

**10. FULL APPLICATION – REPLACEMENT DWELLING – ST MARYS BUNGALOW, QUEEN STREET, TIDESWELL (NP/DDD/0116/0065, P.1976, 26/01/2016, 415198 / 375505, MN)**

**APPLICANT: MRS RITA CARVILL**

**Site and Surroundings**

St Marys Bungalow is located to the eastern edge of Tideswell village, on the eastern side of Queen Street. The property is set back from the road and adjacent properties, and occupies a position part way up the hillside that rises from west to east away from the road. The site is within the Tideswell Conservation Area.

The house has a deep plan layout with hipped roof, and is constructed from artificial stone under a concrete roof, with large timber windows. The property has gardens to the front, rear, and side – although these have apparently been unmanaged for a number of years.

The site is accessed along a driveway off Queen Street. After entering the site this turns right where a prefabricated garage is sited before turning left and rising steeply up to the house.

Due to the dwelling's hillside position, neighbouring houses are over 30m away, mostly lining Queen Street. One further neighbour occupies a site further up the hillside to the east, around 40m from the application building.

The first 8m of the driveway are within flood zones 2 and 3, which represent a medium and high risk of flooding respectively.

**Proposal**

This application seeks planning permission for the demolition of the existing bungalow and the construction of a replacement dwelling.

The application proposes a detached two storey three bedroom dwelling built from natural limestone under a pitched blue slate roof. It would have UPVC windows and door frames with stone surrounds. A projecting two storey gable is proposed to the rear.

The existing access would be retained, with the prefabricated garage demolished and a new garage built in front of and downhill from the house, partially set in to the hillside. The garden would be reinstated and a yard area is proposed to the side and rear of the house.

A number of energy management measures have been tentatively proposed, including a biomass boiler, equipment for grey water re-use, and a ground source heat pump. Further details and plans showing which of these are to be taken forward have not been included with the application however.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. Statutory 3 year time limit for implementation.**
- 2. Development not to be carried out otherwise than in accordance with specified plans.**

3. **Removal of permitted development rights for external alterations, extensions outbuildings, hard standing, walls, fences and other means of enclosure to approved dwelling.**
4. **Conditions to specify or require prior approval of architectural and design details for the dwelling including, stonework, roof materials, windows and door design and finish and rainwater goods.**
5. **Prior approval of space within the site for accommodation, storage of plant, materials and parking for site operative's vehicles during construction works.**
6. **Prior approval of environmental management measures prior to commencement.**
7. **Prior approval of landscaping, including extent of garden reinstatement, boundary treatments, profiling of ground, hard landscaping , and tree retention and planting.**
7. **Parking to be provided prior to occupation.**

### **Key Issues**

1. Whether the principle of the replacement dwelling meets the requirements of saved Local Policy LH5.
2. Whether the proposed development would otherwise conserve or enhance the valued characteristics of the National Park and the conservation area in all other respects.

### **Consultations**

Derbyshire County Council – Highways – No response at time of writing.

Derbyshire Dales District Council – No response at time of writing.

Tideswell Parish Council – Support the proposal as it is felt to represent an improvement over the existing building.

### **Main Policies**

Core Strategy: GSP3, L1 and CC1

Policy GSP3 states amongst other things that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposals.

Policy L1 requires that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics. Valued characteristics specifically identified in the pre amble to L1 include amongst other things – trees, woodlands, hedgerows, stone walls, field barns and other landscape features.

Policy CC1 requires development to take account of the energy hierarchy, to achieve the highest possible standards of carbon reductions and water efficiency, whilst CC2 encourages low carbon and renewable energy development where they can be acceptably accommodated.

Local Plan: LC4 and LH5

Policy LC4 of the Local Plan states that where development is acceptable in principle it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area.

Local Plan policy LH5 Replacement Dwellings states that the replacement of unlisted dwellings will be permitted provided that:

- i. the replacement contributes to the character or appearance of the area.
- ii. it is not preferable to repair the existing dwelling.
- iii. the proposed dwelling will be a similar size to the dwelling it will replace.
- iv. it will not have an adverse effect on neighbouring properties.
- v. it will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

At the October 2015 Authority Meeting members agreed that from this stage, some limited weight may be attached to the emerging DPD as a material planning consideration as an agreed statement of the Authority's intended position on development management policy. Policy DMH9 of the emerging DPD is of particular relevance to this application. This specifically relates to Replacement Dwellings and states that these will be permitted provided that:

- (i) the dwelling to be replaced is not listed individually or as part of a group listing, and
- (ii) the dwelling to be replaced is not considered to have cultural heritage significance, and

Where the original dwelling complies with these principles development will only be permitted where:

- (iii) the proposed replacement dwelling demonstrates significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape, and
- (iv) the replacement dwelling will not create an adverse impact on neighbours residential amenity, and
- (v) in the event that the replacement dwelling is on another footprint, the existing dwelling is removed from the site prior to the completion of the development, or within 3 months of the first occupation of the new dwelling where the existing dwelling is in residential use, and
- (vi) where there is specific evidence of general housing demand in the Parish for dwellings of the size proposed to be replaced, the replacement dwelling is restricted to that size and/or type.

Adopted design guidance within the 'Design Guide', the Climate Change and Sustainable Building Supplementary Planning Document (SPD), and the Authority's Landscape Strategy and Action Plan offer further guidance on the application of these policies. These policies and guidance are supported by a wider range of policies in the Development Plan listed below.

### **Wider Policy Context**

Relevant Core Strategy (CS) policies: DS1, GSP1, GSP2, GSP4 and L2

Relevant Local Plan (LP) policies: LC17, LT11

## National Planning Policy Framework

In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

### **Assessment**

#### ***Whether the principle of the replacement dwelling meets the requirements of Local Plan policy LH5 (ii)***

The existing dwelling has no particular architectural or historic merit and is built from non-traditional materials. The low massing and square form of the building and large window openings do not reflect the form or detailing of traditional vernacular buildings within surrounding settlements or in the National Park more widely.

In this case, it is considered that the principle of replacing the existing building with a more appropriate design which enhances the site and its surroundings and incorporates energy saving measures would be acceptable in principle and in accordance with LH5 (ii).

#### ***Whether the proposed dwelling is of a similar size to the dwelling it will replace (Local Plan policy LH5 criteria (iii))***

This aspect of the policy uses the phrase 'similar size' as a means to control the size of replacement dwellings to protect the landscape, instead of insisting upon a simple like-for-like floor space or volume calculation. This enables a degree of flexibility to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate in the context of different sites and their setting.

The table below shows the difference in size between the existing dwelling and the proposed dwelling. Figures have been provided for both footprint and volume. However, members will be aware of officer advice in previous replacement dwelling applications that volume is considered to be a more reliable indicator of 'similar size' in relation to the key issue of landscape impact than either floorspace or footprint.

	<b>Existing house</b>	<b>Proposed replacement house (percentage increase/decrease)</b>
Footprint (m <sup>2</sup> )	103m <sup>2</sup>	73m <sup>2</sup> (-29%)
Volume (m <sup>3</sup> )	364m <sup>3</sup>	397m <sup>3</sup> (9%)

Although the proposed two storey dwelling would actually have a smaller footprint than the existing bungalow as a result of providing accommodation over two floors, it would slightly increase the volume of the building.

The preamble to policy LH4 notes that extensions up to 25% are more likely to be acceptable than larger extensions. The proposed dwelling is only 9% larger so would therefore not result in a dwelling that is larger than what the Authority would be likely to consider acceptable were the existing house to be extended. It is therefore considered that the proposed building would be a similar size to the existing dwelling it will place, according with adopted policy.

Notwithstanding this view, the relative size of the proposed dwelling is only one criterion of the policy and should not be looked at in isolation from the context of the site or its setting within the landscape. In these respects criteria (i), (iv) and (v) of Local Plan policy LH5 are particularly relevant. These are discussed in detail below, and have led to the Officer conclusion that the increased scale is acceptable in this context.

***Whether the proposed dwelling meets the requirements of Local Plan policies LC4, LC5, and LH5 (i), (iv) and (v)***

The applicant has entered into pre-application discussions with the Authority's officers before making this planning application to try and develop an acceptably designed replacement building.

The existing dwelling does not reflect the building traditions of the area in terms of design or materials, and is at odds with the development lining Queen Street to the east in this regard. By contrast, the proposed house would reflect the two storey design and natural materials that these houses exhibit, making a positive contribution to the character of the area in this regard. Some revision to window proportions is considered necessary before the design would be considered acceptable; those at first floor level are too squat, and require more vertical proportions to better balance the building and to reflect the local building traditions that the building otherwise seeks to reflect. If permission was granted this could be controlled by planning conditions. Similarly, no lintels or surrounds are proposed to some of the doors; these would be necessary to satisfactorily detail the building and could be required by planning condition.

The proposed garage would be more in keeping than the existing pre-fabricated one, and would provide an additional parking space. Being of modest scale above ground and set below the house it does not compete with it and is considered acceptable. An underground corridor providing access in to the house from the garage is proposed. This would have no external impact and there are therefore no objections to it.

In terms of its wider impact, the new dwelling would be seen somewhat removed from the existing built development of the settlement, as is the existing building, and due to the hillside location and the topography of the land around Tideswell the house would also be visible from many vantage points within the village and conservation area to the west of the site. This increases the importance of ensuring it is well designed and does not have an increased impact in the landscape by virtue of its massing.

The design proposed has a traditional flat frontage, a low eaves height, and a two storey rear gable – an approach that minimises the apparent massing of the building in public views. The dwellinghouse would still be taller than the existing by virtue of having a two storey form, but this is offset by a reduction in length over the current building. It would not encroach into undeveloped land, skyline, or be significantly more visually obtrusive in wider views from the surrounding landscape than the existing building.

Given this, and the benefit of having a dwelling that better reflects the building traditions of the area and surrounding buildings, a two storey approach is considered to be acceptable. It is therefore considered that the proposed replacement dwelling would not be more intrusive in the landscape and that the proposal would conserve the character and appearance of the built environment and that of the surrounding landscape in accordance with Local Plan policies LH5 (v), LC4 and LC5.

The proposed reinstatement and landscaping of the garden is not covered in significant detail by the application. A plan has been submitted detailing the proposed boundary for the garden, a yard area, and noting that trees will be retained where possible. Detail of any hard landscaping – such as terracing, paving or paths – is absent. The enclosed yard to the side of the house would, as proposed, be likely to appear out of keeping by virtue of the tall timber fencing around it, which would be prominent and would not reflect the materials of the house or surrounding built

environment. The development of the garden to the side of the house also has the potential to have a significant visual impact if not properly controlled, particularly in views across the village from the west. Some indigenous planting to the western boundary of the garden is likely to be required to mitigate this, but none is currently proposed.

Due to the lack of details with regarding hard and soft landscaping details, the unacceptable impact of the proposed timber fencing, and the potential impact of reinstating the side garden, if permission is granted a condition is recommended requiring a landscaping scheme to be agreed with the Authority in writing prior to the development commencing. This would cover matters including surfacing, boundary treatments and planting as is considered necessary to make the development acceptable.

No arboricultural assessment has been undertaken, and the plan showing tree positions is not definitive regarding which would be retained. The replacement building itself would occupy a similar footprint to the existing however, and so it is considered that planning approval could be granted with assurances that the trees could be retained – where considered necessary – as part of the landscaping condition recommended above.

Overall, it is considered that the proposed replacement dwelling would make a positive contribution to the character and appearance of the area in accordance with saved Local Plan policies LH5 (i), LC4 and LC5.

If permission is granted, officers would recommend that architectural details and specifications are secured by condition and that a condition to remove permitted development rights for alterations and extensions is also necessary to ensure that the Authority retains control of domestic development which could undermine the character and appearance of the development and the amenity of the area, as well as the intent of LH5 (iii) in terms of the size of the dwelling.

Therefore it is considered that the proposed replacement dwelling would not have an adverse impact upon neighbouring properties in accordance with Local Plan policies LH5 (iv) and LC4.

In summary, it is considered that the proposed replacement dwelling is in accordance with Local Plan policies LH5 and LC4 and emerging DPD policy. Although the replacement dwelling is not a similar size to the existing dwelling, in the context of this site and its setting within the landscape, the proposed dwelling would make a positive contribution to the character and appearance of the area, would not have an adverse impact upon neighbours and would not be more intrusive in the landscape or street scene either through increased building mass or greater activity.

### ***Environmental management***

Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and resources and take account of the energy hierarchy.

The applicant has indicated that they are prepared to introduce renewable energy measures to accord with this policy, and are considering installing a biomass boiler, ground source heat pump, and grey water recycling – or a combination of these. It is considered that it would be possible to incorporate these without detracting from the appearance of the building, and that this would be sufficient to meet the requirements of CC1. However, as no firm details have been provided and no elevation or block plans incorporating the measures have been submitted it would be necessary to ensure that these details are secured by planning condition.

### ***Other matters***

#### ***Amenity***

Despite the proposed increase in height, the proposed dwelling would not be overbearing and would not result in any significant loss of light to any neighbouring property due to its distance

from them. At two storeys in height the building will have the potential to further overlook neighbours. However, at over 30m from any facing windows and 20 from any formal gardens is not considered that this would significantly affect any neighbours' amenity.

#### *Highways*

The proposed dwelling would be served by the existing access which would be unaltered. There is ample space within the application site to park four vehicles clear of the highway and no changes to the site layout are proposed that would restrict onsite turning. The Highway Authority has not provided a consultation response at time of writing.

Subject to appropriate conditions to require the parking to be provided prior to occupation it is considered that the proposed development would be served by satisfactory parking and access arrangements in accordance with saved LP policies LT11 and LT18.

#### *Drainage*

Foul sewerage would be disposed of to the existing main sewer which is acceptable and in accordance with Government guidance within the National Planning Practice Guidance.

#### *Protected species*

The proposal falls outside of the Authority's requirement for a protected species survey because of the age of the building. The Authority is not aware of any protected species or habitat that could be affected by the proposal.

#### *Flood risk*

The only part of the site to be within a designated flood zone is the site access at the bottom of the hillside. This area is unaffected by the development proposals, and therefore no flood risk assessment is deemed necessary, and the impact of the development in relation to flood risk is considered acceptable.

### **Conclusion**

It is concluded that the proposed development dwelling is in accordance with Local Plan policy LH5 because the replacement dwelling is a similar size to the existing dwelling and would not be more intrusive in the landscape either through increased building mass or greater activity. It would make a positive contribution to the character and appearance of the area in accordance with policies LH5, LC4 and LC5, and would not have an adverse impact upon neighbours. There are no objections to the access, parking and manoeuvring space.

The proposal would not harm the valued characteristics of the National Park including its landscape character and biodiversity. The proposed development is therefore considered to be in accordance with the development plan and accordingly is recommended for approval subject to conditions.

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

#### List of Background Papers (not previously published)

Nil