

14. APPLICATION TO REMOVE/VARY CONDITIONS ON APPLICATION NP/DDD/0212/0153 (CONVERSION OF CHURCH TO TWO DWELLINGS WITH ACCESS AND PARKING) – VARIATION OF APPROVED ROOFLIGHT SIZES AND POSITIONS, AND ADDITION OF ROOFLIGHT TO FACILITATE ADDITION OF 4TH BEDROOM - FORMER URC CHURCH, PARKE ROAD, TIDESWELL. (NP/DDD/0115/0005, P.9262, 6/1/15, 415078/375698, MN).

APPLICANT: MR ROBIN BROWN

Site and Surroundings

The former URC Church site is bounded by Parke Road to the south, Sherwood Road to the west and a private road to the north, which serves Sherwood Copse, a small estate of private dwellings. The site is located to the west of the main village centre and is set within approximately 0.46 hectares. It comprises the former URC church building and associated pedestrian entrance frontage onto Parke Road, situated in the eastern half of the site, and the former Church Hall building, also known as the School House, situated to the south-west of the Church which has frontages directly onto Parke Road and Sherwood Road. In 2013 the URC church received planning permission to be converted to two market dwellings, with the Church Hall receiving permission for conversion to a single market dwelling. Attached to the eastern end of the School House is the Caretaker's Cottage, which is used as a separate dwelling.

The URC Church is an attractive and imposing building situated on a higher ground level than Parke Road. It has a simple rectangular form, but has an imposing wide gable, which faces Parke Road with a large impressive steep-pitched roof form. The building is constructed of natural coursed gritstone under a blue slate roof and has attractive arched detailing, buttressing, leaded windows and coped gables. There is a formal pedestrian entrance and a frontage boundary comprising a combination of coped walling with iron railings. The building is not listed, but it does make a significant contribution to the character and appearance of the Conservation Area.

Vehicular access is via a single vehicle width access in the north-west corner of the site onto Sherwood Road. This access also serves a separate property to the east (The Manse). The Sherwood Road frontage (western boundary) is enclosed by a 2.5m high (approximately) rubble limestone wall. The northern boundary is enclosed by a 1.6m high (church side) rubble limestone wall.

Proposal

This application seeks to vary conditions of permission NP/DDD/0212/0153, which permitted the conversion of the former URC Church to two open market dwellings with associated parking area and access road. It essentially seeks permission for the same alterations in the previous item but with the addition of one further roof light to facilitate the addition of a 4th bedroom in the northern unit. In addition to that new roof light it therefore also seeks permission to lower the height and adjust the size of 2 previously approved rooflights, and to resize and reposition 4 previously approved rooflights in the west facing roof slope of the church. These have already been fitted and the application therefore seeks retrospective consent to regularise them.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1 Standard time limit.**
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with submitted plans**

- 3 Maintenance of storage of plant area throughout works.
- 4 Maintain access visibility and sightlines.
- 5 Agree details of lowered section of walling to the north of the access track.
- 6 Nest boxes to be installed as previously approved.
- 7 The ridge tile access points for bats and their positioning to be installed as previously approved.
- 8 Two bat boxes shall be mounted internally within the roof void of the southern half of the building.
- 9 Vehicular access, access road and car parking/manoeuvring facilities to be completed.
- 10 Two car parking spaces to be permanently maintained for each dwelling and car parking spaces and associated manoeuvring areas shall remain unobstructed for use at all times.
- 11 Drainage and surfacing materials for the access road and car parking/manoeuvring areas to be installed as previously approved.
- 12 Environmental Management measures shall be undertaken as previously approved.
- 13 Ground levels of the access road and car parking/manoeuvring areas to be established and permanently maintained as previously approved.
- 14 External lighting shall be installed as previously approved.
- 15 Matching materials new for timber and stonework.
- 16 New door frame to be recessed from the external face of the wall the same depth as the adjacent window frames.
- 17 Doors shall be vertically boarded timber with no external framing or glazing.
- 18 Rooflights to the west facing roof slope to be fitted flush with the roof slope.
- 19 All pipework to be completely internal within the building.
- 20 No additional or replacement guttering or downpipes to be installed without the prior approval of the Authority.
- 21 The design and positioning of external meter boxes shall be as previously approved.
- 22 Remove permitted development rights.
- 23 The northern boundary wall to be maintained at its present height, subject to the reduction in height required by Condition 5.
- 24 The external appearance of the louvred openings in both gable ends of the church to be retained.
- 25 Access for birds and bats to the roof void in the southern half of the building via the existing

louvred opening in the southern gable end to be retained.

26 Maintain internal layout as approved.

Key Issues

The permission to convert the former church to a dwelling has been implemented. The site therefore has an extant permission for use as a two market dwellings, and the main issues are as follows:

1. The impact of the additional rooflight and of the alteration of the size and position of the previously approved rooflights on the character and appearance of the building.
2. The impact of the additional rooflight and of the alteration of the size and position of the previously approved rooflights on the character and appearance of the Conservation Area.
3. The impact of the addition of a 4th bedroom on highway safety and access.
4. The impact of the additional rooflight and of the alteration of the size and position of the previously approved rooflights on neighbouring amenity.
5. The impact of the addition of the 4th bedroom on the ecological enhancement provided by the scheme.

History

2013 – Conversion of the former URC Church to two dwellings and creation of new access road and parking – Planning permission granted

2014 – Non-material amendment for replacement of windows, creation of new internal door opening, fitting of aluminium guttering, replacement of glass in internal ground floor screens, provision of disabled access ramps, and adjustment to width of an external door in the west elevation – Amendment permitted

2014 – Discharge of conditions relating to the 2013 planning permission for conversion to two dwellings

2014 – Two applications received for the development subject of the current application. Both withdrawn on grounds of procedural inaccuracies and inaccurate plans.

Consultations

Derbyshire County Council – Highways – Whilst the proposals will also result in an additional bedroom this Authority would not wish to raise objections as parking has already been maximised on the site.

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

Tideswell Parish Council – No response at time of writing.

Representations

5 letters of representation have been received, all objecting to the proposal. They raise the following concerns:

- Over-development of the site.
- The previous consent required four rooflights to be omitted and this was an indication that further roof lights would not be acceptable.
- The impact of the addition of a further rooflight is compounded by the increased size of the approved rooflights.
- The new and adjusted rooflights would increase the prospect of neighbouring properties being overlooked, and would harm the character of the conservation area.
- Lowering the level of the rooflights would not provide a means of escape, as they would open on to a steep roof with a long drop below.
- The rooflights approved on the adjacent Sunday School development are smaller and flush fitting, and common standards should be applied within the same conservation area.
- The highway is narrow and heavily parked and further intensification in the use of the site without additional parking spaces would result in an adverse impact on nearby properties and be detrimental to highway safety.
- There is not an additional parking place as required by Derbyshire Car Parking Standards.
- The development of the site is becoming materially different from the scheme originally approved, and each amendment application is being considered in isolation.
- The addition of the further bedroom will compromise the ecological mitigation measures previously conditioned.
- The intensification of the use of the site and the addition of further roof lights is not a matter that can procedurally be dealt with through a Section 73 application.

Main Policies

Core strategy

Relevant Core Strategy policies: GSP1, GSP3, GSP4, DS1, L3, T1

Local Plan

LC4, LC5, LT11, LT18

Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation and promotes sustainable development; L3 requires that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings and, other than in exceptional circumstances, not cause harm to cultural heritage assets;

LC5 sets out the approach for assessing development in a Conservation Area, such proposals should demonstrate how the existing appearance and character of the Conservation Area will be preserved and, where possible, enhanced; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park; T1, LT11 and LT18 require that transport infrastructure and access arrangements are safe and conserve the National Park's valued characteristics. The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.

National Planning Policy Framework

In this case, it is considered that relevant Development Plan policies are in accordance with the more recently drafted NPPF. The two documents seek a high standard of design which conserves or enhances the character and amenity of the area and heritage assets including the designated Tideswell Conservation Area.

Assessment

Introduction

The permission to convert the former church to two dwellings has been implemented. The site therefore has an extant permission for use as market dwellings and consequently the policy principle and other material considerations relating to the change of use to a dwelling are not revisited within this report. The report instead focuses on the differences between the approved scheme and the current proposal.

Alteration of position and size of rooflights to east roof slope (retrospective)

Visual impact

Four rooflights were approved to the east roof slope under the original conversion consent in 2012. Four rooflights have been installed, but they are larger than those approved, in slightly different positions, and have not been fitted flush with the roof slope as the original approved plans and imposed conditions required. The applicant is therefore seeking to regularise the rooflights as fitted as part of this application. The approved windows were approximately square, subdivided into three panes by glazing bars. The rooflights fitted are 340mm taller and 300mm wider. They are also subdivided in to three by vertical glazing bars. This increase in size and the fact that they have been fitted raised from the roof slope rather than flush is unfortunate. However, the size discrepancy relative to the size of the roof is very small, and whilst they were more traditionally proportioned as previously approved, the vertical subdivision retains some verticality to their appearance. Objectors have drawn attention to the smaller rooflights approved on the neighbouring Sunday School, and consider that those on the church should be in line with those for the sake of consistency and to minimise the impact of the rooflights. However, each proposal must be considered on its own merits, and the roof planes of the church are significantly larger than those of the Sunday School, affecting the proportional relationship of the rooflights to the roof area. Taking account of these factors, on balance, the fitted rooflights are not considered to detract from the character and appearance of the building, or those of the conservation area, and are in accordance with policies L3, LC4 and LC5 in this regard. It is noted that annotation on the plans suggests that these rooflights are to be lowered to provide a means of escape. This is an error; the rooflights are fitted as described above, and in accordance with the positions shown

on the plans. For the sake of clarity it is considered that were permission to be granted a condition should be added to the notice requiring that notwithstanding the annotations, the rooflights are installed in the positions shown.

Amenity

The bottom edge of the rooflights, as fitted, above finished floor level is approximately 2.3m. There is therefore no likelihood of overlooking or loss of privacy to the neighbouring properties. This is in accordance with policy LC4, which requires development to conserve the amenity and privacy of nearby properties.

Alteration of position and size of rooflights to west roof slope

In order to meet building regulations, the applicant is seeking to move the two approved rooflights in the west roof slope further down the roof in order that they can act as escape windows. They would also be widened by approximately 200mm. These would not allow access to the ground in case of a fire, but would be such a height above internal finished floor level as to allow people to reach them and be rescued from the open windows by fire services. These windows have not yet been installed.

Visual impact

The impact of resizing and moving the rooflights down the roof slope is low and considered acceptable as it improves the appearance by bringing them closer to the roof edge, reducing their disruption of the roofs mass.

Amenity

The rooflights would be serving bedrooms and would be at a height above finished floor level that would afford views out of the property. The windows would face away from the closest neighbouring houses however, which are to the north. The closest properties opposite the window would be over 50m away, and so their amenity and privacy would not be affected. As the window would be of an opening type due to being an escape window it would be possible for it to be looked out of towards the north when fully opened. However, these views would be at an obtuse angle from the window, and would be very unlikely to take place with any degree of regularity. In addition, the distances to the closest neighbouring properties in this direction are approximately 20m and 33m from the nearer of the two windows. For these reasons it is considered that their amenity or privacy would be protected, in accordance with policy LC4.

Addition of further rooflight to west roof slope to facilitate addition of 4th bedroom

This rooflight has not yet been installed. It is proposed to be sited to the north end of the west facing roof slope, with its top edge around 1.5m below the height of the roof ridge.

Visual impact

The visual impact of a single further rooflight has been discussed by Officers with the Authority's conservation Officers, who raised no objection to its addition, providing it is no larger than those already approved, of conservation type, and does not set a precedent for doubling up all the way along the roof. Your Officers agree with this assessment; a sustained run of rooflights would have a harmful impact on the roof by virtue of being prominent and disrupting the solid appearance of the roof slope. In fact, such a proposed arrangement was required to be altered by condition when the application was originally granted permission in 2012. It is not considered that the addition of a further single rooflight, at a different height to the other rooflights, would have such an effect, either taken on its own or viewed cumulatively with the previously approved

rooflights. Whilst the siting is not ideal close to the ridge as opposed to the eaves its impact is considered to be low and acceptable, and it is therefore considered to be in accordance with policies L3, LC4, and LC5.

In terms of the impact of adding further a bedroom to the building, this addition would have no external impact beyond that of the rooflight as it would be entirely contained within the existing shell. This is subject to the retention of the louvre window in the north gable, which is a traditional feature of the building. The external appearance of this window could be retained by condition were permission to be granted. It would also be necessary for it to be blocked internally to prevent possible overlooking of properties in this direction, which could also be controlled by condition.

As this elevation is more prominent than the west in close public views it is considered that this rooflight should be installed flush with the roof slope to minimise its impact.

Parking

The addition of a further bedroom does increase the potential for a need for additional parking on the site. The Authority's Local Plan guidance notes for car parking standards advise that properties of 4 bedrooms have a maximum of 3 parking spaces, whereas 3 bedroom properties have a recommendation of a maximum of 2 parking spaces. These are maximum standards, not minimum requirements. Highways Officers have stated that they do not object to the proposal because parking on the site has already been maximised. Your Officers share this view. It would not be practical to incorporate further parking in to the site due to the layout and space available. Whilst local residents might not wish to see further on-road parking in the area, it is not considered that the likelihood or potential impact of this occurrence would cause harm to the safety or amenity of highway users. The application is also considered to accord with policies T1, LT11, and LT18 as it would not have transport impacts beyond those of the previous approval that would adversely affect the character or appearance of the National Park.

Amenity

The additional bedroom would be situated to the north end of the building, by creating a second floor above the approved first floor level. The rooflight serving the room would be at a height above finished floor level that would afford views out of the property. The window would face away from the closest neighbouring houses however, which are to the north. The closest properties opposite the window would be over 50m away, and so their amenity and privacy would not be affected. As the window would be of an opening type due to being an escape window it would be possible for it to be looked out of towards the north when fully opened. However, these views would be at an obtuse angle from the window, and would be very unlikely to take place with any degree of regularity. In addition, the distances to the closest neighbouring properties in this direction are approximately 17m and 30m from the nearer of the two windows. For these reasons it is not considered that their amenity or privacy would be adversely affected, and that this requirement of policy LC4 is therefore met by the development.

Other matters

Protected species

The bird and bat mitigation measures approved under the previous approval required the installation of bat access ridge tiles, external bird boxes, and the installation of internal bat boxes. In addition, it required the louvered openings to each gable to be retained for bird and bat access. The current proposal would involve blocking up the louvered access at the northern end of the building, preventing access to the roof void at this end of the building. However, the ecological survey carried out in support of the original application found no bats to be active

within the building. Evidence of previous bird activity within the buildings roof space was found, but no evidence of protected species activity or any current avian activity was observed either. Your Officers have discussed the current proposal with the Authority's ecology Officer. Given the current lack of use of the building by both bats and birds, their view is that were the bat box previously conditioned to be in the northern part of the roof void to be relocated in the southern gable void (so there would be two boxes in this void that remain accessible via the southern louvered access), in addition to the other ecological measures secured previously, then the development would still represent an enhancement in habitat for both birds and bats. Subject to such a condition, the application therefore complies with the Authority's policies.

The condition requiring a check for nesting birds prior to the commencement of works that was applied to the original permission would no longer be required as both external and internal works have already been started.

Procedural

In terms of procedural matters, more than one objector has raised that they do not consider the application can be considered under the Section 73 provision of the Town and Country Planning Act (1990) because the use of the building as a four bedroom dwelling was not considered as part of the original application, and also because part of the proposal is retrospective which is covered by Section 73a of the Act rather than 73. The original permission allowed for the conversion of the building to two open market dwellings. The alterations proposed within this application remain within the scope of that description, are to the fabric of the building, add no further structures to the site, and would be within the confines of the original site area. The fact that the application was originally determined on the basis of providing two 3 bedroom houses does make this application to add a further bedroom materially different to the original application, as it has the potential to raise further planning matters. Section 73 of the Act permits applications for material amendments to previously granted permissions and 73a permits amendments of the same nature but covers retrospective works. The applicant has made an application for removal or variation of conditions following granting of planning permission, the application has been advertised as such, and Officers have made an assessment of the development under the terms of both Section 73 and 73A of the Act where appropriate. The manner in which the application has been considered is therefore considered procedurally correct.

Conclusion

Overall, the development is considered to conserve the character and appearance of the former church, to conserve neighbouring amenity, and to not have an adverse impact on highway safety. As a result, the development complies with both national and local planning policy and is recommended for approval subject to conditions, including the imposition of those conditions that remain relevant from the previous permission that granted permission for the conversion of the building.

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