

8. HOUSEHOLDER APPLICATION: ERECTION OF DOMESTIC GARAGE AND STORE AT SWALLOW COTTAGE, PILHOUGH ROAD, ROWSLEY (NP/DDD/0517/0458 P.10620 424893/364905 16/06/2017/TS)

APPLICANT: Mr W Mitchell

Site and Surroundings

Swallow Cottage is a detached dwelling house situated in a prominent hillside location in open countryside at Pilhough, 1.2 km south of Rowsley. The dwelling is set in a large domestic curtilage and accessed via a driveway from Pilhough Lane. 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 host dwelling. 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 has been 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 and store.

The submitted plans show the garage would be of rectangular form and would have a footprint of 15.25 metres by 7.8 metres. It would have a pitched roof with a ridge height of 6.6 metres and eaves height of 2.7 metres. The ground floor would be used for garaging and motorcycle storage with further storage in the roof space above. The roof space would be accessed by an external staircase to the south east side elevation.

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 the host dwelling and for no other purposes.**

Key Issues

- The impact of the proposed garage on the setting of the host dwelling and the character of the surrounding landscape.

History

March 2012, NP/DDD/0212/0156: Planning consent was approved conditionally 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 remained 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 steel framework but the existing garage was demolished with spoil being tipped into the field in front of the site. In these respects, it is 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 could 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.

February 2016: NP/DDD/1215/1167: Planning Application submitted for a revised garage design with the ridge and eaves height lowered from the scheme refused in April 2015 and subsequently dismissed at appeal.

July 2016: APP/M9496/W/16/3152332: Appeal against refusal of application NP/DDD/1215/1167. Appeal dismissed as the proposal would have a significant adverse effect on the character and appearance of the area of the PDNP and would conflict with Policies LC4 and LH4 of the LP and Policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and the Framework.

Consultations

County Council (Highway Authority) - No objections.

Stanton in Peak Parish Council –

“Stanton in Peak Parish Council objects to this application due to its immense scale and height in a prominent location of the Peak Park overlooking the Derwent Valley. The position is in an area which the National Park Landscape Character Assessment identifies as being within the Derwent Valley "Slopes and Valleys with Woodland" landscape character area which comprises of a pastoral landscape with interlocking blocks of ancient and secondary woodland.

The setting of the site, with sloping pasture below and an extensive belt of woodland on the higher ground above is very much in keeping with this landscape character. The proposal would be visible from the public highway at points close to the four-way junction to the north east of the site and from various sections of the road between that junction and the site access.

In more distant views its physical separation from Swallow Cottage would be clearly perceived and it would read as an isolated building that looks out of place in the landscape. Council considers that the application 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. The conservation of the landscape and scenic beauty of the National Park must be protected.

Council would note that the drawings supplied seem to indicate a greater footprint to the existing cottage than reality as a large patio area has been included. Once this is removed the scale of the new development is of similar size to the cottage and for a garage and store this is totally inappropriate for a service building. Its bulk and mass is not subservient to Swallow Cottage and it is visually divorced from the other buildings making its presence more impactful and creating the mass of discordant development two planning appeals inspectors have already refused.

This application proposes a building that will be detrimental to the character and appearance of the Peak District National Park and should therefore be refused.”

Representations

During the consultation period, the Authority has received two letters of representation regarding the proposal, both objecting to the proposal for reasons which have been summarised below:

- Visual impact on the area
- Substantial dominant building which would be prominent even by reducing the footprint from previous submissions
- The site plan submitted indicates that Swallow Cottage is larger than it actually is as
- Would be clearly seen from public roads and a footpath prominent elevated location in an area of the National Park identified by the park's landscape character assessment as being within the Derwent Valley 'Slopes and Valleys with Woodland
- Two previous appeals have been dismissed
- Garage would be physically separated/isolated from the host dwelling
- Roof ridge would be prominent in public views and that the height would appear out of scale
- Would be a significantly harmful impact on the character and appearance of the area and on the special landscape qualities
- Garage does not need to be two storey building and could be single storey

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) not least because core planning principles in the Framework 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 previously existing garage would be modified into an 'L' shaped plan form, tripling its size. 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 demolishing the garage that existed at the time. Some structural steel framework was also erected which remains on the hillside today.

The Authority advised the applicant that the present structure is effectively a new building and is not covered by the previous 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 July 2016 an amended application was submitted for a new garage that would have been of the same scale and appearance as the previously approved scheme to extend the original garage that has now been demolished. This involved reducing the eaves and ridge height from the scheme that had previously been refused and dismissed at appeal. This application was also refused and subsequently dismissed at appeal.

In considering the appeal, in terms of the similarity between the scheme and the previously approved application to extend the former garage, the Inspector noted:

“The current scheme seeks permission for a garage of roughly the same size and footprint as the original building plus the extensions approved as part of the 2012 permission. However, like my colleague who dealt with the previous appeal, I take the position that the 2012 permission is incapable of being implemented as the original building has been demolished. Consequently I attach little weight to it. I have therefore assessed the scheme before me on the basis of a new building in light of the plans and supporting information submitted by the Appellant.”

And that:

“I acknowledge that the scale of the building has been reduced to mirror the dimensions of the 2012 permission. However, as I have already set out, that permission is of little relevance and should not therefore be seen as representing a scale benchmark for the proposed building.

In terms of the visual and landscape impact that the amended scheme would have, the Inspector noted:

“The plans show a substantial structure that would be physically and visually divorced from other buildings in the vicinity. Its scale would be more akin to a small commercial or agricultural building rather than a domestic outbuilding. Its bulk and mass would challenge other buildings on the site and its relationship with Swallow Cottage could not reasonably be described as subservient.

The building's incongruence would be exacerbated by its elevated position. I accept that the belt of woodland to the rear and trees along Pilhough Lane would soften its visual impact somewhat. However, as I saw when I visited the area, the building would be readily apparent from the woodland path to the rear of the site particularly in the winter months. It would also be prominent in views from Pilhough Lane to the north and the four-way junction where it would appear as an overbearing and isolated building that would draw the eye. I concur with the Authority that the building would also be visible in more distance views although not in a manner that could reasonably be described as prominent. Nonetheless, this adds to my overall concerns.

Based on the foregoing, I conclude that the development would impose a significant mass of discordant built development upon the landscape where none currently exists. It would thus have a significant adverse effect on the character and appearance of the area of the PDNP.”

Therefore, the impact of the proposed garage on the setting of the host dwelling and the character of the surrounding landscape is a key issue in the determination of this application.

The application now under consideration differs from the most recent previously refused scheme in that a large front-projecting gable end, which would have extended some 3 metres and would be nearly the full height of the main part of the building, has been omitted. This serves to significantly reduce the massing of the proposed building and also simplifies its appearance.

Impact on Visual Amenity and Landscape Character

In terms of the design of the proposed garage, the structure would be built in natural stone, which is considered to be acceptable. The submitted details refer to a tile roof, but it is considered that this should be a blue slate roof and this can be conditioned accordingly. The submitted plans indicate the front of the garage would have two garage doors, one double and one single. It is considered that the double door should be split into two single garage doors and this too can be secured by way of a condition. Gritstone or sandstone lintels should also be introduced.

The 'L' shaped plan form of the previously refused schemes has now been omitted and the garage would have a simple, rectangular form. The garage would still have a ridge height of 6.6 metres and it is acknowledged that the roof would remain visible in the landscape from some vantage points. However, given that the overall roof structure has been simplified by the omission of the front-projecting gable, it is considered that the roof height is now acceptable.

This proposal includes an external stone staircase to the south eastern side elevation has included this addition to the building. Due to their location on the south western gable they would be screened by hillside, trees and shrubs which extend north from the garden at Swallow Cottage. The roof lights that are proposed in the rear roof slope also raise no concern as they would be concealed from view by the surrounding hillside and woodland.

The proposed garage would be 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 site. As with the previous schemes, 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 the 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.

Clearly the siting of the garage was not considered to mitigate the visual and landscape impact in the consideration of the previously refused applications and subsequent dismissed appeals. However, it is considered that the reduced massing and simpler appearance of the garage now proposed would prevent it from having an unacceptable landscape impact and overcomes the previous grounds for refusal in this respect.

In summary, the amended design and reduced massing of the garage as now proposed would reduce the impact of the building on the established landscape character of its setting when compared to the previously refused schemes. It is considered that the amended scheme as now proposed 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. The previous reasons for refusal are considered to have been overcome.

In respect of residential amenity, 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.

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, 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, it is considered that 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. Accordingly, it is considered that previous reasons for refusal have been addressed and the current application is recommended for conditional approval.

In this case, conditions imposing a time limit for commencement and compliance with the submitted plans would be reasonable and necessary in the interests of proper planning of the local area. It would also be reasonable and necessary to specify design details in the interests of the character and appearance of the completed development and to seek to retain control over external lighting because of the detached hillside location; 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 the host dwelling 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