

**8. FULL APPLICATION – CONVERSION OF OUTBUILDING TO ANCILLARY ACCOMMODATION, THE CROFT, THE GREEN, CURBAR (NP/DDD/0515/0457, P.3707, 425399 / 374698, 19/08/2015/AM)**

**APPLICANT: MRS DAVINA ASKEY**

**Site and Surroundings**

The Croft is located at The Green, Curbar and within the designated Curbar Conservation Area.

The Croft is a traditional gritstone cottage set back from The Green. The application building is a single storey stone outbuilding to the front of the cottage which is currently in ancillary domestic use as storage / workshop.

Access to the site is via The Green. The nearest neighbouring properties in this case are Sycamore Cottage to the west and Candlelight Cottage to the south east. A public footpath runs west to east approximately 55m to the rear (north) of The Croft into an area of open access land.

**Proposal**

This application seeks planning permission for the conversion and extension of the existing outbuilding to create ancillary residential accommodation for the Croft.

The proposed accommodation would include a kitchen, dining room / lounge, utility and W.C. at ground floor and two bedrooms, bathroom and storage at first floor.

To facilitate the proposed development the amended plans show that the conversion would be retained within the shell of the main part of the outbuilding. Part of the lower 'off-shot' to the west of the main building would be extended and the mono-pitched roof would be replaced with a new dual-pitched roof. The existing corrugated roofing materials would be replaced with natural stone slate.

The internal floor level within the building would be lowered to allow space for the first floor above. The existing windows and door openings on the southern and eastern elevation would be lowered to the new ground floor level. Two new openings would be inserted in the rear (north elevation) provided with glazing and opening timber doors along with a small new window openings. Four new roof lights are proposed, two in the front and two in the rear of the main roof. A new black flue is also proposed on the rear roof slope for the proposed wood burning stove.

The plans state that the accommodation would be occupied by a dependent relative; however the applicant has made clear that the accommodation would be occupied by the applicant's son and his family and would enable him to care for the applicant and her husband.

Parking space would be provided in the yard to the front (south) of the outbuilding. The proposed accommodation would share vehicular access and the garden space with the Croft. The ground level of the field around the building on the north and east sides would be lowered by approximately 0.8m to facilitate the new openings.

**RECOMMENDATION:**

**That the application be APPROVED subject to prior entry into a S106 legal agreement to prevent the sale of the application building from the dwelling known as The Croft, The Green, Curbar and to prevent the installation of separate services, and subject to the following conditions:**

1. **Statutory three year time limit for implementation.**
2. **Development not to be carried out other than in complete accordance with specified approved plans.**
3. **No development shall commence until full details of proposed finished floor levels and external ground levels have been submitted to and approved in writing by the National Park Authority. The development shall then not be carried out other than in accordance with the approved details.**
4. **No development shall commence until a detailed scheme of landscaping including hard standings, earth mounding, walls, fences and other means of enclosure have been submitted to and approved in writing by the National Park Authority. The development shall then not be carried out other than in accordance with the approved details.**
5. **Conversion to be within the shell of the building only with no re-building.**
6. **Domestic curtilage to be limited to area shown on the amended plan. No permission is granted for the change of use of the agricultural field to domestic land.**
7. **All new service lines to be placed underground and the ground restored to its original condition thereafter.**
8. **Restrict occupancy of the approved development to additional residential accommodation ancillary to The Croft only. Approved accommodation shall not be occupied as an independent dwelling and shall be retained with the existing dwelling within a single planning unit.**
9. **Remove permitted development rights from the converted building for extensions, alterations, outbuildings and gates, walls and fences.**
10. **Conditions to specify and/or approve design details and architectural specifications including timber windows and doors and finish, stonework and pointing, stone slate roof, finish of flue, pipework, roof verges and rainwater goods.**
11. **Parking areas to be laid out and constructed prior to first occupation and maintained throughout lifetime of the development.**

#### **Key Issues**

- Whether the proposed development is acceptable and in accordance with the Authority's housing policies.
- Whether the development would harm the character and appearance of the existing building or the significance of the designated Curbar Conservation Area.
- Whether the development is acceptable in all other respects.

#### **History**

1979: WED0979453: Planning permission granted conditionally for alterations and extension to dwelling and conversion of cowshed to garage. This permission has been implemented (extension erected) but the conversion works to the former cow shed including the insertion of garage doors were never carried out.

2015: NP/DDD/1214/1238: Planning permission refused for conversion and extension of outbuilding to create dependant relative annex. The reasons for refusal were:

- 1. The proposed development would have all the facilities of a two bedroom dwelling house and by virtue of the size and scale of the proposed accommodation the Authority considers that the proposed development would be tantamount to an independent dwelling house and not an annex occupied ancillary to The Croft.*
- 2. The proposed development would significantly harm the character and appearance of the existing outbuilding and harm the significance of the designated Curbar Conservation Area contrary to Core Strategy policies GSP1, GSP3, HC1 and L3, saved Local Plan policies LC4, LC5, LC8 and LH6 and adopted guidance within the Authority's design guide. In this case there are no public benefits which outweigh the harm identified and therefore approval of the proposed development would be contrary to the National Planning Policy Framework.*

### **Consultations**

Highway Authority – No objections subject to all use remaining private and ancillary to The Croft.

District Council – No response to date.

Parish Council – Object to the development for the following reasons.

- Inaccuracies on the submitted plans.
- Application does not show that it will be necessary to demolish the existing traditional building to achieve a lower visual height compared to the previous application.
- Proposed development would be smaller than previously proposed but would still have all the facilities of a two bedroom dwelling and by virtue of the size and scale of the proposed accommodation the Parish Council considers that the proposed development would be tantamount to an independent dwelling.
- The excavation lowers the ground level by approximately 1m at the field end and extends all around the building and into the field which is agricultural land.
- There is no indication of detail for retaining work and landscaping.
- To walls to the front of the existing house appear to be proposed to be re-built. The proposal does not show the existing gateways which are an important feature of the Conservation Area and raise concerns that access to the existing house will be around the proposed development. (Officer note, the amended plans now show these gateways retained).

PDNPA Built Environment – Make the following comments:

- The plans propose to lower the ground level around the east gable end of the building. This could have archaeological implications as the field shows signs of ridge and furrow and could result in domestication of the agricultural land if the doors open out into the field.
- Makes various comments and suggestions on the design. Advises that the proposed new wall within the field be omitted, that the new roof to the smaller section of the building be lowered and that the position of the door openings should reflect the adjacent ground level. Details of the proposed roof lights and flue are also requested.

## **Representations**

A total of five representations have been received to date. Four letters object to the proposed development and one is in support. The reasons given are summarised below, the letters can be read in full on the website.

### Object

- The application is for an independent dwelling.
- The application maximises living space to support the proposed two storey accommodation. This creates a house which could be sold independently in the future which could set a precedent for other similar development within the village.
- The proposed accommodation is larger than the existing house.
- Proposed house is for the applicant and his family and not for a dependent relative.
- Disturbs and encroaches onto agricultural land.
- Concern that the agricultural land will become garden.
- The building will appear larger by virtue of the excavation work and the extended roof sections over the smaller parts of the building.
- The development will harm the character and appearance of the outbuilding and the Conservation Area.
- Development will necessitate complete demolition of the existing structure and the excavation of a large hole to lower the overall height of the new building. Demolition will destroy the character of this range of buildings and their relationship with the surrounding land.
- The Green is impacted by water during heavy rain. The ground works will exacerbate this problem.
- The well is not shown in the turning area. This well is part of the old village trough system and the supply to this trough runs through the application site. The well and stone walls are part of the Conservation Area and need to be safeguarded.
- There is a highway safety issue on The Green as visitors to the area often speed onto the Green from Bar Road. This issue is worsened because there is constant on road parking outside of Pear Tree House and Corner Cottage despite the narrow nature of the road. This causes traffic to drive on the wrong side of the road. The application would result in an increase of traffic movements and any lack of off-road parking would have the potential to harm highway safety.
- There is no evidence to show that this accommodation is essential for the applicant to provide care rather than continuing to live in his existing property. There is also no evidence that the proposed scheme is the only way of providing additional accommodation, compared to, for example, a scheme to convert the outbuilding to a smaller amount of accommodation without requiring alterations or extension.

### Support

- The renovation of the building and replacement of the roof with natural slate, upgrading of stonework and windows can only enhance the aesthetics of this village.

## **Main Policies**

Relevant Core Strategy policies: GSP1, GSP3, DS1, HC1, L1 and L3

Relevant Local Plan policies: LC4, LC5, LC8, LH1, LH4, LH6, LT11 and LT18

National policies in the National Planning Policy Framework (the Framework) and local policies in the Development Plan set out a consistent approach to new housing in the National Park. Paragraph 54 of the Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in policies DS1. HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements. The exceptional circumstances where new housing will be permitted are where the new house would be for key workers in agriculture, forestry or other rural enterprises (policy HC2), or where the development is required to achieve conservation or enhancement or to meet an eligible local need for affordable housing.

LH4 allows for extensions of existing dwellings in principle, provided that the development conserves the character, appearance and amenity of the building, its setting and neighbouring properties. LH6 allows for the conversion of domestic outbuildings to ancillary residential uses and the criteria against such developments will be assessed.

Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should be given great weight in National Parks.

The application site is located within the designated Curbar Conservation Area. Paragraph 132 of the Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The Authority's housing policies are supported by a wider range of design and conservation policies including GSP1 of the Core Strategy which states all policies should be read in combination. GSP1 also says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Core Strategy policy L1 requires all development to conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan. L3 requires all development to conserve and enhance the National Park's cultural heritage respectively and state that other than in exceptional circumstances, development which will have a harmful impact will not be permitted.

Policy GSP3 of the Core Strategy and Policies LC4, LC5 and LC8 of the Local Plan are also directly to the current application because they set out the design principles for conversions of existing buildings in the National Park, and also seek to safeguard the amenities of properties affected by development proposals, and set out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should not impact negatively on the environmental quality of the National Park.

## **Assessment**

### **Principle**

The Parish Council and a number of local people have objected to the proposed development on the basis that it represents the creation of a new residential property on the site. This application seeks planning permission for the conversion and alteration of the existing domestic outbuilding to a dwelling which would be occupied by the applicant's son and his family as ancillary accommodation to the existing dwelling (The Croft) and not as a separate open market or local needs dwelling.

The application building is a modest single storey traditional building, formerly used as a cow shed and currently in use as domestic storage / workshop ancillary to the Croft. The outbuilding has a traditional appearance, built from a mixture of local limestone and gritstone, with timber windows and doors, albeit under a corrugated metal roof.

The outbuilding is therefore considered to be a traditional building of some vernacular merit by virtue of the use of traditional materials and the position of the building within the Conservation Area. Therefore relevant policies in the Development Plan would, in principle, allow for the creation of additional domestic accommodation through the conversion of this building.

Officers understand the concerns raised by the Parish Council and local people in regard to potential for the dwelling to be occupied independently of the Croft due to the size of the proposed two bedroom accommodation and the fact that it has all the facilities for independent living. Officers also agree with concerns that substantial extensions or an increase in roof height of the building would have a harmful impact upon the character and appearance of the outbuilding and the significance of the Conservation Area.

This application is a re-submission following the refusal of planning permission for a different scheme earlier this year. The previous scheme involved substantial extensions to the outbuilding to create a dwelling with a larger floor space than the existing cottage. Officers have met with the applicant and agent following the refusal of planning permission and advised that the amount of accommodation be reduced and retained as single storey to avoid the need for any significant extensions to the building or an increase in the roof height.

The application proposes accommodation on two floors within the building but importantly proposes to reduce the floor levels within the building to allow space for the accommodation without needing to increase the eaves or ridge height of the outbuilding. The large two storey extension which was previously proposed has also been omitted from the scheme.

The amount of accommodation proposed has been reduced to a smaller size than exists within the Croft. The amended plans also show that the proposed accommodation would share access, parking and turning arrangements with the main dwelling along with use of the existing garden. No separate domestic curtilage is proposed for the development. It is also clear from the information submitted with the application that the development would be occupied by the applicant's son and therefore there is a clear family connection between the occupiers of the proposed development and the main dwelling.

It is therefore considered that the proposed dwelling can be considered to be providing additional ancillary domestic accommodation for The Croft which is acceptable in principle. The use of the accommodation as an independent market dwelling would not be in accordance with HC1 because there is no evidence that the proposed development is required to achieve the

conservation or enhancement of the outbuilding or its setting. The provision of a separate domestic curtilage to an independent dwelling within the adjacent field would also be likely to have a harmful impact upon the setting of the building and the Conservation Area.

Therefore if planning permission were to be granted a condition to restrict the occupancy of the development to be ancillary accommodation only and not an independent dwelling would be reasonable and necessary to make the development acceptable in planning terms. The agent has also indicated that the applicant is willing to enter into a legal agreement to prevent the separate sale and provision of separate services to the development. This is discussed in more detail in the “Legal agreement” section of this report.

### Design and impact upon the Conservation Area

The acceptability of the proposed development in principle does not override the conservation purpose of the National Park in terms of the design and detailed treatment of development affecting a building which has vernacular merit, and is therefore worthy of retention.

The application building in this case is a modest single storey building, formerly used as a cow shed and currently in use as domestic storage / workshop ancillary to The Croft. The outbuilding has a traditional appearance, built from a mixture of local limestone and gritstone, with timber windows and doors, albeit under a corrugated metal roof. The outbuilding does not possess any significant architectural or historic merit but does form a part of the group of traditional buildings which make up The Green and in this context makes a positive contribution to the designated Curbar Conservation Area. Despite coming into domestic use, the former cow shed has retained its original character and appearance.

The application proposes to convert the existing outbuilding within the existing shell of the building and without increasing either the eaves or ridge height of the building. The submitted plans show that the internal floor level of the building would be lowered by 0.8m to allow sufficient space for the creation of a first floor. Local levels around the front, side and rear of the main building would be lowered to provide access along with the position of the existing door and window openings.

The plans show that the existing openings would be lowered to meet the new floor level with new timber window and door frames to match the design of the existing openings. The new proposed openings to the side and rear of the building would have fixed internal glazing with opening external boarded timber doors. Conservation style roof lights are proposed in the front and rear of the main roof slope which would be orientated above the openings below. A new black metal flue is proposed projecting out of the rear roof slope.

The proposed alterations are considered to reflect and respect the agricultural character and appearance of the former cow shed in accordance with GSP3, LC4 and LC8. The application also proposes to replace the existing corrugated metal roof with natural stone slate which would provide a significant enhancement to the character and appearance of the building. If permission is granted a condition to remove permitted development rights for various types of domestic extensions and alterations would be recommended in order to ensure that the original character of the outbuilding is conserved.

The ground levels immediately to the front, sides and rear of the building would need to be lowered to provide access to the proposed ground floor level. It is considered that the proposed changes in ground levels around the building would not have a harmful impact upon the character or appearance of the outbuilding or its setting within the Conservation Area or the adjacent field. If permission is granted a condition would be recommended to submit and agree a detailed scheme of landscaping along with proposed finished floor levels and ground levels to ensure that the impact of the development is mitigated as far as practicable.

The application proposes additional parking spaces in the yard area to the front of the outbuilding. Parked cars in this position would be well related to the building and screened by intervening boundary walls from views from the roadside. Views in the wider landscape would be obscured by intervening buildings. It is therefore considered that the proposed parking area is acceptable.

The application includes the field adjacent to the outbuilding within the application site which would have the effect of granting planning permission for the use of the field as domestic land associated with The Croft. It is considered that the domestication of the field would have a significant adverse impact upon its open and agricultural character and appearance and a resultant harmful impact upon the Conservation Area. The agent has submitted an amended plan showing the domestic curtilage strictly limited as existing which would be acceptable. If permission is granted a condition would therefore be recommended to ensure that the development is carried out in accordance with the amended plan.

Concern has been raised by the Parish Council and local residents that it will not be possible to carry out the proposed works without demolishing and rebuilding the outbuilding. There are also concerns that there is insufficient space at first floor for the proposed accommodation which would inevitably lead to the applicant proposing to increase the height of the building in the future.

The application proposes conversion of the existing outbuilding and does not propose to demolish and rebuild the building. Officers have discussed these concerns with the agent at length who has confirmed that it is possible to convert the building and lower the internal floor level without demolition.

The agent has also instructed a suitably qualified structural engineer to inspect the building who advises that the walls of the building are generally in good condition and there is no evidence of any subsidence having taken place. The structural engineer also advises that the structural integrity of the external walls will not be affected provided that localised underpinning is carried out to lower the internal floor level.

It is therefore considered that it is possible to convert the building as proposed and lower the internal ground level. The application does not propose the demolition of the outbuilding and must be determined on its own merits. Officers have made clear to the applicant and the agent that if permission is granted it would be for the conversion of the building in accordance with the submitted plans and that demolition of the building would invalidate the planning permission.

Officers appreciate that the proposed bedrooms at first floor are small because of the limited space within the roof of the building. The agent has confirmed that the proposed sizes are feasible. The fact that small bedrooms are proposed is a matter for the applicant and not a reason to refuse planning permission. Planning permission would be required to extend the building to provide larger rooms and this would be subject to a separate application which would be determined on its own merits.

It is therefore considered that, subject to conditions, the revised scheme would conserve the character and appearance of the application building and that the development would not harm the setting of the buildings within the landscape or require harmful changes to the curtilage. The design of the proposed development is considered to be acceptable and in accordance with policies GSP3, LC5 and LC8.

#### Amenity

Concern has been raised in regard to the potential impact of the development upon the amenity and privacy of the occupants of Candlelight Cottage, which is located to the south and adjacent to the application site.



The rear elevation of Candlelight Cottage faces north towards the application site. The garage and garden associated with the property are located to the front of the outbuilding while the rear elevation of the cottage itself faces over the field to the east of the outbuilding. The openings on the rear elevation of Candlelight Cottage include a large opening to a staircase and two windows to habitable rooms, one at ground and one at first floor.

At the nearest point the rear elevation of Candlelight Cottage would be approximately 13.8m from the proposed dwelling. Given this distance and the orientation of the proposed building in relation to windows to habitable rooms and the garden to Candlelight Cottage it is considered that the proposed development would not be unduly overbearing or result in any significant loss of daylight or direct sunlight to occupants of that property.

The development would result in two additional roof lights on the elevation facing towards Candlelight Cottage. Given the angle between the roof lights and the windows to that property it is considered unlikely that inter-visibility between the windows would be likely to cause any significant loss of privacy. The use of the proposed lowered ground floor windows would not result in any additional loss of privacy.

Additional disturbance from comings and goings and vehicle movements associated with the proposed development would otherwise not be significant to harm the amenity of Candlelight Cottage. The proposed development would otherwise not harm the amenity of any other property given the distances and orientation between the buildings.

#### Other Issues

The proposed development would share access with The Croft. Vehicle speeds along the highway at this point are likely to be relatively slow and therefore it is considered that the development would have adequate visibility and safe access. There is adequate parking space in the curtilage shown on the submitted plans for the parking and turning of two vehicles. Therefore having had regard to advice from the Highway Authority it is considered that the development would be likely to harm highway safety or the amenity of road users.

The application building falls outside of the Authority's requirements for a protected species survey because the building has a metal sheet roof and has been used recently as a workshop. There is no evidence to indicate that any protected species use or are present within the building. It is therefore considered unlikely that the development would have an adverse impact upon any protected species or their habitat.

The development would require excavation within the field around the building to lower the ground level. The affected areas would be limited to immediately around the building and would not have any impact upon the ridge and furrow interest that has been identified within the field by the Authority's Conservation Officer.

#### Legal agreement

Section 106 of the 1990 Planning Act says that any person interested in land in the area of a local planning authority may enter into an obligation (referred to as "a planning obligation"):

- a) restricting the development or use of the land in any specified way;
- b) requiring specified operations or activities to be carried out in, on, under or over the land;
- c) requiring the land to be used in any specified way; or
- d) requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

In this case, a restriction upon separate sale and the provision of separate services would normally be considered to be a 'lawful' obligation because it would restrict the development and the use of the land in a specified way.

However, for the offer of a legal agreement to be capable of constituting a material planning consideration in the determination of the current application, the proposed legal agreement and the obligations to be entered to by the applicant must also meet three tests, which are set out in identical terms in The Community Infrastructure Levy Regulations 2010 and the Framework:

1. necessary to make the dwelling proposed dwelling in the current application acceptable in planning terms; and
2. directly related to the development proposed in the current application; and
3. fairly and reasonably related in scale and kind to the proposed development.

The obligations in the Authority's standard templates for legal agreements for ancillary residential accommodation meet these three tests because the proposed dwelling is of a significant size and is physically capable of being occupied independently and severed from the main dwelling. The independent occupation of the proposed dwelling would also conflict with the Authority's housing and conservation policies. The obligation would relate directly to the development and would be fairly and reasonable related to the development in scale and kind.

### **Conclusion**

Subject to appropriate conditions the proposed use of the application buildings as ancillary residential accommodation to the Croft would be in accordance with relevant policies in the development plan because the proposed development would conserve the character, appearance and amenity of the outbuilding, their setting within the landscape and Conservation Area and neighbouring properties. The proposed development would be served by a safe access and appropriate shared parking and turning space.

The agent has stated that the applicant is willing to enter into a S106 legal agreement to prevent the separate sale of the former barns from the existing dwelling and the installation of separate services. It is considered that the offer of a planning obligation should be given weight because the prior entry into the Authority's standard legal agreement is necessary for the application to be acceptable in planning terms. The planning obligation would also be directly related to the proposal and fairly and reasonably related in scale and kind to the proposed development.

Therefore, subject to conditions and prior entry into an appropriate legal agreement, it is considered that the proposal is in accordance with relevant policies in the development plan and with the National Planning Policy Framework.

### **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