

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 6th June 2022

Application No:	HPK/2022/0147	
Location	1 Royle Avenue, Glossop	
Proposal	Proposed garage and underground storage/utility space, rear patio	
Applicant	Mr Craig Jackson	
Agent	N/A	
Parish/ward	N/A/Dinting	Date registered 25 th March 2022
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

Approve with Conditions

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee in light of a recent previous application being considered and determined by Committee.

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. It is 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 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. It 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 under HPK/2021/0648 described as:

“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”

This application was considered by Members at the March meeting and refused on 11th March 2022.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 This application seeks consent for a lower ground floor garage, storage and utility space with ground floor external terrace above, which formed part of the previous application refused under HPK/2021/0648.
- 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 garage would be constructed in brick and finished in a white render to match the appearance of the existing house.
- 3.4 At the request of Officers, revised plans were requested in the interests of consistency and accuracy. The proposed plans as revised show the provision of a patio area beyond the rear elevation.
- 3.5 The application can be viewed online using the following link

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) |
| | Appeal Dismissed (APP/H1033/D/21/3269689) – HPK/2020/0525 (Dismissed 04/06/2021) |
| HPK/2021/0648 | 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 (Refused 11/03/2022) |

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 May 2022
Neighbour letters	Expiry date for comments: 20 th April 2022
Press Notice	Expiry date for comments: N/A

Neighbours

6.1 Neighbours were contacted to by way of written letters. 3 x objections were received, concerns of which are summarised as follows:

- Despite being below ground floor level, the garage would continue to be visible from Royle Avenue, and would be built forward of the established building line, thus harming the character and appearance of the street scene
- Concerned about precedent for similar development on Royle Avenue
- Impact on residential amenity with regards to engine noise, headlights and general disturbance

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. Glossop is defined as a Market Town within the settlement hierarchy under Local Plan (LP) Policy S2, being a location that will be the focus for housing and economic growth. The site is not constrained by any sensitive statutory designation.
- 7.5 As such, the principle of development is supported, 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 Chapter 9 of the High Peak Residential Design Guide (2005) contains guidance for domestic extensions. The guidance pertinent to this application is set out as follows:

- 9.0 *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.*
- 9.1 *Extensions should be designed 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.*
- 9.7 *Garages and outbuildings should relate to the main dwelling in terms of size, proportion and appearance. They should be subordinate in size and height and match the materials of the existing house. Double garages should have two openings wherever possible to maintain proportion, and with the roof ridge parallel to the doors. Flat roofs should be avoided. Doors with vertical emphasis are usually preferred and timber side hung door may be required in sensitive locations.*
- 7.9 Chapter 5 of the High Peak Design Guide SPD contains further guidance in relation to extensions and alterations. The guidance pertinent to this application is set out as follows:
- 5.10 *These 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 matters things new developments should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.
- 7.11 No.1 Royle Avenue stands within a large plot that is somewhat detached both spatially and visually from other properties north of the highway, due to its larger scale, positioning within the plot and orientation. The site benefits from a large boundary hedge that provides a significant degree of screening from the public highway.
- 7.12 The proposed development is for a garage that would have a flat roof terrace that, as shown on the proposed plans, would have a floor level that is commensurate with the ground floor level of the main house.
- 7.13 Officers have throughout recent years been supportive of this aspect of development. It is accepted that in the majority of the cases, proposed garages or annexes that sits forward of a principal elevation are strongly resisted, due to their likely disruption to the 'grain' of development and likely harm to the character and appearance of the street scene.

- 7.14 However, in this specific case, subject to the mature hedgerow remaining in situ (which due to being within the control of the applicant can be subject to an appropriate condition), the proposed garage would only be glimpsed from the public highway.
- 7.15 Due to being set down below the level of the main house, the garage would be read as a subordinate and secondary structure and offers a more favourable solution than one which adjoins the side elevation of the main house.
- 7.16 It is considered, in this particular instance, in line with advice offered by officers throughout the recent planning history, that the proposed garage is appropriate for its context having regard to siting, scale, massing and overall visual appearance. Its presence would not result in any adverse harm to either the character and appearance of the host building or indeed the wider street scene, in accordance with LP Policies S1 and EQ6, relevant Supplementary Design Guidance and paragraph 130 of the NPPF.

Residential Amenity

- 7.17 LP Policy EQ6 requires all new development to have a satisfactory relationship to existing land and buildings, to protect the 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.
- 7.18 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.”*
- 7.19 Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.20 An objection has been received from neighbouring residents in relation to potential impacts upon residential amenity, particularly with regards to increased engine noise, headlights and subsequent disruption. Concerns have also been received regarding the precedent for others to carry out similar works. However, as with all planning applications, each case is decided upon its own merits, and what may be acceptable in one location may not be in another, depending on the circumstances of the case.

- 7.21 The nearest property to No.1 is No.3 immediately to the east. Whilst the concerns of neighbours are noted, it is considered that engine noise and headlights would not increase as a result of the proposed garage, given that in theory up to 4no. cars could park right up to the boundary with No.3 within the domestic curtilage.
- 7.22 Turning to the proposed terrace above the garage, this would be at a level commensurate with the ground floor level of the house. The existing relationship between the front garden and the front garden of No.3 is open resulting in a degree of overlooking.
- 7.23 The presence of the terrace would in the view of Officers, subject to an appropriate condition to retain the front boundary hedgerow, would not result in any further adverse harm to the residential amenity of the occupiers of No.3 and any other nearby residential property, when considering the existing relationship between front gardens of properties on Royle Avenue. Accordingly the development complies with LP Policy EQ6, the High Peak Residential Design Guide SPD, and paragraph 130 of the NPPF.

Access, Parking Provision and Highway Safety

- 7.24 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.
- 7.25 Paragraph 110 of the NPPF states that in assessing applications for development, a safe and suitable access should 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.
- 7.26 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.
- 7.27 As such and having regard to comments from the Highways Authority who raise no objection to the proposed development, it is considered that the application would comply with LP Policy CF6 and paragraph 110 of the NPPF.

Planning balance & Conclusion

- 7.28 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 7.29 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.
- 7.30 The application seeks permission for a detached ancillary garage and storage structure within the domestic curtilage of No.1 Royle Avenue, Glossop. The site lies within the built-up area boundary of Glossop and therefore the principle of development is acceptable subject to an assessment of all relevant planning considerations.
- 7.31 Whilst officers have repeatedly resisted and refused numerous applications for extensions and alterations to the main house, there has always been support for a proposed detached garage/structure that is set down below the ground level of the main house.
- 7.32 An assessment of this proposal has concluded that the proposed garage is appropriate with regards to its design and appearance and would not result in any adverse harm to neighbouring residential amenity or highway safety.
- 7.34 The application is therefore considered to constitute a sustainable form of development and subject to appropriate conditions, is recommended for approval.

8. RECOMMENDATIONS

A. Approve subject to conditions:

1. 3 year time limit
2. Approved Plans
3. Matching Materials
4. Garage to be used solely for parking of vehicles
5. Retention of hedgerow to front for lifetime of development

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 Operations Manager – 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 through 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

