

12. HOUSEHOLDER APPLICATION: ERECTION OF DOMESTIC GARAGE AND STORE AT SWALLOW COTTAGE, PILHOUGH ROAD, ROWSLEY (NP/DDD/1215/1167 P.10620 424893/364905 29/03/2016/LB)

APPLICANT: MR W MITCHELL

Site and Surroundings

Swallow Cottage and Swallow's End are two dwelling houses situated in a prominent hillside location in open countryside at Pilhough, 1.2 km south of Rowsley. The dwellings are set in a large domestic curtilage and accessed via a driveway from Pilhough Lane which leads to Stanton. The application site is at the entrance of this driveway where a steel frame has been erected on the southern side of the access drive at the entrance, approximately 30 metres from the dwellings. Planning permission was granted in 2012 for alterations and an extension to an existing garage on the application site, to provide garaging for Swallows Cottage and Swallows End.

Excavation works into the bank side to accommodate the approved garage have taken place on the application site but the original garage was completely demolished despite permission being granted for an extension to the existing garage building on site. The steel framework that has been erected was for a larger garage than that approved and is currently subject of an active enforcement case. Spoil from the excavation works has been tipped on the adjacent sloping field opposite the garage site and this is also subject of an active enforcement case and the subject of a separate planning application.

Although the application site does not lie in a designated Conservation Area, it does lie in an attractive pastoral landscape. To the south of the properties there are sloping pastures while an extensive belt of woodland runs on higher ground to the north which is very much in keeping with the Landscape Character Assessment for the area; Derwent Valley 'Slopes and Valleys with Woodland'. The nearest neighbouring property is Wye View, a converted outbuilding used as a dwelling, and Ivy Cottage a Grade II Listed building 27 metres to the east.

Proposal

The current application proposes the erection of a domestic garage for the use of garaging vehicles for Swallow Cottage and Swallow's End and storage of motorcycles for Swallows. Notably, the proposed building would be a new build albeit the existing steel framework may be kept on site and adapted so it can form the framework for the building proposed in this application. However, the proposed building would be of the same size and form, with a very similar design as the extended garage building approved in 2012.

The submitted plans show the garage will have an 'L' shaped plan form with the dimensions 15.8 metres x 7.2 metres, (main garage footprint) x 2.7m to eaves height and 6.35 metres to ridge height. The forward projecting gable wing of the garage will measure 3.2 metres x 6.5 (gable width) x 2.65 metres to the eaves and 5.95 to the ridge. The garage will be clad in stone under a blue slate roof and will have 3 garage doors. A flight of external stone steps are proposed on the south eastern gable to provide a separate access to a loft space, which will be provided with natural light by a window in the north western gable and a series of 8 roof lights within the rear roof slope.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions / modifications:

- 1. The development hereby permitted shall be begun within three years of the date of the permission.**

2. **The development shall not be carried out other than in complete accordance with the submitted plans subject to the following conditions / modifications:**
3. **No external lighting without the Authority's prior written consent.**
4. **Minor design details including an external walls sample panel.**
5. **The garaging hereby permitted shall be retained solely for the parking of domestic vehicles ancillary to the ordinary domestic use of Swallow Cottage and Swallow's End.**
6. **The loft space in the building hereby permitted shall be used solely for domestic storage ancillary to the ordinary domestic use of Swallow Cottage and Swallow's End and for no other purposes.**

Key Issues

- The impact of the proposed garage on the setting of Swallow Cottage and Swallow's End and the character of the surrounding landscape.

History

March 2012: NP/DDD/0212/0156: Planning consent was approved for the extension and alteration of the existing garage on the southern side of the access drive at the entrance to the site; (the site of the current application). Plans proposed an amended garage that effectively created a 6 bay garage with an 'L' shaped plan form built into the sloping bank side to the south of the site. Access would remain unaltered and there was adequate forecourt area in front of the building allowing forward access to the road.

As noted above, works commenced on site, digging out the bank side and erecting some framework but the existing garage was demolished with spoil being tipped into the field in front of the site. It is therefore considered that the original permission can no longer be implemented because the approval was for an extension to an existing garage and permission was not granted for a demolition and rebuild.

April 2014: NP/DDD/1234/5678: Planning application submitted for the creation of a vehicle turning space in the field opposite the approved garage. The application was refused as the proposed vehicle turning area would have been a visually intrusive development in an open area of countryside that would detract from the surrounding special landscape qualities that contribute to the valued characteristic of the National Park.

Furthermore, it was considered to be insufficient justification for the inappropriate incursion into the adjacent field as there are sufficient parking facilitated available within the existing and clearly defined residential curtilage of the cottage.

January 2015: Letter to the applicant advising the erected steel structure on the site was effectively a new building, which did not conform to the measurements or location of the approved garage and was unauthorised.

February 2015: Non material amendment application for the amended garage design, (size and location), rejected because the proposed changed to the approved scheme, (NP/DDD/0212/0156), in relation to the size and form of the garage building were so significant they did not constitute alterations of a minor nature that can be considered under an application for a non – material minor amendment.

July 2015: NP/DDD/0415/0271: Planning application submitted for an amended garage design. A similar 'L' shaped footprint was to remain, as previously approved, but the height of the ridge and eaves was to significantly increase. The application was refused by virtue of its size, form, scale and massing, as the amendments would result in a visually intrusive development in an area of open countryside that would detract from the surrounding landscape qualities that contribute to the valued characteristics of the National Park.

It was also considered that a more appropriate scheme for the garaging had previously approved and there was insufficient justification for an increase in size, form and massing of the garaging.

July 2015: APP/M9496/D/15/3131600: Appeal against refusal of planning application NP/DDD/0415/0271, (amendments to the size, form and design of the approved garage in 2012). Appeal dismissed as the proposal would have a significant harmful impact on the character and appearance of the area and on its special landscape qualities that contribute to the valued characteristics of the National Park.

Consultations

County Council (Highway Authority) - No objections.

District Council – No response to date

Parish Council – Object to the proposals size, scale and form which would have a harmful impact upon the character and appearance of the area, its setting and views from surrounding view points.

Representations

During the consultation period, the Authority has received two letters of representation regarding the proposal; both objecting to the proposal on points which has been summarised below:

- Design and appearance of the garage is out of character with existing buildings;
- The garage is located in a prominent position on the hillside;
- The garage will be viewed as an separate entity in comparison to other buildings nearby;
- The garage is of considerable scale;
- Notes appeal decision states a garage could be met in the location in a less harmful manner;
- Notes the proposal is also for a store;
- No details provided on how the existing steel structure on site will be amended / removed;
- The garage will be located in a sensitive area of significant value of the Derwent Valley 'Slopes and Valleys with Woodland' Landscape Character.
- The garage does not meet policy requirements;
- Notes the Inspector's comments on the garage as being a physical separation from Swallow Cottage.
- Notes the Inspector's reasons for dismissing the appeal.

Main Policies

In principle, DS1 of the Core Strategy is supportive of extensions to existing buildings and policy LH4 of the Local Plan provides specific criteria for assessing householder extensions including outbuildings which is repeated in the relevant policy in the emerging Development Plan Document. LH4 says extensions and alterations to dwellings will be permitted provided that the proposal does not:

- i. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
- ii. dominate the original dwelling where it is of architectural, historic or vernacular merit; or
- iii. Amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties and contains a number of suggestions for the appropriate design of outbuildings such as garaging.

Wider Policy Context

The provisions of policies DS1 and LH4 and guidance in the Authority's adopted SPD are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and policy LC4 of the Local Plan, which promote and encourage sustainable development that would be sensitive to the locally distinctive building traditions of the National Park and its landscape setting. Policy LC4 and GSP3 also say the impact of a development proposal on the living conditions of other residents is a further important consideration in the determination of this planning application.

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) which require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Assessment

Background

As noted in the planning history, planning consent was granted on the current application site for the extension and alteration of an existing garage in 2012 (NP/DDD/0212/0156). The approved plans showed the existing garage would be modified into an 'L' shaped plan form, tripling its size measuring just under 7 metres in length and 6.5 metres wide. Height to the eaves was 2.7 metres and 6.5 metres to the ridge. However, the work that took place on site after consent was granted for the amended garage included not only excavating the hillside but also demolishing the garage that existed at the time. Some structural steel framework was also erected which remains on the hillside today.

When the steelwork was erected on site, it is clear that this structure does not comply with the 2012 approved plans. Measurements confirm that the roof height is approximately 1.0 metres above the approved height; (accounting for the external cladding and the finished floor slab); and the garage facade is likely to have an 800mm increase between the top of the garage door and

the eaves of the roof. The building has also been sited 0.5 metres to the east resulting in insufficient space to construct 3 garage door openings and the external stone staircase.

In addition to this the Authority has also advised the applicant that the present structure is effectively a new building, not covered by the existing permission, and is therefore unauthorised. Subsequently, an application was submitted to seek planning consent for the amended size, form and design of the garage building originally approved. This was refused as the amendments would result in a visually intrusive development in open countryside and an appeal against this decision was subsequently dismissed.

In the appeal decision, the Inspector was very clear that a completely new garage of a larger size and form, than otherwise approved, would be clearly visible from public vantage points and in more distant views the physical separation from Swallow Cottage would read as an isolated building that would look out of place. In close proximity, the scale of the building would be apparent and even though against the background of hillside and woodland would appear as a dominant and discordant feature. Overall the building would have a significant harmful impact on the character and appearance of the area and on its special qualities that contributed to the valued characterises of the National Park. The structure The proposal therefore conflicted with Policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and LC4 and LH4 of the Local Plan.

The Inspector also noted that there was no obligation to justify the increase in size compared to the previous extended garage and was considered as a new proposal. It was also concluded that a domestic garage on site could also be met in a less harmful manner. Consequently, in an attempt to rectify the situation, the current application has been submitted. The proposal is for the erection of a domestic garage and store and the proposed size, scale, dimensions, form and location of the garage are identical to that previously approved in 2012. The only difference is that this application is for a new building and a double garage door replaces 2 single doors.

Therefore, the impact of the proposed garage on the setting of Swallow Cottage and Swallow's End and the character of the surrounding landscape is a key issue in the determination of this application but due regard must be given to the decision to approve an extended garage of an identical size and scale and of a very similar design to the building proposed in this application.

Siting

The garage is sited in an elevated position on the hillside overlooking Pilhough at the entrance of the site to Swallow Cottage. The building would be separated from the nearby dwellings, which lie some 55 metres to the west of the application. By virtue of the location of the application site, the building could be seen from surrounding vantage points as an isolated building that would be visible within its setting characterised as 'Slopes and Valleys with Woodland'. However, the proposed location of garage would allow it to sit against rising land at the rear of the site which occupies an extensive belt of thick woodland, almost encasing the application site and allowing the building to sit against a suitable backdrop.

Therefore, the building would make best use of landscape features, and the existing woodland would serve to reduce the visual impact of the proposed building in the wider landscape. Sloping pastures below the site which flow into surrounding fields also allow the building to sit comfortably within the landscape and its wider setting by foiling views of the application site from various vantage points broadly to the south of the site. For example, when approaching the site on Pilhough Lane, the lower part of the proposed building would be screened by the rising ground within the sloping fields and roadside vegetation would provide some filtering of these views.

Moreover, at the entrance of the site there are two substantial stone pillars forming a gateway, and a hard standing area and driveway, so the building would be viewed in the context of domestic elements from more immediate viewpoints, in particular from Pilhough Lane. In these circumstances it is not considered the proposed garage would look out of place and if the garage

were placed closer to the host property it would be visually dominant and contrary to Local Plan LH4. In these respects, the scheme that has been designed to reflect the extended garage that had previously been approved and in scaling the garage down to the previously approved dimensions removes the increased form and bulk of the garage, refused planning permission, which would have had an adverse impact upon its setting.

In summary, the lower ridge and eaves height of the garage, would allow the garage to nestle more comfortably within its setting than the garage refused planning permission and minimise the impact of the building on the established landscape character of its setting as anticipated when granting planning permission for a similar sized building in 2012. Consequently, the same conclusions can be reached as those reached in 2012 that the proposed garage, albeit a newly built garage, would be acceptable in landscape terms and this application does not conflict with GSP1, GSP2, GSP3 and L1 of Local Plan policies LC4 and LH4.

Also, by virtue of the intervening distances, there are no neighbouring properties which would be adversely affected by the proposal. In addition, the garage would not harm the setting of the Grade II listed Ivy Cottage. The site of the proposed garage lies a considerable distance from the curtilage of the listed building and is separated from it by intervening buildings that comprise Swallow Cottage and its extensive garden area. For these reasons the proposal would not cause any harm to the setting or significance of the listed building. Furthermore the proposed garage would not itself generate additional vehicular traffic to and from the site as the entrance and driveway is already in use by Swallow Cottage and Swallows End. Therefore, officers are also satisfied that the building would not harm the amenities of the local area or harm the setting of the nearby listed building.

Design

In terms of the detailed design of the proposed garage, the structure would be built in natural stone under a blue slate roof which raises no objections and also reflects the approved materials for the garage alterations in 2012. Plans indicate the front of the garage would have two vertically boarded timber doors which raises no objection, (a double and a single door) noting the previously approved scheme had 3 single doors in this elevation. However, gritstone lintels should be used and the doors should be stained or painted in a recessive colour to achieve an appropriate standard of design.

The 'L' shaped plan form allows the length of the front elevation to be broken up by a gable, visually reducing the impact of the structure. The 6.6 metres ridge height is deemed acceptable as is considerably lower than the previous proposal at almost 7 meters. It is acknowledged the roof at this height will still remain visible in the landscape but its impact will be subdued by the use of tiles; and would therefore be far less intrusive than the current unauthorised red steelwork on site. The pitched roof is also key characteristic, typical to new build garages and reflects the requirements of the Authority's SPD. The window in the gable may appear too domestic but it will be heavily screened by surrounding foliage.

Previously, for the 2012 application, amended plans omitted the flight of stone steps on the south west gable. This application has included this addition to the building. In terms of design, the approach to retain the steps provides the garage with a similar appearance to an agricultural outbuilding and would therefore blend in with its detached setting at the entrance of the driveway and on the edge of open fields mitigating further any visual impact on the surrounding area and the wider landscape. In any case, due to their location on the south western gable they will be screened from hillside, trees and shrubs which extend north from the garden at Swallow Cottage. The roof lights in the rear roof slope also raise no concern as will be concealed from view by the surrounding hillside and woodland.

Consequently, there are no objections to the detailed design of the proposed garage, and in these respects, the current application meets the requirements of the Authority's SPD on design and adopted design and conservation policies GSP3 and LC4.

Conclusion

It is therefore concluded that by virtue of its sitting, scale and design, the proposal would not have a significant harmful impact on the character and appearance of the area and on its special landscape qualities that contribute to the valued characteristics of the National Park. It is also considered that the garage is of an appropriate design, to a high standard, that would allow it to harmonise with its locally distinctive surroundings and that the building would not harm the amenities of the local area or harm the setting of the nearby listed building.

Therefore, officers consider the proposal is in accordance with GSP1, GSP2, GSP3 and L1 of the Core Strategy which seek to ensure that development proposals respect, conserve and enhance the valued characteristics of the National Park and of the site and buildings that are subject of the proposal; and saved policies LC4 and LH4 of the Local Plan, which seek to ensure householder development is of a high standard of design that respects and conserves the landscape.

It is also considered that significant weight must be attached to the decision to approve an extended building of identical form, scale and massing as approved in 2012 and assessed under the same policies. In these respects, even though this application is for a newly-built garage, the 2012 approval demonstrates the proposed garaging can be achieved sympathetically and in a less harmful manner than the previously proposed larger structure which was appropriately refused and dismissed at appeal. Accordingly, the current application is recommended for conditional approval.

In addition to standard conditions it would also be reasonable and necessary to retain control over external lighting because of the detached hillside location where any insensitive lighting would have a significant impact on dark skies and the tranquillity of the local area.

Finally due to the size and scale of the garage building it would be necessary to restrict the use of the garage to the parking of domestic vehicles in relation to Swallows Cottage and Swallows End only and to restrict the use of the loft space to domestic storage. These conditions would allow the Authority to retain control over the use of the building in the interests of safeguarding the character, appearance and amenities of the local area.

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