

**14. VARIATION OF CONDITIONS APPLICATION – TO VARY THE SIZE AND DESIGN OF THE SUMMERHOUSE APPROVED UNDER PERMISSION NP/HPK/0316/0222 – 73 CASTLETON ROAD, HOPE (NP/HPK/0617/0631, P.5726/55, 31/7/2017, 416868 / 383461, MN)**

**APPLICANT: Mr George**

**Site and Surroundings**

73 Castleton Road is the middle dwelling in a row of three terraced properties, situated on the south side of the A6187 Castleton Road in Hope. The property is modern in design and constructed of rendered walls under a clay tiled roof.

The rear garden, to the south of the house, is approximately 30m long. At the end of the garden a summerhouse outbuilding with rendered walls and blue slate roof is at an advanced stage of construction. This building is the subject of the current application.

The property has neighbours to each side, and there is a detached bungalow property to the south whose garden abuts the rear boundary of the application site

The property is outside of the Hope Conservation Area.

**Proposal**

Planning permission was granted in 2016 for the construction of a summerhouse building at the end of the property's rear garden. A similar building was approved at the neighbouring property, No 75, at the same time, with the two buildings attached at the boundary.

This application seeks to make changes to the design and size of the approved summerhouse. These changes include increasing the height of the building by approximately 450mm at both eaves and ridge, as well making changes to openings within the building. There are also changes to the internal layout, including the addition of a WC, kitchenette, and eaves storage.

The development has been mostly undertaken and so the application is largely retrospective.

**RECOMMENDATION:**

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

- 1. 3 year time limit**
- 2. Completion in accordance with the submitted plans**

**Key Issues**

1. Whether the development conserves the character and appearance of the dwellinghouse and its setting.
2. Whether the development has an acceptable impact on the amenity of neighbouring properties

**History**

2014 – Planning permission granted for rear extension to dwelling.

2016 – Planning permission granted for construction of summerhouse.

2017 – Non-material amendment accepted to permit the use of natural blue roof slates in place of approved rosemary clay tiles.

### **Consultation**

Derbyshire County Council – Highways – No objection subject to development remaining private and ancillary to existing dwelling.

High Peak Borough Council – No response at time of writing.

Hope with Aston Parish Council – The Parish Council does not object in principle, but has concerns about the presence of 2 overbearing buildings which constitute a major structure.

### **Representations**

1 letter of representation has been received objecting to the proposal. The material grounds of representation are summarised as:

- The building does not have the appearance of a summerhouse, and is therefore incorrectly described;
- Objection to the erection of a building that could be occupied as guest accommodation within 10m of the neighbouring property to the south;
- The building, both individually and cumulatively with the attached neighbouring building, is overbearing and oppressive on the neighbouring property to the south;
- The development is out of keeping with the surrounding built environment and landscape.

The letter also raises procedural matters relating to the 2016 permission. These are not material to the planning merits of the current application but have been discussed separately at a site meeting with the objector.

### **Main Policies**

#### **Development Plan**

Relevant Core Strategy policies: GSP1, GSP3, DS1

Relevant Local Plan policies: LH4, LC4

Policy DS1 allows for the extension of existing buildings in all settlements in the National Park.

Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation.

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.

The policies of the development plan are generally permissive of householder development provided it will not harm the character and appearance of the original building or its setting and will not harm the amenities of the site, neighbouring properties or the area (policies LC4 and LH4).

These policies are consistent with the wider range of conservation and design policies in the Development Plan, which promote high standards of design and support development proposals that would be sensitive to the locally distinctive character of the site and its setting and the valued characteristics of the National Park.

The Authority's Design Guide (2007) and Alterations and Extensions Detailed Design Guide (2014) have been formally adopted by the Authority and therefore are relevant material considerations in the determination of this application.

### National Planning Policy Framework

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 policy in the Framework with regard to the issues that are raised because both documents seek to promote a high standard of design which conserves the valued characteristics of the National Park.

### **Assessment**

#### ***Design assessment***

In design terms, the building is very similar to that approved in 2016. It takes a simple rectangular form with lower gabled section projecting toward the house all constructed with rendered walls and a pitched blue slate roof. Openings to the north elevation, facing up the garden to the owners house have been changed in terms of size and proportions, but continue to relate acceptably to the building.

The front-facing gable section has been reduced in height, which has resulted in a lower roof pitch than that of the main outbuilding, but this is not considered to result in an unacceptable appearance given the buildings simple and functional appearance and its setting. The eaves and ridge heights have been increased by approximately 450mm, but this does not significantly alter the proportions from those approved previously.

The building would be rendered to match the house with the roof tiled in blue slate, matching the roofs of the neighbouring buildings to the south.

In terms of its wider setting, the building is set in a context of a terrace of houses similar to the applicants, each with long back gardens and with buildings of varying designs and materials sited at the end of them, in a similar position to that now proposed for the summerhouse. Whilst these are smaller than the proposed building, they do provide some context for development in this position and it is not considered that an outbuilding to the end of the garden would appear incongruous in any case.

There are no public views of the end of the garden where the building would be sited.

In this setting, a building of the design described above is considered acceptable; it will not detract from the appearance of the parent building, site, or wider built environment or landscape and is therefore in accordance with adopted planning policy.

#### ***Impact on neighbouring amenity***

In terms of amenity, the building would face back down the owners garden and would not result in significant overlooking of neighbours beyond what is already possible from the existing garden. Boundary fences are currently missing along much of the boundary to each side, but could be easily erected if any privacy concerns arose.

As noted previously, the height of the building has been increased over that of the approved summerhouse. As before, it is still considered that the height of the building is such that, whilst located close to each side boundary, it would not be overbearing or oppressive on the neighbours to either side, especially given its position at the end of very long gardens.

A modest window has been introduced to the east facing elevation. This would overlook only the very end of the neighbouring gardens to the east and given the existing inter-visibility between the gardens is not considered to significantly change the existing situation in relation to privacy.

The garden also bounds a further neighbour to the south – the detached bungalow, Hall Croft. The building would be close to the boundary and would be visible from this property. The eaves height increase from the approved 2.2m to the proposed 2.65m is not considered to make a significant difference to the impact of the proposal on this neighbour.

The building would be clearly visible to this neighbour above their boundary fencing. As before, due to the single storey height, the distance of approximately 10m from the neighbouring house, and because the pitched roof slopes away from the boundary, the building is not considered to have an overbearing or oppressive impact. Due to the orientation of the buildings it would not block any direct sunlight and at 10m from the house of Hall Croft it would not reduce light to the property more generally.

In making this assessment Officers have considered that a similar adjoining structure has also been approved and partially constructed next door. Whilst it results in a building that is, overall, longer than that proposed by this application, the height and distance from neighbours remains the same. Given that is the case, when taken as a whole the building is still not considered to be overbearing or oppressive for the same reasons as given above.

Concerns have been raised by representations regarding the potential use of the building. Whilst described by the applicant as a summerhouse, approval would result in a garden building that could be used for any purpose ancillary to the occupation of the dwellinghouse, including such uses as additional living or sleeping space. This also applies to the summerhouse as approved in 2016. In terms of the impacts of such occupation on neighbouring properties, the building would remain modest in size, limiting the scope of its occupation. In addition, it is constructed of blockwork walls which would absorb much of the noise that may be generated within the building.

For these reasons the building is considered to have acceptable impacts on the neighbouring properties detailed above, and to also conserve the amenity of all other nearby properties.

### ***Other matters***

The development would not have any impact on existing parking provision and is of such a scale as to not significantly intensify the use of the property to a point at which additional parking would be considered necessary. The application therefore raises no concerns in relation to highway safety or amenity.

No environmental management measures have been proposed as part of the development, although it would be required to comply with the relevant building regulations. Given the scale of development proposed this is considered sufficient for the application to comply with the terms of CC1 in regard to the provision of environmental management measures.

### ***Conclusion***

The form, design and size of the extensions are all considered to conserve the character and appearance of the built environment as required by the policies of the Development Plan. Officers have made an assessment of the impact of the proposed development on neighbouring properties and consider that the impact on their amenity would be less than significant.

Given these considerations, and having taken account of all other material matters, the application is recommended for approval.

**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