

10. FULL APPLICATION – 44 BURTON EDGE, BAKEWELL, ERECTION OF GARDEN SHED FOR USE AS DOMESTIC SHED/WORKSHOP AND HOME GYM (NP/DDD/0618/0570, P9585, TM)

APPLICANT: **MR GARY MIDDLETON**

Site and Surroundings

1. 44 Burton Edge is a post war semi-detached two storey property on an estate of similar properties which are laid in blocks of sixteen with the garden areas set in the middle. This particular block contains 10 semi-detached houses to south and three terraced houses to the north.
2. The estate is approximately 600m to the south of Bakewell town centre and 200m from the nearest part of Bakewell's designated conservation area boundary. The dwelling is constructed from coursed gritstone with gritstone quoins and detailing under a hipped roof clad with blue slate. The windows are white Upvc.
3. The property has a rear garden, which is over two levels. On the higher level there is a small garden shed and a larger shed which is part constructed and is the subject of this application. The lower level is surfaced with paving stones and the higher level is a grassed.
4. The nearest neighbouring properties are the adjoining property at 46 Burton Edge which is located 11m north of the proposed development site. 42 Burton Edge is 9m east, 40 Burton Edge is 13m south east, 48 and 50 Burton Edge are located 26-28m north. Properties 1, 2 and 3 Stoney Close are located approximately 26-28m south west (opposite) of the proposed site.

Proposal

5. The applicant seeks retrospective planning permission for the erection of shed measuring 4.8m long by 4.8m wide with a dual pitched roof with an eaves height of 2.5m and a ridge height of 4m. for use as domestic shed/workshop and home gym.

RECOMMENDATION

6. To APPROVE the application subject to the following conditions:

- 1. Standard commencement period.**
- 2. Carry out in accordance with specified plans.**
- 3. Removal of existing smaller shed.**
- 4. Use to remain private and ancillary.**
- 5. Roofing to be approved.**
- 6. Cladding to be approved.**
- 7. All rainwater goods shall be black.**

Key Issues

The principle of development
The impact on the appearance of the host property

The impact on the amenity of neighbouring properties

Relevant Planning History

7. Enforcement 18/0087: Outbuilding is 2m within boundary and requires planning permission.
8. PE\2018\ENQ\33051: Outbuilding constructed double garage size, 4m in height. Transferred to enforcement.

Consultations

9. Derbyshire County Council (Highways): No objections subject to all use remaining private and ancillary.

Derbyshire Dales District Council: No response to date.

Bakewell Town Council: Object to this application on grounds of design and appearance. The development causes overshadowing and is an overbearing presence near a common boundary that is to the detriment of neighbours. It is felt that the shed is of an excessive size making it inappropriate to the location. It is considered regrettable that this is a retrospective application.

Representations

10. There have been four letters of objections. These letters of objection raise the following concerns:
 - Size of the new shed is twice the size of the existing shed.
 - The height of the shed is too great for the area in which it located. The site is on the higher level of the garden area.
 - Location of the shed next to the boundary fencing.
 - Most of the north-west corner of the garden would be covered by two sheds. Would the existing smaller shed be removed once the new shed has been completed?
 - Noise factor of the shed from being used as a gym
 - Further building would be overbearing.

Policies

11. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

Conserve and enhance the natural beauty, wildlife and cultural heritage
Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

12. When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

13. The National Planning Policy Framework (NPPF) was published on 24 July 2018 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. 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.

14. Paragraph 172 of the NPPF states that '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.*'

15. Development Plan policies

16. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

17. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

18. Policy L1 identifies that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone..

19. Local Plan

20. Local Plan Policy LC4 requires that the detailed treatments of development is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area.

21. Local Plan Policy LH4 states that development is permitted provided that they do not detract from the appearance or amenity of the original building, its setting or neighbouring buildings.

Relevant Core Strategy (CS) policies: 22. **GSP1, GSP2, GSP3, GSP4, L1.**

Relevant Local Plan (LP) policies: 23. **LC4, LH4**

Assessment

Principle of Development

24. The application seeks retrospective planning permission for the erection of a single storey garden shed for use as domestic shed/workshop and home gym, which is sited to the rear of the property. The construction of the shed has substantially commenced but it has not yet been completed. As noted in the Authority's policies, in principle, extensions to dwellings and domestic ancillary buildings in the National Park are supported by the Authority provided that they are of a suitable design, scale, form and massing and do not raise any amenity issues upon the dwelling itself or any neighbouring properties.

Design

25. The post war semi-detached property is set within an estate which is laid in a block of semi-detached properties and several terraced properties with the domestic curtilage areas/gardens set in the middle. The shed is sited to the rear of the property next to the boundary fencing.
26. The shed measures 4.8m long by 4.8m wide and has a dual pitched roof with an eaves height of 2.5m and a ridge height of 4m. The part completed shed is constructed from softwood timber frame, currently clad in 18mm OSB boarding painted grey. It is proposed that this would be clad in softwood sawn planks which will cover the OSB boarding currently on view. The roof would be constructed from slate coloured profile roofing. There is a Upvc Window and door to the front elevation and Upvc window to the side elevation.
27. Bakewell Town Council and nearby neighbours have raised concerns about the design and appearance, size and height of the part constructed shed. Also, that most of the north-west boundary of the garden is now covered by the two sheds.
28. It has been confirmed that the applicant proposes to remove the existing shed once the proposed shed is fully constructed, and its removal can be secured by condition
29. Due to the level of the garden being higher where the building is proposed, it does accentuate the height of the building when viewed from some angles. However when the shed is viewed from other angles, it is only possible to see the apex or ridge of the building and the eaves are well below the boundary fencing and hedging height. The impact on the amenity of neighbouring dwellings is discussed further below.
30. It should be noted that the part constructed shed would be permitted development if it had been constructed 2m away from the boundary fence. Had this been the no aspect of the development would be subject to conditions.
31. It is considered that the proposed size, form and massing of the extensions and alterations would be acceptable in this location and would not have a detrimental effect on the character and appearance of the property or its setting in accordance with policies GSP3, LC4, LH4 and guidance in the SPD.
32. The applicants fall-back position, should this application be refused, would be to relocate the shed 2m away from the curtilage boundary, this would mean that the shed would be within the limitations of the Town & Country Planning (General Permitted Development) Order 2015 (referred to as the GPDO) which sets out a wide range of "permitted development rights" which entitle people to undertake specified types of development without the need for an application for express planning permission.
33. Schedule 2, Part 1, Class E of the GPDO allows householders to erect ancillary buildings incidental to the enjoyment of a dwellinghouse subject to specified conditions. If the

applicant built the shed under PD rights, the only difference would be the position, and in this instance, this would have a greater visual impact and a more detrimental effect on the character and appearance of the site and its setting.

Landscape Impacts

34. 44 Burton Edge is located within a built-up area of Bakewell which is outside the Conservation Area. The gardens have no major trees, but do have hedging, shrubs and fencing that enclose the rear garden.
35. The shed would not be visible to the road (Burton Edge). As such, it is considered that the proposed development would not have a significant impact on the wider landscape character. Therefore it is considered that the proposal complies with the requirements of GSP3, L1, LC4 and LH4.

The impact on the amenity of neighbouring properties.

36. The shed is sited to the rear of the property next to the boundary fencing and the nearest neighbouring properties are the adjoining property at 46 Burton Edge is located 11m north of the proposed site. 42 Burton Edge is 9m east, 40 Burton Edge is 13m south east, 48 and 50 Burton Edge are located 26-28m north, Properties 1, 2 and 3 Stoney Close are located approximately 26-28m south west (opposite) of the proposed site.
37. 42 Burton Edge is the nearest located neighbour to the site. The boundary is separated with mature hedging and only the apex/ridge is visible to this neighbour. The shed would not result in any significantly harmful overshadowing or oppressive impacts to this property.
38. In respect of the relationship with the adjoining property 46 Burton Edge, the new shed is located further away from this neighbouring property than the existing small shed. The shed would be visible from this property, however it would not result in any significantly harmful overshadowing or oppressive impacts to the ground floor windows given the separation distance and position of the shed in relation to this neighbouring property.
39. Only the apex/ridge of the roof is visible above the fencing for properties located opposite (1, 2 and 3 Stoney Close). Although the shed is visible, it is located 26-26m from these properties. As such, the shed would not result in any significantly harmful overshadowing or oppressive impacts to the ground floor windows of these properties.
40. It is considered that the scale of the works proposed and the separation distances between the site and neighbouring properties would not result in any harm to the amenity of occupiers and users of any nearby property. The proposal is considered to accord with policy LC4 in this respect.
41. Concerns have been raised regarding noise from the shed. However as the shed is for domestic use it is considered that noise levels would be typical of those generated within other outbuildings in the locality and would be compatible with this residential area. A condition limiting the use of the outbuilding to being ancillary to the host dwelling is however recommended in order to prevent the use changing in a way that could potentially result in harm to amenity.

Conclusion

42. The proposed shed would not have an adverse impact on the character and appearance of the dwelling, its setting or the wider area.
43. The proposals are therefore considered to be in line with the requirements of GSP1 and GSP3, LC4 and LH4; nor will they have an unacceptable impact on the amenities of the locality and the nearest neighbouring properties, therefore there would be no effect on the

amenities of neighbouring properties.

44. The proposal is in accordance with the relevant policies and guidance, therefore the current application is recommended for approval subject to conditions securing compliance with the plans and design details.

Human Rights

45. None

List of Background Papers (not previously published)

46. None

Report Author and Job Title

47. Teresa MacMillan, Planning Assistant.