

**10. FULL APPLICATION – DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF NEW ROOM ON SAME SITE, STANTON HOUSE, WEST BANK, WINSTER (NP/DDD/0519/0535 TM)**

**APPLICANT:** MR D FREDERICKSON

**Summary**

1. The application is for the demolition of an existing garage and construction of a replacement building on the same site to provide an extension to the host dwelling. The new building would be constructed from materials to match the host dwelling. The replacement building is clearly subservient to the host dwelling and it is considered that the proposed form and massing of the replacement building would not have a detrimental effect on the character and appearance of the property or its setting. It is acknowledged that the extension would be built on land that forms part of the public highway. However, there are no highway safety or amenity issues arising because of this and this issue does not prevent planning permission from being granted. It is concluded that the impacts are acceptable and the application is recommended for approval.

**Site and Surroundings**

2. Stanton House is a detached two storey property constructed from gritstone under a slate roof with timber framed windows and doors. It is situated on the western side of Winster Village on West Bank in a prominent position and lies within Winster's designated conservation area.
3. The nearest neighbouring properties are Glendale which is located 8.5m to the south, Hill Cottage located 17.5m to the east and Rowan Cottage located 12m to the east.
4. There are several Grade II listed buildings close by, the nearest listed buildings are The Harness Room located 15m north, Rose Cottage located 20m north east and Squire White Cottage is located 22m to the north. There is a public footpath that runs to the front of the property.

**Proposal**

5. Permission is being sought to demolish the existing garage and replace with a new room on the same site.

**Planning History**

6. PE\2018\ENQ\34026: The applicant requested pre application advice about an extension in October 2018. Several design options were discussed. The following advice was given:
7. *"I agree that the garage is unsightly and there is no evidence for a previous application for this building. A replacement building would be seen as an enhancement. Even though the existing garage is unremarkable it does not compete with the character of the host dwelling. The proposed building is hybrid, neither a conservatory nor a solid building and competes with the host building."*
8. *You propose that the replacement building would use the same footprint as the existing garage. However this makes the building elongated – horizontally and unbalanced with the host building (see page 16 of the Alterations and Extension Guide – link below). This should be pulled back and made wider to achieve the right balance and harmonises with the host building."*

9. *If you wish to go down the line of a solid type extension, then it needs a more 'solid to glazing' ratio to the front of the building. Either reducing the glazing to two groups of double windows, or a group of three/four windows. It would not be necessary to replicate the coping on the roof. Material matching the existing building would be preferable. Also, for extra light further windows could be placed to the rear of the building."*

The following additional advice was given once the design details had been finalised:

10. *"Further to my site visit, it was decided that you would reduce the length of the garden room and make slightly wider and slightly higher. In regard to the windows at the front, less glazing would be preferable, however the windows do match up with the host building. The window to the side of the building looks too near the ridge and too large for that area, I would recommend that this is omitted."*
11. NP/INV/1218/1186: The current application is a resubmission of an earlier application. The previous application was made invalid when it became apparent that the extension would affect third party land and the required notice had not been served on the affected landowner.

#### **RECOMMENDATION:**

12. That the application be **APPROVED** subject to conditions controlling the following:
- **Statutory time limit.**
  - **Development in complete accordance with the amended plans.**
  - **The new stonework shall be gritstone to match the host dwelling, coursed, laid and pointed to match the existing.**
  - **All new door and window frames shall be recessed from the external face of the wall the same depth as existing frames.**
  - **All windows shall be timber framed and painted to match the host dwelling.**
  - **The new roof shall be slate tiles to match the existing. The roof verge(s) shall be flush cement pointed, with no barge boards or projecting timberwork.**
  - **All rainwater goods shall be black to match the host dwelling.**
  - **Submission of a scheme of measures to address carbon reduction and climate change.**

#### **Key Issues**

- The principle of development
- The impact on the appearance of the property
- The impact on the amenity of neighbouring properties
- Highways issues
- The impact on the Conservation Area
- The impact on Listed Buildings within the location

#### **Consultations**

13. *Winster Parish Council: "The application was considered at a recent meeting of the council when it was resolved to recommend Refusal of the application for the following reasons:*

*The application is essentially a resubmission of a similar application, ref: NP/DDD/1218/1186, to which the council had concerns.*

*It would appear from local knowledge, and confirmation from records relating the highway extent in the area, the existing garage is partially built over the public highway. Moreover, the proposal would generally stand on the footprint of the existing garage failing to remove the obstruction from the highway.*

*The application fails to demonstrate that the Stopping Up process under relevant statutory provisions have commenced.*

*The existing garage is partially built over the public sewer (a Severn Trent Water asset) and the proposed structure would do the same.*

*Loss of garaging space will lead to further on street parking which is limited in the area.*

14. Derbyshire County Council (Highways): *“The proposals are generally the same as the previous application to which the County Council, as highway authority raised no objection subject to replacement parking. Subsequent to that, it was brought to the Councils attention that the existing building was in part constructed on the public highway. I am aware that the applicant has commenced the formal stopping up process.*

*It is apparent that the existing garage/store is not being used as a garage and its internal dimensions fall below the current standards to be classed as a parking space and the actual parking arrangements would remain as existing. On this basis it is not considered that a highway objection to the loss of the ‘garage’ could be sustained.*

*Subject to the satisfactory stopping up of the highway I would raise no further highway comments.”*

15. Derbyshire Dale District Council: No comments to date.

### **Representations**

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

#### **Support**

- The development would improve the appearance of the area and is more in keeping than the existing garage.

#### **Objections**

- The southern boundary line on the plans does not appear to be accurate. It does not confirm an area of possible dispute, i.e. public land (a highway) and a public utility (a mains sewer) that serves several nearby residences.
- The Economy, Transport and Environment's expert has stated (29/1/2019) that 'the existing garage is an unlawful development that has been built over a mains sewer and over a highway'.
- Rebuilding on top of the mains sewer would restrict access (including emergency repair access) to an essential, shared utility.

- Demolition of the existing garage would regularise the situation and offer ease of access (including emergency access) to communal resource, a mains sewer and a public path.
- The proposal relates to a well developed, hillside, residential area within the Winstar Conservation Area. It will further increase the residential footprint and population density in an historic environment that has 5 listed buildings nearby.
- Vehicle parking is relevant to the application. The new build would restrict access to safe parking space for residents, services and grocery delivery vehicles as well as emergency vehicles.
- It is unclear what 'traffic management' would be required and for how long it would be required, for the proposed development. It is not stated if this would restrict safe walking (or wheelchair) distance from car to home, especially if weather conditions were adverse.
- The proposed design of the front elevation of the new build will compete with the existing building. The proposed new build ridge height is significantly higher than that of the existing building.
- Objection to the amount of glazing to front of proposed building as it would overlook neighbouring property.

### **National Policy**

17. 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.
18. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Adopted Development Management Policies 2019. 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**

19. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L3
20. Relevant Development Management policies: DMC3, DMH7, DMC8
21. 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.
22. 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.

23. DS1 supports extensions to existing buildings in principle, subject to satisfactory scale, design and external appearance.
24. 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

25. 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.
26. 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.
27. 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.
28. 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

29. 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

30. The application seeks planning permission for the demolition of the existing garage and construction of new building on the same site to form an extension to the host dwelling. 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. Therefore when assessing this application the key issues for consideration:
  - The impact on the appearance of the property and this part of the National Park
  - The impact on the amenity of neighbouring properties.
  - The impact on the Conservation Area and any Listed Buildings in the vicinity.
31. Pre-application advice was given and the current planning application takes into account the advice given.

32. It is proposed to demolish the existing unsightly garage and to replace it with a building on same site. The existing garage is of Davy block construction and its form detracts from the character of the main house. The proposed extension would occupy a similar footprint to the existing garage (4.8m in depth, 2.7m in width and 2.8m to ridge height) but would not be as long in order to provide a better proportion. The proposed extension would also have a slightly higher ridge line in order to accommodate a steeper roof pitch. It would be constructed from gritstone, with timber framed windows to match the existing dwelling. The detailing largely matches the existing dwelling.
33. The proposed single storey replacement building would be an improvement as it would match the host dwelling in design and materials. The initial design during the enquiry stage would have used the same footprint as the garage and the same height, however, the applicant was advised that enhancement could be achieved by reducing the length of a building and increasing the height slightly, to harmonise with the host dwelling. This has been achieved. The glazing has also been reduced to two windows divided into three which better reflects the host dwelling.
34. The replacement building would be subservient to the host dwelling and it is considered that the proposed form and massing of the replacement building would not have a detrimental effect on the character and appearance of the property or its setting in accordance with policies GSP3, DMC3, DMH7, and guidance in the SPD.
35. The site is in set within a built-up residential area of Winster's Conservation Area. There are several Grade II listed buildings close by, the nearest listed buildings are The Harness Room located 15m south and Rose Cottage located 20m south east. There is a public footpath that runs to the front of the property.
36. The proposed single storey building would be visible from the main road and some of the listed building within the vicinity. The scheme is considered to respect the character of the host dwelling and would preserve the character of the conservation area and the setting of the listed buildings within the vicinity. It would not harm the wider landscape character. The proposal is in accordance with policies GSP3, DS1, DMC3, DMH7 and DMC8.

#### Highway Impacts

37. The existing garage is built partially on land that forms part of the public highway and the new replacement extension with a similar footprint would also be partially built on land within the highway. The applicant is in the process for applying a stopping up of the highway.
38. The Highway Authority has made it clear that there are no highway safety concerns arising from the development being on highway land. The development does not affect the existing parking arrangement. The position of the existing garage (and therefore also the proposed extension) on land within the highway does not appear to prevent safe access to the dwelling or neighbouring properties. As such, the fact that the development would be partially sited on highway land does not give rise to problems of highways safety or amenity.
39. On this basis, there are no planning grounds on which permission should be refused because the development would affect highways land. The planning system allows for planning permission to be granted on third party land, as the case appears to be here. Whether or not the development can actually be implemented is a private matter that would need to be resolved by the affected parties, in this case the applicant and the Highway Authority.

- 40. The existing garage was not a suitable size to park a car and therefore there would be no reduction in the number of parking spaces and the actual parking arrangements would remain the same.
- 41. The development does not give rise to any highway safety concerns and it is in accordance with policy DMT8.

#### Other Issues

- 42. Concerns have been raised that the proposed extension would be built over a Seven Trent maintained public sewer, as is the case with the existing garage.
- 43. Separate consent is required from the water authority for development that is located over or close to public sewers. Granting planning permission does not negate the requirement for approval from the water authority. If planning permission is granted but approval from the water authority is not forthcoming, the development would not go ahead.
- 44. For information purposes, the applicant has advised us that they have contacted Severn Trent Water and this issue has been resolved. In any case though, this matter is covered by other legislation so does not need to be considered under this application.

#### Amenity

- 45. The nearest neighbouring properties are Glendale which is located 8.5m south, Hill Cottage located 17.5m east and Rowan Cottage located 12m east. There are also several Grade II listed buildings The Harness Room located 15m north, Rose Cottage located 20m north east and Squire White Cottage is located 22m to the north.
- 46. Squire White Cottage is located 22m directly opposite the existing garage and the proposed new building. The residents of this property have concerns regarding the height and the amount of glazing.
- 47. The proposed replacement building would project a similar distance from the side of the host dwelling. The ridge height would be slightly higher than the original garage. The proposed use of the new building is a garden room and it would have window openings that would have an outlook towards the main road and Squire White Cottage.
- 48. However, due to the distance between the neighbouring property and the new building, it is considered that this would not cause any privacy issues or overlooking. It is also considered that the scale and position of the proposed extensions would not result in unacceptable overshadowing or oppressiveness to Squire White Cottage or any other neighbouring dwellings.
- 49. 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 in accord with policy DMC8 in this respect.

#### Conclusion

- 50. The proposal to remove the existing garage to the side elevation and to replace with a new single storey extension would not have an adverse impact on the character and appearance of the dwelling, its setting or the wider area.

51. 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.
52. The proposed scheme is considered acceptable and would have no detrimental impact on the character and appearance of the existing building, neighbouring properties, the valued characteristics of the surrounding area. It would preserve the character of the conservation area and would not harm the setting of any listed buildings. As such, the proposed development is considered to be in accordance with Core Strategy policies GSP1 and GSP3, and saved Development Management Policies DMC3, DMH7 and DMC8.

### **Human Rights**

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

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

54. Nil

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