development:

- Lower ground floor attached garage with external terrace above.
- Single storey side extension linked to two storey side and rear extension
- Alterations to existing porch

- 3.2 The lower ground floor garage is shown to sit some 3.1m below the level of the ground floor level of the house which would – like the previous application – sit at an angle to the main house facing towards the existing driveway which as shown on the Proposed Site Plan would be reconfigured to align with the new garage.

- 3.3 The single storey side extension is shown to be flush with the main house, spans a width of approximately 4.3m and has a flat roof, which due to the subtle changes in topography, has a height of 4.9m from ground floor level at its highest point nearest to the ground floor external terrace above the garage.

- 3.4 The depth of the single storey side extension extends to the building line of the rear elevation. Beyond the rear elevation of the original house and the proposed single storey extension, the plans show the provision of a two storey side and rear extension which has a depth of approximately 4.8m, and a total width of approximately 8.2m.

- 3.5 The side and rear extensions are shown to serve a large lounge and a large open plan kitchen/dining area at ground floor level, with the first floor serving a fifth bedroom with en-suite bathroom. The side extension is shown to have a lower ground floor connecting to the garage serving utility and storage rooms.

- 3.6 The two storey aspect is shown to have a gable which faces south-eastwards towards No.3 Royle Avenue, which reaches an eaves height

of approximately 5m and overall ridge height of 8m consistent with the height of the existing two storey rear extension.

- 3.7 The plans show that the proposed extensions would be constructed from materials that are broadly consistent with those used in the main house.
- 3.8 The application was scheduled to be considered at February Committee however this was deferred to allow further information to be submitted and considered.
- 3.9 This information is presented in the form of a short document titled “Committee Report to Support Applicants Statement – 07.03.22” and consists of photographs and 3D images with supporting text.
- 3.10 The application in full (including the above document) can be viewed online using the following link

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=251690>

4. RELEVANT PLANNING HISTORY

- 4.1 The site has been subject to the following planning history:

- | | |
|---------------|---|
| HPK/0002/6769 | Erection of four detached dwellings (Refused 08/09/1988) |
| HPK/0003/3606 | First Floor Extension to form Bedroom and Bathroom (Approved 05/07/1994) |
| HPK/2009/0737 | Demolish existing house and erect nine dwellings and new access road (Refused 23/03/2010) |
| HPK/2019/0125 | Proposed two storey side and rear extension, new glazed entrance. New triple garage with dependants accommodation over, single storey extension to front, remodelling driveway incorporating remodelled vehicular and pedestrian entrances (Withdrawn 31/05/2019) |
| HPK/2020/0415 | Certificate of lawfulness for a proposed single storey side extension. Proposed first floor rear extension. proposed side inglenook single storey extension. Alteration of window at rear first floor level. (Granted 24/11/2020) |
| HPK/2020/0525 | Proposed two storey side extension linked to two storey rear extension. Lower ground floor attached garage to be formed partially through excavation. Inglenook single storey extension to kitchen. Elevational alterations including to the front elevation (Refused 05/02/2021) |

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
- S5 Glossopdale Sub-area Strategy
- EQ6 Design and Place Making
- CF6 Accessibility and Transport

National Planning Policy Framework 2019

- Achieving Sustainable Development Chapter 2
- Promoting Sustainable Transport Chapter 9
- Achieving Well Designed Places Chapter 12

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 5 th January 2022
Neighbour letters	Expiry date for comments: 20 th December 2021
Press Notice	Expiry date for comments: N/A

Neighbours

6.1 Neighbours were contacted to by way of written letters. 6 x objections were received, concerns of which are summarised as follows:

- Scale and Massing is excessive
- Not materially different to HPK/2020/0525 dismissed at appeal
- Garage and external terrace would be highly visible
- Harm to residential amenity of No.3 Royle Avenue
- Potential for precedent to build above garage in front of building line
- Dwelling already reached its 'threshold' for extensions
- Proposals do not respect amenity of neighbours on Royle Avenue

Consultee	Comment
DCC Highways	No comments to make

4. 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 consists of the High Peak Local Plan Policies Adopted April 2016.
- 7.3 Other material considerations include the National Planning Policy Framework (NPPF), Supplementary Design Guidance, and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Principle of Development

- 7.4 The application seeks extensions and alterations to an existing dwellinghouse on a site that lies within the built-up area boundary of Glossop; defined as a Market Town within the settlement hierarchy under Local Plan (LP) Policy S2 that are the focus for growth. The site is not constrained by any particular policy designation.
- 7.5 As such, the general principle of development is supported, subject to all material planning considerations.

Key Material Considerations

- Design Character and Appearance
- Public and Residential Amenity
- Access, Parking Provision and Highway Safety

Design Character and Appearance

7.6 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.

7.7 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.

7.8 Paragraph 9.0 of the Residential Design Guide SPD states that:

“Extensions and alterations to existing houses can have a significant impact on the appearance of a house, neighbouring property and the street scene. It is important, on all types of houses, that domestic development is carefully designed.”

Paragraph 9.1 goes on to state that:

“Extensions should be designed to so as to be subordinate to the main form of the house. It is important that the extension results in a dwelling that is well designed in itself.”

7.9 Chapter 5 of the Design Guide SPD refers specifically to Alterations, Extensions and Conversions.

With regards to alterations, paragraph 5.2 states that:

“Alterations need to be undertaken with care. Insensitive changes can easily spoil a building. The key to a sensitive approach is to take note of what is there already before preparing the design and to work with, and not against, the buildings character. The aim should be to revitalise the building without altering its fundamental character.”

With regards to extensions, the following paragraphs of the SPD are relevant:

5.5 *All extensions should harmonise with the parent building. An extension should respect the dominance of the original building and be subordinate to it in terms of its size and massing. Setting back the new section from the building line and keeping the eaves and ridge lower than the parent building will normally help.*

5.7 *The smaller the parent building, the fewer the options of extension....*

5.8 *Irrespective of size, however, all buildings can reach a threshold point beyond which further extension is just not possible without destroying their character.*

With regards to garages, the SPD states the following:

5.10 *...need to be designed and built in sympathy with the properties they serve. Materials and roof pitch should generally match those of the parent building. If attached to the building, the new garage should be clearly subordinate. A separate garage building is however often the better solution particularly where more than one garage is needed*

7.10 Paragraph 130 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.

7.11 Paragraph 133 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

7.12 This application represents the fourth attempt to secure an ancillary garage, and two storey additions to the side and rear elevations of the existing dwelling. Before assessing the plans and documentation that accompanied this application, it is worth understanding how various schemes evolved over time and the comments that the assessment that the Council have made in relation to each application:

HPK/2019/0125

7.13 This first application proposed a garage to be sited beyond the front building line with a finished floor level that contained ancillary living accommodation at first floor level, with interconnection with the main house. A two storey side and rear extension (wrap around) was also shown.

7.14 Officers commented as follows with regards to its design and impact on the street scene:

“Royle Avenue benefits from a strong building line characterised by two storey dwellings with shallow front gables with each property differing slightly but in the main elevated above the highway with mature gardens leading down the road. The site does differ slightly in that it is a corner plot, however the position of the dwelling within the plot reinforces the existing building line that as a whole is read in conjunction with the rest of the dwellings on that side of Royle Avenue.

The site is bounded by mature and dense foliage which provides an important buffer between the house and the highway. The new garage and dependent living accommodation would create an incongruous, intrusive and uncharacteristic addition between the house and the highway which would interrupt the uniformity of the building line and would be very visible within the street scene when entering Royle Avenue due to the loss of the important green screening and as such its impact would be greatly increased.”

“The existing house is simple in form and character. It has been extended in the past with a first floor gabled addition at the rear (HPK/0003/3606) which substantially increased the existing floor space to create a four bed dwelling. The proposed two storey side extension to the original southern gable is acceptable in principle. If the further two storey extension were to be added to the rear this would amount to an increase in the footprint of the dwelling by 100%. This would constitute overdevelopment of the site as most extensions are considered to be acceptable when a dwelling is increased by 50%.”

“However in this instance, the grounds are substantial at the rear and there is scope for further sensitive additions. The proposed four gable arrangement at the rear is bulky and is not subordinate to the dwelling. It is acknowledged that the existing two storey rear extensions do not have a subordinate roof form and have a depth of 4.5m which is greater than half the depth of the existing dwelling. Any further similar additions would subsume the original house obscuring its original footprint and character. This would also be exacerbated by the uncharacteristic changes proposed to the front of the dwelling including the dormers...to the point where the simple character is lost.”

“The proposals to lower the garage are acceptable in principle and would overcome concerns in relation to the scale of the proposed garage. However, the scale of the extensions collectively consumes the original dwelling; a point which has been made beforehand. A rear elevation of four projecting gables of a substantial size would be overdevelopment and out of character with this property.”

- 7.15 In light of the above, the applicant opted to withdraw the application on 31st May 2019.

HPK/2019/0469

- 7.16 A revised application was submitted later in 2019 which afforded the following comments from Officers with regards to its design, its impact on the existing building and the wider street scene:

“The most notable change put forward within this revised application is the revised design of the proposed ancillary garage. The garage is now shown to be set below the ground level of the existing house having a height of some 2.8m. Whilst this would result in a somewhat heavily

engineering form of development, these revisions do address previous concerns raised in relation to the proposed garage and first floor accommodation put forward under HPK/2019/0125, and as such this aspect of development could be supported.

This revised application proposes extensions and alterations to the front, side and rear elevation of the existing dwelling. Based on the submitted Existing Floor Plans, the existing footprint of the dwelling as it stood prior to the extension being erected following the granting of permission under HPK/0003/3606 is calculated at approximately 87m². The approved rear extension consists of a floor area of some 38m², equating to approximately a 30% increase in floor area of the dwelling as it originally stood.

The current rear extension dominates the elevation, although it can still be read in conjunction with the original elevation and the chimney stack. The extension is characterised by two symmetrical gables which stand subordinate to the main part of the house with regards to their ridge height.

As a result of the proposed development and based on the Proposed Floor Plans, the dwelling would have a footprint of 206m², thus equating to a 136% in floor area comparable to the original dwelling and a 67% increase comparable to the dwelling as it stands today. The percentage increase in volume comparable to the existing house as a result of the proposed development is also substantial.

Given the planning history of the site and the figures set out above, it is considered that the property has reached its maximum (or threshold) in terms of extensions. Any further extensions or alterations would result in a disproportionate and bulky form of development which would dominate and consume the main house to the point where its original form and character is lost in its entirety.

The proposed plans shows two further gables to be added to the rear which would be joined to the proposed two storey side extension. The scale and volume of the proposed side and rear extensions, together with the proposed alterations to the front of the dwelling, continues to represent overdevelopment of the site, which by virtue of its scale, height, massing and visual appearance fails to respect the simple form, character and appearance of the existing dwelling, contrary to policies S1 and EQ6 of the High Peak Local Plan, the High Peak 'Design Guide' SPD and relevant paragraphs contained within Chapter 12 of the NPPF.

In summary, the proposed extensions of the scale, height, footprint and volume proposed will not be supported, and is consistent with the previous view taken by my colleagues. This email has been written without giving full consideration to any resultant harm to the amenity of neighbouring properties, which judging by previous email

correspondence, could also be an issue, and would be fully assessed prior to preparing and finalising my report and recommendation.”

- 7.17 The application was withdrawn by the applicant’s agent on 6th January 2020.

HPK/2020/0161

- 7.18 The applicant subsequently applied for a third time for extension and alterations to the dwelling with a ancillary detached garage that was shown to have a ridge height that was consistent with the finished floor level of the main house.
- 7.19 This application continued to show a proposed two storey side and rear extension that in the view of Officers did not go any way to address previous concerns relating to its relationship with the main house by virtue of its scale, height, mass and visual appearance.
- 7.20 Following advice from Officers this application was subsequently withdrawn by the applicant on 3rd July 2020.

HPK/2020/0415

- 7.21 Following the withdrawal of three previous schemes, a Certificate of Proposed Lawful Development was granted under HPK/2020/0415 for a single storey side extension and a two storey rear extension having complied with all relevant parameters of the General Permitted Development Order.
- 7.22 The two aspects are shown on the approved plans to not be connected, and similarly the two storey rear extension is shown to be separate from the existing extension implemented following consent granted in 1994.
- 7.23 The applicant’s agent was advised at the time of assessing this application that the extensions and alterations secured through the granting of this Certificate would be unlikely be judged as comprising a realistic fall-back position should any subsequent application be made for the nature of extensions previously submitted, given the constrained nature of the first floor bedroom and that these lawful works would be required to not be physically connected, and thus the likelihood of the applicant building out this arrangement is low.

HPK/2020/0525

- 7.24 This application continued to put forward a scheme for a two storey ‘wrap around’ extension, together with other alterations to the appearance of the dwelling and an ancillary garage that is situated at a lower level, with the roof having a broadly consistent height with the ground floor of the main house.

- 7.25 Officers had previously agreed with the applicant that whilst the garage would be sited forward of the established building line of the street scene, it would not result in any harm to the overall character and appearance of the street scene given the significant screening that defines the western boundary to Royle Avenue, and that the building would be barely visible when viewed from the east. It was thus considered that in its own right, this aspect of development could be supported.
- 7.26 The Officer's assessment of this scheme as set out within the accompanying Delegated Report is presented below:

"In line with Officers assessment for previous applications, the proposed development would equate to over 100% increase in the floor area and volume of the original dwellinghouse, with the extensions dominating and consuming the original elevations so that the old cannot be read with the new, thus leading to the original character of the dwelling being lost.

The side and rear extensions fail to respect the dominance of the existing dwelling, failing to incorporate any set back behind the existing building line and failing to design a roof that is lower than the existing dwelling,

Essentially, the dwelling has reached its threshold with regards to extensions and alterations over and above that which is permitted. The extensions granted under the Certificate of Lawful Development are therefore not considered to offer a reasonable fall back position as their impacts and relationship with the main dwelling are significantly lower than the current proposals.

Turning to the other aspects of development, the proposed side extension showing the inglenook fire place with a mono-pitched slate roof and flue is considered to read as a subordinate addition that would be in keeping with the dwelling and in its own right could be supported.

The newly proposed gable in the front elevation contains an excessive amount of glazing that bears no relationship to the existing character and appearance of the street scene. Taken cumulatively with the newly proposed fenestration at the rear which is at odds with existing windows, it is considered that the proposed fenestration as a whole adds to the concerns with regards to the overall design of the scheme.

For the reasons set out above, and in line with previous advice offered to the applicant, the extensions and alterations proposed when taken as a whole are considered to be in direct conflict with Local Plan Policies S1 and EQ6, the High Peak Residential Design Guide SPD, the Design Guide SPD, and relevant paragraphs under Chapter 12 of the NPPF."

- 7.27 The application was refused on two grounds, the first of which related to design, character and appearance.
- 7.28 The application was dismissed by the Planning Inspectorate at appeal. The key conclusions reached by the Inspector as set out within the appeal decision are set out as follows:
8. *The appeal property is already a reasonably large building, not least as a result of earlier extensions. I have not been made aware of anything in the Council's planning policies or guidance which put a figure on what might be considered an excessively large or disproportionate extension. However, the current proposal would enlarge the appeal property to more than twice its original size, which to my mind represents a substantial addition, or series of additions, by any standard. The side extension would be built to the line of the main front elevation rather than set behind it, and the principal roof ridges would be at the same height as the main ridge of the existing dwelling*
 9. *...whilst there will be cases where very large extensions, or those which are not visually subordinate to the host building, may be acceptable, setting the advice of the SPD's aside, depends more on the sites ability to physically accommodate the development.*
 10. *The proposed extension would, in my view, result in the enlarged dwelling having a sprawling and somewhat disjointed appearance...Rather than the archetypal High Peak 'grand villa' which the appellant is seeking to emulate, the overall effect would be of an ordinary and decent house extended, and in particularly widened, beyond limits it could comfortably bear. The original dwelling would be lost within and overwhelmed by the extension. Because of the resulting visual incoherence this would be harmful to the character and appearance of the building, and would not be mitigated or justified by any particular quality or design.*
 11. *The proposed garage would be set forward of the established building line of the houses to the south-east on the same side of Royle Avenue....The garage would be at a low level within the plot and partly set below ground level where, because of the lie of the land and the surrounding vegetation it would not be prominent in views along Royal Avenue. I therefore agree with the Council's assessment that this element of the scheme would be acceptable....However, that this element would be acceptable would not outweigh the other harm to the character and appearance of the host dwelling which I have found.*
 12. *Taken as a whole, the development would be harmful to the character and appearance of the host building. The proposal*

therefore conflicts with Policies S1 and EQ6 of the 2016 High Peak Local Plan which seek to ensure that development is well designed, relates well to the character and appearance of the adjacent buildings and the surrounding area in terms of scale and appearance. For the same reasons it would also fail to accord with the provisions of the National Planning Policy Framework....

- 7.29 This latest application has sought to address previous reason for refusal relating to design, character and appearance, residential amenity and comments made by the Inspector by reducing the extent of the two storey extension to a side and rear extension that runs parallel with the rear building line, with a single storey flat roof side extension sitting forward of it.
- 7.30 Whilst the massing has been marginally reduced, the proposals continue to consume and dominate the original building that, coupled with the existing rear extensions built following consent in 1994, exceed what can reasonably be interpreted as the 'threshold' for new extensions and additions to the property.
- 7.31 It is the view of the Council that any two storey element, over and above that allowed under permitted development rights, which have been secured by way of a Certificate of Lawful Development under HPK/2020/0415, essentially exceeds the threshold of the existing dwelling.
- 7.32 In attempting to reduce the impacts on the residential amenity of No.3 Royle Avenue, the relationship between the side extension and the main dwelling, and its impact on the character and appearance of the street scene, has been worsened. The flat roof single storey side extension has an odd, contrived and awkward relationship with both the main house and the two storey rear extension behind, which would be visible from Royle Avenue, due to its elevated position.
- 7.33 Similar to the previous application, whilst the proposed garage can be supported in its own right, particularly given the conclusions of the Inspector at paragraph 11 of the appeal decision, the applicant has declined the opportunity to remove the aspects of development that cannot be supported to allow the garage to be approved.
- 7.34 It is thus considered that the identified harm arising from the previous scheme under HPK/2020/0525 which was fully validated by the Inspector have not in any way been addressed by virtue of this revised scheme, and as such the first reason for refusal under HPK/2020/0525 applies to this application.
- 7.35 As such, the proposed development, by virtue of its scale, height, massing and visual appearance would continue to result in a wholly disproportionate addition that continues to dominate and consume the

existing dwelling to the extent that the original building cannot be easily read in conjunction with the new addition. The application fails to respect the dominance of the parent building, and coupled with the odd contrived relationship between the single storey flat roof extension and two storey extension behind, fails to read as a subordinate and secondary addition that results in a dwelling that is poorly designed in itself, contrary to Local Plan Policies S1 and EQ6, the High Peak Residential Design Guide SPD (2005), the High Peak Design Guide (2018) and relevant paragraphs under Chapter 12 of the NPPF

7.36 The applicant has submitted a short document titled “Committee Report to Support Applicant’s Statement”. This can be viewed at <http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=251690> Officers would comment as follows in connection with this document:

- Page 3 of the document inaccurately shows what has been granted a Lawful Development Certificate under HPK/2020/0415 by virtue of the two storey rear extension (marked ‘3’), being shown to be connected to the existing two storey rear extension, and the single storey side extension to be connected to the rear extensions
- As set out in paragraph 7.23 of this report, Officers have made clear that extensions and alterations secured through the granting of this Certificate under HPK/2020/0415 would be unlikely be judged as comprising a realistic fall-back position should any subsequent application be made for the nature of extensions previously submitted, given the constrained nature of the first floor bedroom and that these lawful works would be required to not be physically connected, and thus the likelihood of the applicant building out this arrangement is low.
- The note on page 3 of this document that states that the proposed extensions would not result in any detrimental harm to the street scape is refuted for the reasons set out within this report. The 3D images are considered to amplify and emphasise the resultant harm.
- Page 4 shows examples of other side extensions and rear extensions in the vicinity. None of these examples are comparable to the extensions subject to consideration under this application with regards to its scale, massing and visual appearance. Each application should be considered on its own individual merits.
- The Summary of the applicant’s submission contends that this application addresses the concerns raised by the Inspector in the previously dismissed appeal and this report does not consider the changes to the scheme or comments made by Officers in relation to previous applications. Paragraphs 7.12-7.35 of this report sets out in detail the recent planning history, analysis and comments given

by Officers, conclusions made by the Planning Inspector, and why and how this latest revised scheme has failed to address these previous concerns.

- The summary refers to four examples of 'precedent' on Royal Avenue for similar extensions. Precedent only exists in so far as case law, each application is determined on its own individual merits. All examples comprise applications that were determined prior to the adoption of the current High Peak Local Plan (2016), the High Peak Design Guide SPD (2018), and the updated NPPF (2021), which applies much more emphasis on the importance of good design.

Residential Amenity

7.37 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.

7.38 Paragraph 9.2 of the High Peak Residential Design Guide SPD states that:

“Domestic extensions should be of a scale and be designed and positioned to avoid undue harm to the amenity of neighbouring properties. They must have regard to the orientation of adjacent homes, the number and position of windows and land levels. Excessive overshadowing of neighbouring habitable rooms windows, glazed doors and private garden/amenity areas should be avoided.”

7.39 Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

7.40 Given the nature of the application site and its existing context, the sole property that has the potential to be adversely impacted by the proposed development is No.3 Royle Avenue sited to the south-east. A distance of approximately 10m separates the side elevations of both properties, with the side elevation of No.3 containing a habitable kitchen window.

7.41 The previous application refused under HPK/2020/0525 was refused on two grounds, the second of which relates to the impacts on the residential amenity (living conditions) experienced by the immediate neighbours No.3 Royle Avenue.

7.42 In his appeal decision, the Inspector concluded the following with regards to living conditions:

13. *Whilst I am not aware of guidance in either of the SPD's on the minimum desired separation between a habitable room window and a blank gable wall, from what I saw on my site visit I consider that the close proximity of the two storey side elevation of the side extension would be overbearing, and would have a significant enclosing effect when seen from the side window of No.3.*
14. *....it is the enclosing effect of the proposed extension and consequent loss of outlook from No.3, rather than the effect on any specific view, which would be detrimental to the living conditions of the occupiers of No.3.... the presence of the conservatory would not substantially mitigate the harm caused by the proposed extension.*
16. *I conclude that although the proposed extension would not lead to a significant loss of sunlight, the loss of outlook from the kitchen and family room of No.3 would be harmful to living conditions for neighbouring occupiers. The proposal therefore conflicts with Policy EQ6 of the Local Plan which seeks to ensure that development has a satisfactory relationship with neighbouring uses, and (amongst other things) does not have an unacceptable overbearing effect. For the same reasons, it would fall to accord with the provisions of the Framework...*

7.43 This revised application has marginally reduced the massing of development by seeking consent for a single storey flat roof side extension with two storey side and rear extension beyond. The single storey side extension is shown to have a height of 4m above finished ground floor level of Nos.1 and No.3 Royal Avenue.

7.44 Whilst this would undoubtedly result in an improvement comparable to the resultant impact on the outlook and overbearing impacts that occurred as a result of the two storey side extension proposed under HPK/2020/0525, it is considered that the presence of the gable end of the two storey side and rear extension situated some 6m to the north of the habitable window at No.3 Royle Avenue continues to result in the 'enclosing effect' identified by the Inspector, that would fail to preserve the residential amenity/living conditions of No.3 Royle Avenue, contrary to LP Policy EQ6, relevant Supplementary Planning Guidance, and paragraph 130 of the NPPF.

7.45 The summary page of the applicant's document submits that the four examples on Royle Avenue result in a greater detrimental impact on neighbouring residential amenity than this proposed development. As previously stated, all four examples were determined prior to the adoption of the current High Peak Local Plan (2016) and thus limited weight can be given to these applications. In any event, the spatial and visual relationship between neighbours in this application is different to the examples given due to the difference in orientation between No.1

and No.3 Royle Avenue. This report (paragraphs 7.37-7.44) makes clear how and why this proposed revised scheme continues to result in adverse harm to the residential amenity of No.3 by way of being overbearing 'enclosing' effect caused by the two storey extensions.

Access, Parking Provision and Highway Safety

- 7.46 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. Appendix 1 of the Local Plan contains parking guidance for all types of development including residential dwellings.
- 7.47 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.48 The site benefits from an existing access and private driveway that extends uphill from the public highway to the front of the existing house. The proposed garage would accord with minimum dimensions for car parking and would provide sufficient off-street parking and turning area to serve the size of the property in line with parking guidelines under Appendix 1 of the NPPF, allowing vehicles to exit the site in a forward gear.
- 7.49 As such, and having regard to comments from the Highways Authority that raise no objections to the proposed development, it is considered that notwithstanding the identified conflict with policies relating to design and residential amenity, the application would comply with LP Policy CF6 and paragraph 110 of the NPPF.

Planning balance & Conclusion

- 7.50 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 7.51 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:
- 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

- 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.
- 7.52 The application seeks consent for a revised application for extensions and alterations to a residential dwelling that lies within the built-up area boundary of Glossop on a site that is not constrained by any sensitive policy designation.
- 7.53 Whilst the general principle of development of extending the dwellinghouse could be supported, the proposed extensions and alterations, revised in light of the recently dismissed appeal, would, by virtue of their excessive scale, height, massing and visual appearance and failure to read as a subordinate and secondary addition comparable to the main dwellinghouse, continue to result in significant harm to the character and appearance of the dwellinghouse and wider street scene, failing to address the first reason for refusal under HPK/2020/0525, upheld by an Inspector, and in direct conflict with Local Plan Policies S1 and EQ6, the High Peak Residential Design Guide SPD, the High Peak Design Guide SPD, and relevant paragraphs under Chapter 12 of the NPPF.
- 7.54 Whilst the relationship between the extensions and the habitable window in the side elevation of No.3 Royle Avenue has somewhat improved, by virtue of a single storey extension replacing the two storey element, it is considered that the presence of a two storey aspect some 6m from the habitable window to the north-east would continue to result in harm to the residential amenity of the neighbouring property contrary to LP Policy EQ6, relevant Supplementary Planning Guidance and paragraph 130 of the NPPF.

8. RECOMMENDATIONS

- A. Refuse for the following reasons:**
- 1. The proposed development by virtue of its scale, height, massing and visual appearance would continue to result in a wholly disproportionate addition that continues to dominate and consume the existing dwelling to the extent that the original building cannot be easily read in conjunction with the new addition. The application fails to respect the dominance of the parent building, and coupled with the odd contrived relationship between the single storey flat roof extension and two storey extension behind, fails to read as a subordinate and secondary addition that results in a dwelling that is poorly designed in itself, contrary to Local Plan Policies S1 and EQ6, the High Peak Residential Design Guide SPD (2005), the High Peak Design Guide (2018) and relevant paragraphs under Chapter 12 of the NPPF**

2. **The proposed development by virtue of its siting, scale and massing of the proposed two storey side extension would, due to its proximity with the side elevation of No.3 Royle Avenue that contains a habitable kitchen window, continue to result in significant harm to the residential amenity for occupiers of this property with regards to an overbearing and oppressive development and the quality of outlook from it, contrary to High Peak Local Plan Policy EQ6, the High Peak Residential Design Guide SPD (2005) and paragraph 130 of the NPPF**

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/informative/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 187 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

