

**9. HOUSEHOLDER APPLICATION: DEMOLISH EXISTING GARAGE AND REBUILD TO SAME SIZE TO FORM UTILITY. REFURBISH COTTAGE INCLUDING REPLACEMENT WINDOWS, INSULATING AND RE-RENDERING SIDE AND REAR WALLS, AND INSTALLATION OF FLUE PIPE ABOVE EXISTING FLUE AT 1 HALL BANK, HARTINGTON (NP/DDD/0415/0309 P.9393 412954/360355 29/05/2015 /DH)**

**APPLICANT: MR BRIAN SWINDELL**

**Site and Surroundings**

1 Hall Bank is a two storey semi-detached cottage located on the south-western side of the named settlement of Hartington. The cottage is rendered and has a Staffordshire blue slate roof, there are a number of different window styles in the property. There was a rendered side extension with a blue slate roof and a timber front, this has now been rebuilt to the same footprint and size, and is the main subject of the current application.

The property lies on the north side of Hall Bank and is within the designated Conservation Area. The rear and west side of the property faces directly onto a downwardly sloping field occupying the corner between Hall Bank and the B5054. The village war memorial is at the junction of Hall Bank and the B5054 at a distance of approximately 56m from the application site, and this area of land is designated as being an Important Open Space within the conservation area. The principle elevation faces south onto Hall Bank across a hard surface to the foreground of the cottage which has space for off road parking.

The nearest neighbouring residential properties are The Old Chapel immediately to the west and Number 2 Hall Bank to the east. On the opposite side of Hall Bank is Reynards Close at a distance of 30m to the south, and Number 2 The Square at approximately 64m west, the rear of the property is directly onto farmland and the nearest neighbouring properties to that elevation are Ivy Dene and Church Steps at a distance of 70m.

**Proposal**

The application seeks to regularise the rebuilding of a side extension to the property off the west gable of block and render construction with a mono-pitched roof clad with blue slates to match the existing dwelling. Although the size and height of the side extension remains as previous, there have been two windows introduced, one facing west and one facing north.

The development description also includes the refurbishment of the cottage including insulating and re-rendering the side and rear walls and replacement windows throughout. As the cottage is not listed these repair works do not require express planning permission and have been included merely to give context to the works.

At the time of a site meeting to give pre-application advice the proposal to install a flue on the rear roofslope above an existing fireplace required planning permission as that elevation faced a highway, therefore this is included in the proposal; however, the Town & Country Planning (General Permitted Development) Order 2015, which came into force on 15 April 2015, has been amended and the proposed flue is now deemed to be permitted development.

**RECOMMENDATION:**

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

- 1. The development shall not be carried out other than in complete accordance with the submitted plans received by the Authority 15<sup>th</sup> April 2015.**

- 2. The development shall not be carried out other than in complete accordance with specifications for minor design details including specifications for construction materials, external doors and windows, and rainwater goods.**

### **Key Issues**

- whether the side extension would detract from the character, appearance or amenity of 1 Hall Bank, its setting within the conservation area, or neighbouring properties.

### **History**

The applicants bought the property in 2012, they sought advice from the Authority as to whether windows could be added to the existing side extension and were advised that as the windows were ground floor they would be permitted development for which planning permission was not required.

In August 2014 it was brought to the Authority's attention that the side extension had been completely removed and was being rebuilt, enforcement case file 14/0559 was created and the applicants advised that as the extension was being totally rebuilt that planning permission was required.

### **Consultations**

Derbyshire County Council (Highway Authority) - No objections

Derbyshire Dales District Council – No response to date

Hartington Parish Council – Raised concerns regarding the application because they considered that:

- the plan drawings were misleading with new windows being drawn on existing elevations;
- the introduction of new windows to be inappropriate in a conservation area;
- the additional windows overlook an important open space as well as being in a conservation area;
- the significant building works to the property, which is in a prominent and central area of the village and is particularly visible to residents and tourists from the War Memorial, are inappropriate;
- the works should not have proceeded to the present level; and
- the building also appears dangerous.

The Parish Council therefore unanimously rejects the proposals at Hall Bank in light of the complete divergence of the existing building.

### **Representations**

One letter has been received by the Authority from the owner/occupier of one of the properties neighbouring 1 Hall Bank. The letter supports the application but expresses concern about the length of time the refurbishment works are taking.

## **Main Policies**

In principle, DS1 of the Core Strategy is supportive of extensions to existing buildings and policy LH4 of the Local Plan provides specific criteria for assessing householder extensions. LH4 says extensions and alterations to dwellings will be permitted provided that the proposal does not:

- i. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
- ii. dominate the original dwelling where it is of architectural, historic or vernacular merit; or
- iii. amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties and contains a number of suggestions for the appropriate design of outbuildings such as garaging.

## **Wider Policy Context**

The provisions of policies DS1 and LH4 and guidance in the Authority's adopted SPD are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and policy LC4 of the Local Plan, which promote and encourage sustainable development that would be sensitive to the locally distinctive building traditions of the National Park and its landscape setting. Policy LC4 and GSP3 also say the impact of a development proposal on the living conditions of other residents is a further important consideration in the determination of this planning application.

As the proposed development is within the boundary of the Conservation Area, policy L3 of the Core Strategy and Local Plan policy LC5 are also relevant. These policies seek to ensure the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced, including its setting and important views into or out of the area.

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) not least because core planning principles in the Framework require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

## **Assessment**

In terms of the background to this application, the owners of the cottage consulted the Authority when the refurbishment works at 1 Hall Bank commenced, initially requesting advice on whether they could insert windows into the existing side extension. Unfortunately, this advice was misunderstood, and instead of merely inserting windows in the existing side extension, which would have been permitted development, the structure was taken down almost to ground level and rebuilt, which meant that they required planning permission to re-erect the side extension, this is the subject of enforcement case file 14/0559.

The applicants have since worked with the Authority and discussed all their plans for the cottage to ensure that no other breaches of planning control occur, and the current application seeks

retrospective planning permission for the extension. In this case, the rebuilt one storey extension is the same footprint and height as previously, therefore the scale and massing are unchanged. The materials for the construction are block and render as previously used to match the cottage itself. Therefore, in general terms, the re-built extension meets the requirements of LH4 which deals specifically with householder developments and supporting design guidance because the re-built extension would be clearly subsidiary to and would harmonise with the main part of the original house.

However, the side extension previously housed a small garage, it is proposed that it will now be brought into the cottage to form a toilet and utility room, this intended use means that the design includes windows on the west and north facing elevations of the extension. The door in the principle elevation is to be a pedestrian door rather than the double doors which were in the original extension. There are no objections to these proposals because officers consider the detailed treatment of the re-built extension is appropriate and reflects the local building tradition.

In terms of neighbourliness, the orientation of the side extension at 1 Hall Bank relative to the north facing windows at The Old Chapel, which is directly west of the application site, means the extension will not have a substantial effect on the outlook from The Old Chapel, nor will the side extension obstruct or block light to The Old Chapel. Due to the intervening distance between the application site and properties directly in line with the windows in the extension, being Number 2 The Square which is approximately 64m to the west, and Church Steps at a distance of approximately 70m to the north, the windows in the extension would not cause any loss of privacy or give rise to any overlooking or amenity issues at those properties.

It is therefore considered that the side extension will not be unneighbourly and it is not considered that retention of the side extension will impact on the quiet enjoyment and amenity of any neighbouring properties, nor will it have an adverse impact on the general amenities of the local area taking into account the modest size and scale of the extension.

With regard to the proposed flue pipe on the north facing roofslope, the householder permitted development rights have been recently amended, therefore the flue over an existing fireplace no longer requires express planning permission. In the interests of the visual impact of the addition of a flue the applicants have stated that it will be black which will minimise the effect when seen against the backdrop of the blue slate roof.

The application refers to replacement windows in the cottage to give context to the works. The current windows are a range of differing styles. New windows are proposed throughout in the existing openings, they are to be recessed from the external wall as existing, some of these will be like-for-like, others will replicate the design of others in the property which are considered to be better proportioned. The new windows will be constructed from timber with a white finish. These works do not require planning permission as they are considered to be repair and maintenance.

It is therefore concluded that the rebuilt side extension, being the only aspect of the refurbishment works that requires express planning permission, will not unacceptably impact on the amenities of the area and would be of a sufficiently high standard of design to warrant approval. Therefore, planning permission should be granted for the side extension if it would not detract from the character and appearance of its landscape setting.

The Parish Council have raised concerns regarding the landscape and visual impact of the extension, particularly referencing the windows in the extension overlooking an Important Open Space within the designated conservation area.

The extension replaces one which was in place for many years, there is no increase in size, and the materials are to match the existing, the difference will be the inclusion of windows. The windows will be constructed of white finished timber and the design replicates those in the rear

elevation of the cottage which is seen from the vantage point of the B5054 and the war memorial. As such, it is considered that the addition of one extra window in the north facing elevation would not have a significantly detrimental impact on the surrounding landscape or views within the conservation area, nor will it have such a significant effect on the elevation itself as to warrant refusal.

Moreover, the extension is seen in the context of the two neighbouring residential properties to the immediate east and west, it is not a separate development seen in isolation, therefore it will not detract from the landscape setting of the dwelling to such an extent that the proposals would harm the character of the area or the scenic beauty of the National Park.

The Parish Council also raised concerns that the building also appears to be in a dangerous and unsafe condition because of the works. The applicant has had the District Council's Building Control inspector visit the site and they were satisfied that the works, which have recently involved the rebuilding of part of the corner wall, was a necessary repair and the building has since been made safe. It is otherwise acknowledged that the works have been ongoing for a long period of time, partly due to the delay caused by the applicants being advised that there had been a breach of planning control which needed to be addressed.

Additionally, some wall has had to be rebuilt to make it safe and the retrospective nature of this application does not help ease any of the Parish Council's concerns. However, the character of an applicant and/or the retrospective nature of a planning application are rarely material planning considerations and these particular concerns are not considered to weigh heavily in the determination of the current application.

### **Conclusion**

In conclusion, it is considered that the application meets the requirements of policies in the Development Plan and national planning policies in the Framework because it would be of an appropriate design and would not harm the valued characteristics of the National Park or the special qualities of the surrounding Conservation Area. The extension meets the specific requirements of LH4 that deals with householder developments because it will be subservient to the host dwelling and it would not detract from the character, appearance or amenity of the main house, its setting or neighbouring properties.

In this case, conditions ensuring compliance with the plans would be necessary in the interests of the proper planning of the local area. It would also be reasonable and necessary to specify design details and materials in the interests of the character and appearance of the completed development. Therefore, in the absence of any other material considerations that indicate permission should otherwise be withheld, the application is recommended for conditional 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