

7. FULL APPLICATION – EXTENSION TO AFFORDABLE DWELLING FROM 2 TO 3 BEDROOM AT 1 NEW EDGE VIEW, UNNAMED ROAD FROM CRESSWELL PART LANE TO MICHLOW LANE, SMALLDALE, BRADWELL (NP/DDD/0123/0008, WE)

APPLICANT: MR DAVID FLETCHER

Summary

1. This application seeks consent for various alterations and extensions to 1 New Edge Road, Bradwell. The property received reserved matters consent in January 2007.
2. The house in this case is an affordable dwelling restricted to occupation by persons with qualifying local residency and secured by the Authority's standard legal agreement under S106 of the Planning Act. The agreement contains a further restriction over any extensions without the Authority's prior consent and which also states that no alterations will be permitted which takes the floorspace of the dwelling beyond the affordable floorspace guidelines.

Site and Surroundings

3. 1 New Edge View is a limestone and blue slate constructed end of terrace property located in the north of Bradwell. The site shares a vehicular access with Ye Olde Bowling Green Inn car park. The dwelling features amenity space to the north and northwest of the property.
4. The property is within the Bradwell conservation area.
5. A public right of way passes to the rear of the properties, just outside of their curtilages.
6. The property is subject to a S106 agreement which outlines that the property shall be reserved as a local affordable needs dwelling.

Proposal

7. This application seeks several alterations to the existing property. It proposes a single-storey western extension off the western projecting gable, and a first-floor extension above the existing garage. The extensions would be constructed from coursed limestone walls and blue-slate roof to match the existing property.
8. The western extension would measure approximately 3.4m x 4.4m from the projecting gable. It would feature a central timber window on the western elevation, and a set of timber framed French doors on the northern (side) elevation. On its roof, there would be two conservation rooflights.
9. The first-floor extension would match the proportions of the garage it is located above. It would measure approximately 3.5m in width, and 5.6m in length.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The proposed development would result in the gross internal floorspace of the dwelling measuring above 97sqm. This would result in the property not remaining affordable in perpetuity. It is therefore contrary to policy DMH7 and the National Planning Policy Framework.**

Key Issues

- Whether the proposed works would result in the property not remaining affordable;
- Design of the alterations and impact on the conservation area;
- Impact on residential amenity.

History

10. 7th August 1996 – Erection of 3 dwellings – Refused. This was subsequently allowed at appeal (273733).

31st August 2000 – Renewal of consent for erection of 3 dwellings – Granted conditionally

11. 24th January 2007 – Erection of 3 dwellings with garages (reserved matters) – Granted conditionally

12. 12th March 2020 – Single storey rear extension – Granted conditionally

Consultations

13. Bradwell Parish Council – Support

14. Derbyshire Highway Authority Comments - The proposal is for extension to affordable dwelling to convert the dwelling from 2 to 3 bedroom. The access is from Michlow Lane which is not an adopted road. The site has 2 car parking spaces, therefore no Highway's objection.

Representations

15. No representations were received during the course of the application.

National Planning Policy Framework (NPPF)

16. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.

17. The National Planning Policy Framework (NPPF) has been revised (2021). This replaces the previous document (2019) 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 174 states 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 Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

19. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies 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.
20. GSP3 - *Development Management Principles*. 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.
21. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Taddington is a named settlement.
22. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
23. L3 – Cultural heritage assets. Seeks to ensure all development conserves and where appropriate enhances the significance of any heritage assets. In this case the Bradwell Conservation area is the relevant heritage asset.
24. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

25. DMC3 - Siting, Design, layout and landscaping. Reiterates, that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
26. Policy DMC5 states that Planning applications for development affecting a heritage asset, including its setting must clearly demonstrate: (i) its significance including how any identified features of value will be conserved and where possible enhanced; and (ii) why the proposed development and related works are desirable or necessary. Policy DMC8 states that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
27. Policy DMH7 deals with extensions and alterations to dwellings. It states that 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 particularly

where it is a designated or non- designated heritage asset; or (iii) amount to the creation of a separate independent dwelling; or (iv) create an adverse effect on, or lead to undesirable changes to, the landscape or any other valued characteristic.

28. Policy DMH7 also states that extensions to affordable local needs dwellings should not exceed 10% of the floorspace or take the floorspace of the house above 97sqm.
29. Policy DMC8 requires applications for development in a Conservation Area to assess and clearly demonstrate how the character or appearance and significance of a Conservation Area will be preserved or enhanced.

Bradwell Neighbourhood Plan

30. The Bradwell Neighbourhood Plan was 'made' in 2015. Of relevance to this application is policy T2 – Retention of car parking which opposes the loss of parking facilities and provision stating 'The removal of any current car parking facilities, both public and private, will be strongly opposed.

Supplementary Planning Documents

31. Additional Guidance PDNP Design Guide paragraphs proceeding 7.8 deal with extensions to existing properties. This outlines that extensions should be subordinate to the main dwelling in terms of size and massing and therefore an appropriate extension will depend on the original property. This outlines detail surrounding the solid to void ratio. The Alterations and Extensions SPD goes into more detail, outlining again about an appropriate size and massing to allow the existing property to remain dominant. It outlines that the preferred option is for materials to match that of the existing building avoiding introducing any 'new' materials to the building.

Assessment

Principle of Development

32. As established in Policy DS1 in the Core Strategy (2011) and DMH7 in the Development Management Policies Document (2019), an extension to a dwelling is acceptable in principle. This stands so long as the proposal does not detract from the character, appearance or amenity of the existing property, its setting and the neighbouring properties.
33. As this property is tied to a Section 106 agreement which restricts the property to cater for affordable local needs, it is pertinent to consider section V of policy DMH7 which states that alterations to affordable dwellings should not exceed 10% of the floorspace or take the floorspace of the house above 97sqm.

Whether the proposed works would result in the property not remaining affordable

34. 1 New Edge View is currently a 2-bedroom property which is tied to a Section 106 agreement that outlines that the occupant of the dwelling must fall within one of five categories which demonstrates that the occupant has a local need to stay within the parish. The occupants of the property are a 4-person household who have the desire to stay within the Parish, but require additional living space. Accordingly, they are looking to alter the existing property to create a 3-bedroom property with additional living space on the ground floor.
35. Policy DS1 and DMH7 permit, in principle, the alteration and extension of properties subject to several criteria. Of particular relevance to this application is part V of policy

DMH7 which states that extensions to affordable dwellings should not exceed 10% of the floorspace or take the floorspace of the house above 97sqm. As this property is occupied by a family of four persons, it is noted that an extension which brings the property up to 97sqm would be permissible, even though it would result in the floorspace of the property increasing by over 10%.

36. In calculating the floorspace of the property, the preamble for policy DMH1 states that the Gross Internal Area of a dwelling is *defined as the total floor space measured between the internal faces of the perimeter walls. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs*. The Design and Access statement erroneously refers to the floorspace in terms of “usable” floorspace, which is at odds with the method of calculating floorspace in the Development Management Policies Plan. Accordingly, the DAS refers to the floorspace of the property being 64sqm *and* the 14.1m garage space.
37. The 16th April 2021 Committee Report on new affordable housing floorspace thresholds set out the Authority’s stance on calculating internal floor space. The report did not seek to prescribe a strict approach on whether garaging should be included within the Gross Internal Area of the property, rather it sought a ‘fact and degree’ judgement on design and relationship to the house. In this instance, it is considered that the integral garage has a close functional relationship to the living space of the property. Accordingly, in the context of the proposed development, which would bring the GIA of the property to 96.8sqm and close to the maximum limit, the impact of the existing integral garage on the affordability of the property is a key material consideration. Following the guidance outlined in the aforementioned committee report, in this case it is appropriate to include the floorspace of the garage in the calculation of the property’s proposed GIA.
38. The Authority’s calculations of the GIA floorspace of the property is approximately ~82sqm. As such, in order to comply with part V of policy DMH7, the combined floorspace of any new alterations must be 15sqm or under (up to the maximum of 97sqm)..
39. The addition of the ground floor and first floor extension would bring the gross internal floor area of the property to 96.8sqm if the floorspace of the garage were excluded. On this basis the property is already on the cusp of the maximum gross internal floor area for affordable dwellings.
40. The provision of a garage, whilst not habitable space per se, has a close functional relationship with the living space of the property. The 2019 paper considers that it is reasonable to consider the material impact of garaging both in terms of ancillary residential space and also the desirability of such a feature to prospective future buyers and the impact this can have on affordability. Constituent housing authorities avoid the provision of integral garages in social housing schemes and the Royal Institute of Chartered Surveyors also outline that garaging should be included within the GIA of a property. Both acknowledge such a feature would impact on the ongoing affordability of a property. As such, officers consider in this case the overall floorspace of the property should be calculated to be 110.8sqm, 13.8sqm over the maximum limit of 97sqm for affordable dwellings.
41. The application has not addressed a specific need for the dwellinghouse to be above the 97sqm threshold. Accordingly, by virtue of the scale of alterations and extensions proposed, it is considered that the proposed development would result in the dwellinghouse not remaining affordable which would be contrary to the principles it was originally permitted on. It is therefore contrary to part V of policy DMH7.

Design and impact on conservation area

42. The property is constructed from limestone, with attractive and formal stone surrounds on the windows and doors, which are constructed from stained timber. The orientation of the property is somewhat at odds with the prevailing frontage of the attached houses, with the property's front door on the northern elevation of the property, whilst the main projecting gable of the house faces west.
43. The proposed north extension above the existing garage would be a subordinate element to the wider property. The ridge height of the extension would sit below the ridge height of the host property, and there would be a modest in-set on the western elevation. This ensures that the proposed extension would be seen a small, subservient element to the wider property and would not result in an incongruous built-form which follows the plane of the existing house. As the side-extension would be built on the existing garage, it would not be afforded a step-back or break on the rear elevation of the property; however, the other measures proposed to ensure the extension is seen as a subordinate element are acceptable and are compliant with the adopted design guides.
44. Similarly, the ground floor western extension would be a subservient alteration to the property. It would be contained within the built-form of the projecting gable with a modest inset. The pitch of the roof would match the host property. This ensures that the extension would be interpreted as a subordinate extension to the wider property.
45. Both extensions would be built from matching materials, with detailing to reflect the host property. This includes timber doors and windows, limestone walls, and blue-slate roofs. These materials and details are considered acceptable.
46. On balance, it is considered that the proposed extensions would ensure that the character and appearance of the property is conserved. The proposed massing, form, materials and details reflect the host property, whilst ensures that the main property is seen as the dominant element on site. It is therefore considered compliant with policies DMC3, DMH7, and associated design guidance.
47. The property is located in the Bradwell conservation area and utilises traditional proportions. It is considered that the proposed development would have a neutral impact on the significance and setting of the conservation area. Whilst the development site would be visible from Mithlow Lane and the public footpath running parallel with the terraced housing, it is considered that the proposed development would not harm the heritage asset. It is therefore compliant with policies DMC5, and DMC8.

Amenity

48. 1 New Edge View has one attached neighbour to the south, 2 New Edge View. Due to the topography of the area, the sloping bank towards the carpark of the Ye Old Bowling Green Inn already creates a somewhat overbearing impact on the ground floor windows of the neighbouring property. It is noted that the property has extant consent for a single-storey rear extension. This relatively small extension contributes to a somewhat "tunnel-effect" on the adjacent ground floor window at 2 New Edge View. As such, it is important to consider whether the additional ground floor extension on 1 New Edge View would exacerbate this issue to the neighbouring property. On balance, it is considered that the cumulative impact of the proposed extension, in connection with the approved extension at 2 New Edge View and the existing topography of the site would not contribute to an unacceptable level of amenity. Indeed, the cumulative

impacts would be limited by virtue of the existing ground-form and constructed (or consented) development.

49. The proposed development is considered acceptable in amenity terms.

Conclusion

50. Whilst the detailed design of the proposed development is considered acceptable in isolation, the proposed development would result in a property that would be above 97sqm in floorspace measured by GIA. This is contrary to policy DMH7 which outlines that affordable local needs dwellings should have a maximum internal floorspace of 97sqm. By having a 4-person affordable dwelling with an overall floorspace of approximately 110sqm, it would result in the dwelling no longer remaining affordable in perpetuity, which is at odds with the justification the property was approved on in the first instance. It is therefore contrary to policy DMH7.

Human Rights

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

52. List of Background Papers (not previously published)

53. Nil

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