

7. FULL APPLICATION - PROPOSED ANNEX TO REAR OF DWELLING AND ASSOCIATED WORKS AT HEATHERLEA, THE HILLOCK, CURBAR (NP/DDD/0323/0314, EJ)

APPLICANT: MR TERRY BEDFORD

Summary

1. The application was deferred from the June Committee at members request in order to obtain clarity about the accuracy of the submitted plans.
2. The proposal is for a detached annex to the rear of Heatherlea, an existing bungalow within Curbar Village and within the Curbar Conservation Area. The annex would be in place of an existing garage and would be constructed in natural gritstone under a 'Hardrow' concrete tile roof.
3. The siting has been amended since the June committee and the report expands upon the issues of accuracy and the impact upon the adjacent barn which concerned neighbouring objectors.
4. The ancillary occupation will house one of the applicant's two elderly relatives. The other would live in part of the main house and both are dependents who would receive care from the applicant and his partner.
5. It is considered the scale of the accommodation is appropriate to meet the need and that the design would conserve and enhance the valued landscape character of the area, including the main dwellinghouse and the Curbar Conservation Area.
6. There is adequate parking on site and there are no neighbouring amenity concerns.
7. The application is therefore recommended for approval subject to conditions.

Site and Surroundings

8. The site is located off The Hillock, a short Culs-de-sac within Curbar village and within the designated Conservation Area. The property is a detached bungalow named Heatherlea, with gardens to front and rear with existing parking areas and a detached garage.
9. The application site relates to the location of the detached garage to the rear which it is proposed to demolish to make way for the proposed annex development. Access is off The Hillock, a shared private access which serves Heatherlea, the dwelling opposite and grazing land immediately to the east of the site.

Proposal

10. The proposal is for the demolition of the garage and the erection in its place of a single storey ancillary residential annex and associated works. The annex would be constructed from natural stone with a tiled roof to match the bungalow and would have uPVC windows and doors.
11. The accommodation would comprise a double bedroom with en-suite bathroom, an open plan lounge and kitchen area with an overall footprint of 8.747m x 6.92m. It is intended that it be occupied by an elderly relative of the applicants. Outside there would be a flagged terrace and path to the street with two parking spaces between the annex and the street. Two further parking spaces are shown beside the bungalow.

12. Amended plans show the annex spaced off from the barn behind by approximately 1.1m and the ground level also lowered, compared to the existing garage ground level, by 1m.

RECOMMENDATION:

That the application be APPROVED subject to conditions:

1. **Standard time limit for commencement of development**
2. **Development in accordance with specified amended plans including prior submission of an amended plan showing sections to demonstrate no excavation within 1.1m of the adjacent barn and detailing the proposed retaining structures/walls to support the retained earth.**
3. **The accommodation hereby permitted shall be ancillary to the dwelling house known as Heatherlea and shall not be occupied as an independent dwelling house. It shall be maintained within the same planning unit as the dwelling house known as Heatherlea and shall not be occupied independently as holiday accommodation during the lifetime of the development.**
4. **Removal of permitted development rights for alterations and extensions and means of enclosure to the ancillary dwelling hereby approved.**
5. **Rooflights to be fitted flush with the roof slope.**
6. **Rooflights to be heritage type in accordance with details submitted to the Authority. (details being submitted in time for meeting)**
7. **The roofing material shall be Hardrow ‘Old Stone tiles’ to match the bungalow.**
8. **The walling material shall be coursed natural gritstone, laid, coursed and pointed to match the existing bungalow.**
9. **Maintain parking spaces.**
10. **Landscaping scheme which shall also include reinstatement of the garden boundary to street.**

Key Issues

- Whether the proposal conserves and enhances the significance/ setting, character, appearance and amenity of the existing building, the Conservation Area and the landscape of the PDNP.
- Impact on neighbouring amenity
- Provision of parking

Relevant Planning History

13. 2023 - NP/DDD/0123/0069 – Proposed Annex to the rear of the dwelling and associated works Application Withdrawn

Consultations

14. Highway Authority – No objections subject to the proposed annex remaining private and ancillary to the existing dwelling with no future sub-letting or selling-off.
15. Curbar Parish Council - Object on the basis that the new proposal does not sufficiently change the Council's view from the original application (NP/DDD/0123/0069), as it does not comply to the Development Management Policies of the Peak District National Park, DMH5 for ancillary developments, and it does not meet the Peak Park design guide.

Representations

16. The Authority has received three representations in objection to the application. The material planning concerns relate to:
 - Provision of parking
 - Dominant position of the proposed annex
 - Services and utilities to the proposed
 - The functional need for the annex to support dependent relatives.
 - Impact on neighbouring property's barn Green Farm, of which they state is of 400 years in age.

Main Policies

17. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, HC1, L1, L3, T3, T7.
18. Relevant Local Plan policies: DMC3, DMC5, DMC8, DMH5, DMH7, DMT3 and DMT8

National Planning Policy Framework

19. 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 176 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.
20. 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.
21. Para 189. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

22. Para 132. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favorably than those that cannot.

Core Strategy Policy:

23. GSP1 – Securing national park purposes and sustainable development. This policy sets out the broad principles for making decisions about sustainable development in the national park context.
24. 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.
25. GSP3 – Development Management Principles. Sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- A. *impact on the character and setting of buildings*
 - B. *scale of development appropriate to the character and appearance of the National Park*
 - C. *siting, landscaping and building materials*
 - D. *design in accordance with the National Park Authority Design Guide*
 - E. *form and intensity of proposed use or activity*
26. GSP4 – Planning conditions and legal agreements. This policy sets out contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
27. DS1 – Development strategy. It names settlements following an analysis of their location, size and function, range of services and/or ease of access to services by public transport, and their capacity for new development.
28. HC1 – New Housing. This policy considers the circumstances in which new housing will be permitted whilst complying with national park purposes.
29. L1 – Landscape character and valued characteristics. This identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

30. L3 – Cultural heritage assets of archaeological, architectural, artistic or historic significance. This policy relates to cultural heritage assets and their settings.

Both policies L1 and L3 say that development must conserve or enhance the landscape and cultural heritage of the National Park and other than in exceptional circumstances development that has a harmful impact will not be permitted.

31. T1 – Reducing the general need to travel and encouraging sustainable transport. T1 © says that sustainable access for the quiet enjoyment of the National Park, that does not cause harm to the valued characteristics, will be promoted.
32. T7 – Minimizing the adverse impact of vehicles and managing the demand for car and coach parks. T7 © refers to the management of non-residential parking.

Development Management Policy:

33. DMC3 – Siting, design, layout and landscaping. This policy states that where development is acceptable in principle, its detailed treatment will be of a high standard that respects, protects and enhances the area's natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage whilst contributing to the distinctive sense of place.
34. DMC5: Assessing the impact of development on designated and non-designated heritage assets and their settings. Heritage assets include both designated and non-designated heritage assets. This policy states planning applications must consider the significance of any heritage asset. Including the extent of any harm to, or loss of, the significance, character and appearance of a heritage asset.
35. DMC8 – Conservation areas. Relevant for development affecting heritage assets (and specifically conservation areas). These policies require applications to be supported by heritage assessments and for development to be of a high standard of design that conserves the significance of heritage assets and their setting. We have an adopted conservation area appraisal for the area and this is a material consideration in the determination of the application.
36. DMH5 – Ancillary dwellings in the curtilages of existing dwellings by conversion or new build. This policy sets out guidance for ancillary residential accommodation within the National Park.
37. DMH7 – Extensions and alterations. This policy sets out that in principle, an extension is acceptable so long as it meets the criteria set out within this policy. This includes that the development must not detract from the character, appearance or amenity of the original building, its setting or impact negatively on the amenity of neighbouring properties. It must also not dominate the original dwelling.
38. DMT3: Access and design criteria & DMT8: Residential off-street parking. Policies DMT3 and DMT8 require safe access and adequate off-street parking.

Supplementary guidance:

Criteria for the Consideration of Ancillary Residential Accommodation as highlighted in the Residential Annexes SPD 2021.

39. Any ancillary residential accommodation is expected to:
- Be subordinate in scale
 - Share a vehicular access with the main dwelling house

- Be in the same ownership as the main dwelling house
- Share utilities with the main dwelling house
- Be located within the residential curtilage or building group associated with the main dwelling house, as well as the main planning unit
- Be sited to as not to have a detrimental impact on:
 - Valued landscape character
 - Cultural heritage significance as defined in the landscape strategy
 - Conservation Area appraisals
 - Farmstead Heritage appraisals
 - Non-designated heritage assets as determined by the Authority in lines with Historic England guidance or buildings not currently recognised as heritage assets or neighbouring amenity;
- Have a functional connection/ degree of dependence to the main dwelling hose
- Contains a level and scale of accommodation that can be justified for its intended occupants
- Have no boundary demarcation or sub-division of the garden areas between the main dwelling house and the annex
- Conserve and enhance the heritage significance/ setting of:
 - The existing building/ building group
 - Main dwelling house
 - Conservation Area
 - Listed Building

40. And where applicable also:

- Comply with the Authority's design standards
- Maintain adequate space with the planning unit to contain the required level of car parking (as determined by the Authority's Parking Standards)
- Respect neighbouring amenity

Assessment

Principle

41. In principle Development Management Policy DMH5 – Ancillary Dwellings in Residential Curtilages (part B) allows for new ancillary residential annex provided that the dwelling is located within an existing building group and is contained within a single planning unit by condition. The policy and residential annexe SPD set out a number of criteria proposals must meet to be accepted which are considered below.

Criteria for ancillary residential occupation:

42. The proposed annex would have a simple form and would be clearly subordinate in scale to the existing bungalow. The one bedroom and overall scale of accommodation is appropriate in scale to meet the needs of the intended dependant elderly relative and is sited within the garden, close to the main dwellinghouse. No sub-division of the garden is proposed. An appropriate condition would be necessary to secure occupation to be ancillary main dwelling and for both to be maintained as a single planning unit in the event of an approval.
43. The proposed annex would share the same vehicular access point as the garage and there are no concerns about parking given the annex would have two parking spaces to the front with a further two spaces beside the bungalow. The proposal would also benefit from shared utilities with Heatherlea which can be secured by planning condition.

44. The position of the proposed annex would meet its functional need as ancillary occupation for dependent relatives and enable a degree of independence for the occupants whilst being close to relatives in the main dwelling for care.
45. The existing garage at the property is not suitable for conversion to meet the need. The PDNPA Ancillary Residential Accommodation criteria notes that a proposed development should contain a level and scale of accommodation that can be justified for its intended occupants. The dependents require both appropriate access and a required scale of living space is needed to accommodate this which the conversion of the existing garage would not accommodate.
46. The applicant has also explored options within policy DMH7 – *Extensions and alterations to existing dwellings*. As members will note through the Parish Council comments, the property Heatherlea has been part-converted to provide ancillary accommodation which the applicant explains has not yet been brought into any use. The applicant explains a need to house two elderly relatives, who cannot live together within one accommodation.
47. The application for the new annex represents living accommodation which is appropriate in size and scale for one dependent, with the other dependent relative intended to make use of the existing annex space created within the existing bungalow. This has had the advantage that the new build annex has been able to be maintained at a more modest size and scale which would be appropriate to the Curbar Conservation Area, and the overall setting of the property.
48. It is therefore concluded that the proposed annex accords with the adopted ancillary residential annexes SPD and policy DMH5 subject to the above-mentioned conditions.

Scale and Design

49. The proposal is for a modest stone-built annex within the rear curtilage of the property, with uPVC windows and doors. The application is a resubmission which follows officer advice following the withdrawal of the previous submission for a larger two-storey annex.
50. This revised one-bedroom annex is modest in scale and would have simple design and form and be built out of natural stone with roofing to match the main dwelling.
51. It is considered that the proposed scale and design would sit in harmony with the existing buildings in and around the site and this small culs-de-sac. Only the roof will be visible outside the immediate confines of the site and therefore have no detrimental impact to the valued landscape, nor would it impact or harm the existing views across to Curbar edge.
52. The annex would be visible from The Hillock and from the immediate neighbouring property – Cottage Farm Bungalow. However, given the reduced height of the proposal, in relation to the existing garage at Heatherlea, and the distance between properties, the proposal is not considered to be harmful in terms of its scale or appearance. In terms of the impact upon the Conservation Area, views are limited and mostly screened from public vantages. Therefore, the visual impact within the conservation area is limited and where seen the matching materials and modest scale of this ancillary outbuilding will ensure the Conservation Area is conserved.
53. Taken as a whole the proposed annex will not harm the character and appearance of the host dwelling, or the street scene or the Curbar Conservation Area.

Heritage Impact

54. The ancillary dwelling would replace the existing garage which is itself sited immediately next to the rear wall of the neighbours barn/outbuilding.
55. The neighbouring objection stated the age of the barn wall adjacent Heatherlea to be 400 years old and that they have strong concerns about the impact of the proposal on the structure as well as the character of the barn and its setting.
56. The planning history suggests the past significant alterations carried out at Green Farm resulted in a de-listing of the property and the associated barn. The outbuilding is therefore not listed and although a building may have stood on the site some time the current structure is understood to have been largely rebuilt which has substantially diluted any heritage value it may once have had.
57. Nevertheless, it is a traditional building which contributes to the character and appearance of the village and the Conservation Area. In comparison with the current garage, the proposed annex would be further away from the rear wall of the adjacent barn. It would also be lower in overall height and would be constructed of natural materials to an improved design. Consequently, officers conclude the development would result in a net enhancement to the setting of the adjacent traditional barn and the Conservation Area.
58. The objector also raised particular concern about the potential of the proposed works to lower the annex into the ground to undermine the foundations of their barn and the close siting preventing the maintenance of the barn wall although it is noted that the existing garage similarly limits access.
59. Since the last meeting the siting has been amended such that the annex building is now 1.1m off the rear of the barn wall to allow for maintenance. However, with a 1m reduction in ground and no section drawing the concern will remain about impact on the barn's foundations. It is therefore considered appropriate to ensure via a suitably worded condition that plans are agreed showing the ground level against the barn maintained and that the drop in ground level takes place solely at the annex with its rear wall having a retaining function to support the adjacent and existing higher ground level. With such a condition it is considered that the proposal can be accommodated without harming the integrity of the barn, its setting or the access required for routine maintenance.

Amenity Impact

60. Concerns have been raised by neighbouring properties on the basis of the height of the proposed being larger than the existing garage. Amended plans show that the proposed annex would still have a scale similar to a typical detached garage. Whilst it would have a greater height than the existing garage, being dug into the site 1m, the ridge height would be slightly lower than that of the existing garage.
61. The proposal would have a three-pane window serving the proposed bedroom looking across to Cottage Farm bungalow. However, the proposal would not appear overbearing or otherwise harm the amenity of the neighbouring property taking into account the use and the distance between the two properties.
62. There have been concerns raised over a hedge owned by a neighbouring property, however, the proposal has now been moved away from the hedge as shown on the amended plans.

63. In the interests of the amenity of the site, neighbouring properties and the character and appearance of the building and its setting, as well as the site remaining a single unit and at a scale to remain within adopted policy for annexes, we consider permitted development rights for alterations should be removed from the building.

64. We therefore conclude that subject to the above conditions there would be no harm to amenity and the proposal complies with the requirements of development plan policies DMC3, DMH7 and national planning policy.

Parking Considerations and Highways Safety

65. Whilst the proposed results in the loss of one garage space for Heatherlea amended plans show there would remain 2 parking spaces at the annex, with a further two spaces next to the bungalow serving Heatherlea. These would meet the parking needs of the site.

66. The Highway Authority have no objections to the application so long as the proposed annex remains in private ownership, and is ancillary to the existing dwelling with no future sub-letting or selling-off. This can be secured through the standard planning condition for residential annexes of this type and hence there are no concerns regarding parking or highway safety in respect of the proposed development.

Conclusion

67. The proposed annex is modest in scale, and of an appropriate high standard of design that will conserve the character, appearance and setting of the dwelling, the street scene and the Curbar Conservation Area. The relocation of the annex away from the rear wall of the adjacent barn will protect the integrity of its foundations and allow space for maintenance. There are no concerns about neighbouring amenity and the level of parking proposed is commensurate with the need and scale of development.

68. We therefore consider the proposal accords with adopted policies in the Development Plan, our annexes SPD and the NPPF.

69. The application is therefore recommended for approval subject to the above conditions.

Human Rights

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

List of Background Papers (not previously published)

71. Nil

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