

**8. FULL APPLICATION – SECTION 73: VARIATION OF CONDITION 2: EXTENSION TO RIDGE HEIGHT ON NP/DDD/0817/0887, CHEESE PRESS COTTAGE, MAIN ROAD, STANTON IN THE PEAK (NPDDD/0519/0485 TM)**

**APPLICANT: MRS N RAMSDEN**

**Summary**

1. The application is for the variation of condition 2 on the permission pursuant to application NP/DDD/0817/0887 and seeks retrospective consent for works that have already been completed. Changes to the two storey and single storey extension to the north elevation including raising the ridge height, door and window design changes and alterations to fascia. Also the window design to first floor of existing dwelling has been amended. These variations would regularise the differences between originally approved drawing(s) and as built development. The alterations are acceptable and the application is recommended for approval.

**Site and Surroundings**

2. The application site stands approximately 20m back off the north side of Main Road, Stanton-in-the-Peak, backing onto the dead end track which runs east off the end of The Green, and the fields beyond. The property is not listed, but does lie within the Stanton-in-the-Peak designated conservation area.
3. Cheese Press Cottage (formerly known as The Browin) was originally the end of a short terrace of three cottages running at right angles to Main Road; since extending into the middle cottage of the row it is now a semi-detached property. Other extensions and alterations which have been made to the property in the past have an unsympathetic form and massing, and the materials used in their construction, although natural stone, do not match those of the original dwelling as the stonework is very evenly coursed. As existing now, the property has an 'L' shaped footprint and the wider part is under a hipped roof, there is a shallow pitched two storey extension to the west elevation.
4. As seen from Main Road between the properties to either side of the pedestrian access it is at a lower level than the roadside properties, and just a small part is visible.
5. The vehicular access is to the north off the track at the end of The Green, this is the larger part of the garden, there is a strip to the east side, and a yard area to the west.
6. The nearest neighbouring properties are Dormer Cottage, which is attached to the south, and Rock House, which are both on Main Road, and between which there is pedestrian access to the site. Swallow Hole stands immediately to the east, and Sunnysdene to the west, Sunnysdene is set back from the building line of Swallow Hole and Cheese Press Cottage.
7. There are open fields to the north.

**Proposal and Planning History**

8. NP/DDD/0817/0887: Permission was granted to build a rear extension and alterations to building – Granted Conditionally October 2017. The development commenced but it has not been built in accordance with the approved plans.
9. The current application seeks a variation of condition 2 on the permission pursuant to application NP/DDD/0817/0887. This condition states the following:

10. **Condition 2:** *“The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans, drawing number 1098-02 (proposed plans and elevations), received by the Authority 17th October 2017, subject to the following conditions or modifications.”*
11. The current application seeks to vary this condition in order to allow a material minor amendment to the approved scheme in order to regularise the changes that have been made.
12. Enforcement 19/0008 – An enforcement case was opened when the development was built not in accordance with the approved plans. The current application has been submitted in response to discussion with the Monitoring and Enforcement Team.
13. NP/WED/0975/380: Conversion of existing (attached) cottage to additional living – March 1977
14. NP/BAR/0959/10: Alterations and extensions – Granted Sept 1959

**RECOMMENDATION:**

15. **That the application be APPROVED subject to the following conditions and recommendations:**
  - **Development carried out in accordance with plans.**
  - **The fascia/barge board to be removed from two storey extension and the roof verge(s) shall be flush pointed.**

**Key Issues**

- The principle of development
- The impact on the appearance of the property
- The impact on the amenity of neighboring properties
- The impact on the Conservation Area

**Consultations**

16. Stanton-in-Peak Parish Council: *“objects to this application as it specifically goes against PDNPA policy and conditions of the application. Although Council received 4 direct emails of support to the parish council meeting, it believes that its comments have to follow Planning guidance and policy which states that the extension has to be subservient to the original roofline.*

*In raising the roof line to match without consulting and agreeing with the PDNPA planners beforehand, Council cannot see how it can support a build that has deviated from the conditions under which it was granted ie “shall not be carried out otherwise than in complete accordance with the amended plans, drawing number 1098-02 (proposed plans and elevations), received by the Authority 17th October 2017”. Council fears that in accepting this the PDNPA opens itself to a dangerous precedent for all other developments in Conservation Areas in allowing builders and architects to go off plan at their whim and looks to the Planning Committee to ensure that its Planners have a solid justification to avoid such precedent being set if they are minded to support it.”*

17. Derbyshire County Council (Highways): No highway comments.
18. Staffordshire Moorlands District Council: No response to date.

### **Representations**

There have been fourteen letters of representation, twelve of support and two letters of objections. These are summarised below:

#### **Support**

- Improvements have been made through the materials used, for example replacing Upvc with wooden window, using natural stone and slates to match the existing dwelling.
- Improvements have been made to the roof design by increasing the ridge height.

#### **Objections**

- The new ridge height is higher than that of the approved elevation.
- The extension now looks overpowering unlike the approved drawing.
- The oversized barge board is exaggerating the size of the elevation
- For many years the planning authority has been very much against the use of timber to roof perimeters i.e. fascia, soffit and barge boards and in this case the authority has failed in implementing these points.
- The extension to this property has been built wider than the original planning application approval.

### **National Policy**

19. The National Planning Policy Framework (NPPF) has been revised (Published 19 February 2019). This replaces the previous document (2012) 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 particular, Paragraph 172 asserts that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
20. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Adopted Development Management Policies. Policies in the Development Management 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 government guidance in the NPPF with regard to the issues that are raised.

### **Main Development Plan Policies**

21. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L3
22. Relevant Development Management policies: DMC3, DMH7, DMC8
23. GSP1, GSP2, jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.

24. GSP3 requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
25. DS1 supports extensions to existing buildings in principle, subject to satisfactory scale, design and external appearance.
26. Policy L3 states that development must conserve and where appropriate enhance or reveal the significance of architectural or historic assets and their settings.

#### Development Management Policies

27. DMC3 states that development will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
28. With particular attention to (i) siting scale, form, mass, levels, height and orientation in relation to existing building, settlement form and character, including impact on open spaces, landscape features and the wider landscape setting which contribute to the valued character and appearance of the area; and (vi) the detailed design of existing buildings, where ancillary building, extensions or alteration are proposed; and (vii) amenity, privacy and security of the development and other properties that the development affects.
29. DMH7 states that extensions and alterations to dwellings will be permitted provided that the proposal does not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings.
30. DMC8 states that applications for development in a Conservation Area, or for development that affects it's setting or important views into or out, or across or through the area, should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.

#### Relevant Guidance

31. The Authority has a Detailed Design Guide SPD on householder alterations and extensions. The SPD states that all extensions should harmonise with the parent building, respecting the dominance of the original building and being subordinate to it. The original character of the property should not be destroyed when providing additional development.

#### Assessment

##### Principle of Development/Discussion

32. An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. This application seeks to vary condition 2 from the previously approved application.
33. The application numbered NP/DDD/0817/0887 for the erection of a two storey rear extension and alterations to building was granted conditionally in October 2017.
34. Condition 2 of the planning permission states "*The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans, drawing number 1098-02 (proposed plans and elevations), received by the Authority 17th*

*October 2017, subject to the following conditions or modifications.”*

35. This condition was considered to be necessary to ensure clarity and for the avoidance of doubt and to ensure a satisfactory detailed design, which is in character with the local building tradition and the character of the National Park.
36. The two storey extension has been built to the same size as the approved scheme in terms of width and length. However, the application proposes the following variation to regularise differences between originally approved drawing(s) and as built development:
  - Increase in the ridge height of two storey extension to 6.65m.
  - The door design on the two storey extension changed from two glass panel doors with glass panels to either side to four panel bi-folding doors.
  - The door design to the single storey extension changed from two glass panel door to three panel bi-folding doors.
  - Zinc fascia/barge board revised from roof verges and sides to just the ridge.
  - Change in design to first floor elevation windows of the existing dwelling (from two identical, to one medium window and one small window).
37. The alterations to the window design to the first floor elevation windows of the existing dwelling and door design to the two storey extension and door design to the single storey extension are acceptable. There is an appropriate amount of glazing and stonework ratio. The door design to both the single storey section and two storey extension are an improvement to the original design. These alterations do not cause any harm to host dwelling, its setting or the wider area.
38. The zinc fascia/barge board as approved wrapped around the whole of the two storey extension. As built this sits just under the roof verges. Reducing the zinc fascia trim to just the ridge of the roof does change the overall appearance of the two storey extension. The fascia looks overpowering and not in keeping with traditional buildings within the Peak Park. As previously approved it would have formed a contemporary element to the extension. However, this has now been watered down and it looks incongruous. The fascia should be removed and the roof verge flush pointed, with no barge boards or projecting timberwork. This can be achieved by condition.
39. Stanton-in-the- Peak Parish Council have concerns regarding the extension not being built to the approved plans. However, the planning system allows for retrospective applications. The key question is whether or not the changes are acceptable. The change in ridge height wouldn't be setting a precedent for unacceptable development as the size, massing and scale of the built extension are acceptable.
40. The projection of the extension and width are the same as the original design with just the ridge height changing. It is fully acknowledged that it is often necessary for an extension to be built with a ridge line set down from that of the host property in order to achieve a subservient relationship. The previously approved scheme achieved this. However in this case the extension as built is still visually acceptable. The extension still sufficiently harmonises with the host dwelling. The built extension would not cause any harm host dwelling, its setting, wider area or conservation area.
41. Therefore, the variations do not detract from the character, appearance, amenity of the original dwelling, its setting or that of neighbouring property and its setting or conservation area or listed buildings. Therefore considered to be in accordance with Core Strategy policy L3 and Development Management Policies DMC3, DMH7 and DMC8 and the Authority's Adopted Design Guidance and the guidance contained within section 16

of the NPPF.

#### Amenity

42. The nearest neighbouring properties are Dormer Cottage, which is attached to the south of the host property, and Rock House, which are both on Main Road, and between which there is pedestrian access to the site. Swallow Hole, stands immediately to the east, and Sunnysdene to the west, Sunnysdene is set back from the building line of Swallow Hole and Cheese Press Cottage.
43. The two storey extension has been built to the same size width and length as the approved scheme. The ridge height has been increased to 6.65m. The nearest neighbours to this built extension are Sunnysdene to the west and Swallow Hole to the east. The increase in ridge height has not resulted in unacceptable overshadowing or oppressiveness to either of these neighbours or any other neighbouring dwelling.
44. The windows and door openings to north elevation have been changed in design. However, due to the orientation of the cottage with neighbouring properties the windows\doors would not look into the dwellings to either side, therefore, there are no privacy or overlooking issues despite the extent of the glazing. The scale and position of the proposed extensions do not result in unacceptable overshadowing or oppressiveness to any neighbouring dwelling.
45. The built extension has replaced a previous extension whose design and materials were not in keeping with the host dwelling. The extension as built does not have any detrimental effect upon the character and appearance of the property and its setting, nor is there any adverse impact on the conservation area. Therefore the proposal complies with the requirements of GSP3, DMC3, DMH7 and DMC8.

#### Environmental Impacts

46. By virtue of the proposed scale, location and nature of the proposed development, it is considered that an environmental impact assessment is not required.

#### Conclusion

47. The variations to the proposal are considered acceptable and have no detrimental impact on the character and appearance of the existing building, neighbouring properties, and the valued characteristics of the surrounding area. It preserves the character of the Conservation Area. As such, the proposed development is in accordance with Core Strategy policies GSP1 and GSP3, and saved Development Management Policies DMC3, DMH7 and DMC8.

#### Human Rights

48. Any human rights issues have been considered and addressed in the preparation of this report.

#### List of Background Papers (not previously published)

49. Nil

Report Author: Teresa MacMillan – Planning Assistant South Area