

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 23rd January 2023

Application No:	HPK/2022/0429	
Location	1 Royle Avenue, Glossop	
Proposal	Lower ground floor garage and utility, single storey side extension, two storey rear extension and loft room, along with inglenook single side storey extension and alterations to the existing porch.	
Applicant	Mr Craig Jackson	
Agent	N/A	
Parish/ward	N/A/Dinting	Date registered 20 th September 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

Refuse

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, 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, details of which are well documented within the previous Committee Report associated a previous 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”

which was considered by Members and the recommendation of refusal upheld, subsequently refused on 11th March 2022. The previous report can be found here (Agenda Item 8 page 157)

<https://democracy.highpeak.gov.uk/documents/g2165/Public%20reports%20pack%2007th-Mar-2022%2013.30%20Development%20Control%20Committee.pdf?T=10>

- 2.7 Members have since considered and approved a more recent application under HPK/2022/0147 for a proposed garage and lower ground floor utility and storage space, approved in June of this year.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The application seeks full planning permission for various extensions and alterations to the existing dwelling that can be summarised as follows:

- Lower ground floor garage and utility room
- Single storey side extension
- Two storey rear extension

- Inglenook single storey side extension to kitchen
- Alterations to existing porch

3.2 The single storey side extension would be connected in a 'wrap around' form to the ground floor of the two storey rear extension, which in turn would be adjoined at first floor level to the existing two storey rear extension

3.3 The plans which support this application and are the subject of assessment within this report are as follows:

- Site Location Plan (Ref: DR-0001)
- Proposed Site Plan (Ref: DR-0007)
- Proposed Lower Ground Floor and Ground Plans (Ref: DR-0008)
- Proposed First and Second Floor Plans (Ref: DR-0009)
- Proposed Roof Plan (Ref: DR-0010)
- Proposed North and East Elevations (Ref: DR-0011)
- Proposed South and West Elevations (Ref: DR-0012)

3.4 The application is also supported by a 'Supplementary Design Statement' which makes the following key statements:

*"To date the property has secured a Lawful Development Certificate to build a single storey side extension and two storey rear extension and full planning permission for a garage with basement store/utility room. This application is to **consolidate the above approvals in to one planning application**" (My Emphasis).*

*"The consolidated design **removes the narrow gaps** between the extensions whilst ensuring the single storey side and rear extension design **maintains the parameters allowed under permitted development**." (My Emphasis).*

*"The two storey rear extension is in the spirit of the permitted development and **fully take into account and addresses the two storey commentary provided by the Case Officer** in previous application and the Planning Inspector comments in appeal decision under HPK/2020/0525." (My Emphasis).*

3.5 The application can be viewed online using the following link

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=257311>

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) – (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)
- HPK/2022/0147 Proposed garages and underground store facility (Approved 7th June 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 2021

- 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: 28 th October 2022
Neighbour letters	Expiry date for comments: 18 th October 2022
Press Notice	Expiry date for comments: N/A

Neighbours

- 6.1 Neighbours were contacted to by way of written letters.
- 6.2 1 x neutral comment has been received the contents of which are set out as follows:

“The applicant states that the application seeks to consolidate 2no. applications that have been individually approved. However, when these applications are combined together they form a property of similar size and dimensions to an application (HPK/2020/0525) which was refused by planning committee, due in the main to being ‘*wholly disproportionate in size such that the original dwelling cannot be easily read in conjunction with the new addition*’.

The application was also dismissed at appeal. With this in mind I would ask that the planning officers and committee review these facts.”

- 6.3 2 x objections have been received in connection with this latest application, the material concerns of which are summarised as follows:
- Loss of amenity and an overbearing outlook caused by side extension
 - Introduction of new windows would cause privacy issues to No.3 Royle Avenue
 - Proposed extensions represent nearly a 100% increase comparable to the original dwelling
 - Previous dismissed appeal agreed with Officers that the property has already reached its ‘threshold’ for further extensions and alterations

Consultee	Comment
DCC Highways	There doesn't appear to any dimensions provided on the proposed garage; however, it is considered that there is sufficient space within the site

	<p>as a whole to accommodate appropriate on site parking should the garage be of dimensions below those recommended. There are no highway safety comments to make.</p>
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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 sensitive statutory designation.
- 7.5 As such, the principle of development is supported, subject to compliance with other relevant policies and any other material planning considerations.

Key Material Considerations

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

Design Character and Appearance

Policy Context

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 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.

Points of Clarification

- 7.11 Before considering the merits of this latest scheme, it is important to set out the context, and address the statements made within the 'Supplementary Design Statement' as set out at paragraph 3.4 of this report.
- 7.12 Firstly, it is important to clarify that the extensions which were subject to a positive Certificate of Lawful Development (CLD) amounted to a single storey side extension which did not include any connection to a lower ground floor or garage, and a separate, small, two storey rear extension that would not be connected to the other parts of the house.
- 7.13 It was made clear at the time of issuing this Certificate, and again at the time of considering the subsequent application that was dismissed at appeal, that such extensions, specifically the two storey rear extension, does not offer a credible fall-back position, as it is considered that there was no reasonable likelihood of this being built out because of the constrained access to adjoining rooms.
- 7.14 The Local Authority have no control over what can be implemented under permitted development (and therefore there is nothing to stop the applicant implementing this layout). However, where proposals such as this latest one before Members require full planning permission, they need to be assessed having regard to all relevant Local Plan policies, relevant Supplementary Planning Guidance, and other material considerations including national policies within the NPPF.
- 7.15 The Supplementary Design Statement is, as highlighted by an objector, wrong to state that the proposal amounts to the amalgamation (or consolidation as stated) of the CLD and permission for the garage and lower ground floor utility room. The two cannot be built out simultaneously due to the fact that the single storey side extension, would by virtue of its connection to the lower ground floor, become a two storey side extension which requires full planning permission.
- 7.16 The 'removal of the narrow gaps' between the proposed and existing two storey extension and single storey side extension is the very aspect that means that full planning permission is required, and, for reasons outlined within this section, is considered to be harmful to the character and appearance of the building.

7.17 Lastly, the Supplementary Design Statement is wrong to suggest that the proposed extensions and alterations fully take account of comments made by Officers within previous submissions, again, for the reasons set out below.

Assessment

7.18 Taking each aspect of proposed development in turn, the lower ground floor garage and utility room has, in its own right, been approved under a recent application (HPK/2022/0147) in June of this year, and can be implemented at any time between now and June 2025. As such, there are no objections to this aspect of development

7.19 Turning to the proposed single storey extension, this is in fact a two storey side extension, as it would be interconnected with the lower ground floor utility room below. Whilst there are no objections in principle to a ground floor side extension, Officers have significant concerns with regards to its scale (depth), and roof form.

7.20 The continuation of the side extension beyond the rear wall of the original house to connect with the proposed two storey extension (i.e. a 'wrap around') is considered to go beyond the 'threshold' of what this property - which has already been enlarged through considerable extension – can accommodate, when read in conjunction with the two storey rear extension.

7.21 The roof form comprises two individual hipped roofs with a valley in the middle that fails to respect the character and roof form of the main house which has a simple gable. This aspect would be particularly visible from the public highway and as such is considered to result in harm not just to the character and appearance of the dwelling but also to the surrounding street scene.

7.22 The two storey rear extension is in the view of Officers, the most contentious aspect of the proposal. As stated within previous reports associated with previous schemes, the extensions to the rear added following the granting of planning permission in 1994, have result in a rear elevation that is already disproportionate, and unbalanced.

7.23 The introduction of this additional two storey rear extension that would be interconnected both at ground and first floor extension would effectively result in a two storey extension that would span the entirety of the elevation, thus consuming and dominating it, failing to allow the new extensions to be read in a subordinate and secondary manner as required by the Council's Supplementary Design Guidance.

7.24 Furthermore, and in addition to the above, the proposed glazed dormer situated above the eaves of the proposed two storey extension reads as an incongruous and unsympathetic addition when read in conjunction with the elevation as a whole.

- 7.25 The proposed Inglenook single storey side extension is of a modest scale and height that has a simple lean-to roof and reads as a neat secondary, and subordinate addition. There are therefore no objections to this aspect of development.
- 7.26 Lastly with regards to the alterations to the existing porch, this amounts to a first floor extension above the existing porch to create a central pitched gable, which would have a high ceiling, characterised by a large glazed window above the entrance door.
- 7.27 This proposed first floor extension above the existing porch also attracts concerns with regard to design. A similar feature was proposed as part of the scheme which was dismissed at Appeal. The Inspector commented:
- The proposed extension would, in my view, result in the enlarged dwelling having a sprawling and somewhat disjointed appearance. Its western part would be dominated by pikes and gables to front and rear (and even then there would be a visual inconsistency at the front between the large and modern glazed feature serving the porch, hall and landing, and the smaller more traditional dormer on the catslide roof next to it).*
- Whilst it is acknowledged that the currently proposed front extension is smaller and has a less awkward relationship with the adjacent cat-slide roof, the revised design still raises concerns regarding the domination of the front elevation by “pikes and gables” and an excessive amount of modern glazing relative to the traditional fenestration elsewhere on the elevation.
- 7.28 In conclusion, whilst some aspects of the proposal are acceptable, it is the view of the Officers that the two storey side extension (single storey above ground floor), the two storey rear extension, and its interconnection between the two and with existing rear extensions along with the proposed front gable addition results in a design that exceeds the ‘threshold’ of what can be achieved without harming the character and appearance of the host property or wider street scene, contrary to Local Plan Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

Residential Amenity

- 7.29 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.

7.30 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.”

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

7.32 Objections have been received from the residents of the neighbouring property No.3 Royle Avenue which sits a short distance to the east of the property and contains a kitchen window facing the side elevation of No.1.

7.33 Previous applications which proposed a two storey side extension were found by both Officers and the Planning Inspector to be overbearing to this neighbour.

7.34 Given that a side extension (without the proposed lower ground floor) could be implemented without planning permission at the scale and height proposed, and that this extension now shows a single storey above ground floor level, it is considered that any concerns previously relating to the potential harm to the amenity of No.3 Royle Avenue have been addressed, and would preserve the amenity of all neighbouring properties in accordance with LP Policy EQ6, the Residential Design Guide SPD and paragraph 130 of the NPPF.

7.35 Whilst the proposed development does not give rise to any harm to residential amenity, this neither mitigates nor outweighs the identified harm to the character and appearance of the dwelling which has been identified.

Access, Parking Provision and Highway Safety

7.36 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.

7.37 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.

- 7.38 The proposed garage has previously been found to be acceptable from a highway safety perspective and there is more than sufficient space within the domestic curtilage to accommodate the necessary off-street parking provision in accordance with the Council's parking guidance.
- 7.39 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

- 7.40 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 7.41 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.
- 7.42 The application seeks extensions and alterations to an existing dwelling that lies within the built-up area boundary of Glossop, on a site that is not constrained by any statutory designation. The general principle of development is therefore supported.
- 7.43 However, for the reasons outlined within this report, the proposed extensions and alterations, by virtue of their siting, scale, massing and visual appearance, fail to respect the character and appearance of the existing dwelling and area as a whole, contrary to Local Plan Policies S1 and EQ6, the Residential Design Guide SPD (2005), Design Guide SPD (2018) and relevant paragraphs under Chapter 12 of the NPPF.
- 7.44 Consequently, the application does not constitute a sustainable form of development, contrary to Local Plan Policy S1a and paragraph 11 of the NPPF, and is thus recommended for refusal for the reason stated below

8. RECOMMENDATIONS

A. Refuse for following reason:

1. The proposed front, side and rear extensions, by virtue of their siting, scale, massing and visual appearance, read as disproportionate and unbalanced additions that fails to respect the character and appearance of the existing dwelling, street scene and the area generally, contrary to Local Plan Policies S1 and EQ6, the Residential Design Guide SPD (2005), the Design Guide SPD (2018) and relevant paragraphs under Chapter 12 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

