

**6. FULL APPLICATION – DEMOLITION OF THE EXISTING STRUCTURES TO GROUND LEVEL, ERECTION OF A REPLACEMENT DWELLING WITH GARAGE AND ASSOCIATED LANDSCAPING, PACKAGE TREATMENT PLANT AND OTHER WORKS INCIDENTAL TO THE PROPOSALS AT BIBURY, RIDDINGS LANE CURBAR (NP/DDD/1024/1053, CB)**

**APPLICANT: MR & MRS REA**

**Summary**

1. This application seeks planning permission retrospectively for the demolition of the existing dwelling and for the proposed erection of a replacement dwelling.
2. The design of the proposed replacement dwelling would result in a dwelling which relates well to its immediate setting and would result in significant enhancements required to justify the erection of a market dwelling in this location.
3. The application is acceptable in principle and the proposal is considered to accord with relevant policies. The application is therefore recommended for approval.

**Site and Surroundings**

4. The application site is the former dormer bungalow known as Bibury which is located on the west side of Riddings Lane, north of the hamlet of Curbar and south of Froggatt.
5. The site stands on land which falls to the west with the river Derwent forming the rear boundary, around 60m from the rear elevation of the building. A Public footpath WD28/13 runs along the east bank of the river Derwent, to the rear of the site.
6. The site sits significantly below the level of Riddings Lane. The access is located at the north-east corner of the site. The site contains the partly demolished dwelling and a large detached garage which sits behind the roadside boundary wall and due to the lower site only its roof is visible above the boundary wall.
7. The immediate area is characterised by low density mid-20th century large dwellings set in large plots. The adjoining properties have similar front and rear building lines.

**Proposal**

8. The demolition of the existing bungalow and erection of a two-storey four-bedroomed open market dwelling with a link detached garage with room above forming a fifth guest bedroom.
9. The informal pre-application advice given encouraged an approach which reflects the local building tradition.
10. The dwelling would be faced in coursed natural gritstone. Ashlar gritstone is proposed for window and door surrounds, with the roof to be clad in natural slate.
11. The replacement dwelling would be larger in height and volume than the original building.
12. The main element would be two storeys with a single storey element on the north elevation and would broadly occupy the same footprint as the existing dormer bungalow. A link detached garage would be located on the south elevation. The rear elevation would have a flat roofed canopy located between a two-storey gable and a single storey gable. To the rear of the property would be a raised terrace area.

13. The submitted Climate Change Statement advises that the building would feature sustainable building materials, in addition to utilising sustainable and highly efficient fixtures. The application also proposes the use of PV panels, an Air Source Heat Pump and a MVHR (mechanical ventilation with heat recovery) system.

**RECOMMENDATION:**

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

- 1. Statutory limit for commencement.**
- 2. In accordance with specified amended plans.**
- 3. Submission and approval of materials, design details for dwelling and approval of specification for solar panels and air source heat pump.**
- 4. Submission and approval of landscaping scheme, including tree-planting, walling and hard surfacing. Implementation of landscaping and parking and turning areas.**
- 5. Submission and approval of external lighting scheme.**
- 6. Foul sewerage to package treatment plant to be installed in accordance with details to be submitted and approved.**
- 7. Submission and approval of biodiversity enhancement measures (non-statutory).**
- 8. Submission and approval of Construction Management Plan.**
- 9. Solar photovoltaic panels, air source heat pump and mechanical ventilation system to be installed and operational before the first occupation of the dwelling.**
- 10. Withdraw permitted development rights for alterations, extensions and ancillary buildings, boundary walls and fences.**
- 11. Retain garages for garaging and storage**

**Key Issues**

- Whether the development is acceptable in principle.
- Design, layout and impact on the landscape
- Whether the proposed development would deliver significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape.
- Whether the development is acceptable in all other respects.

**History**

14. 2023 - Proposed car port extension to existing garage - NP/DDD/1123/1369 - Granted conditionally.
15. 2023 - Proposed front gable extension to existing porch. Amended scheme to approved application NP/DDD/0223/0125 (NP/DDD/0823/0907) – Granted conditionally.

16. 2023 - Single storey rear extension, revised rear terrace, revised rear elevation & extended rear dormer. (NP/DDD/0223/0125) – Granted conditionally.

### **Consultations**

17. Highway Authority – No objection to the proposed development subject to a condition and an informative note.

18. Curbar Parish Council – Objected to the submitted scheme for the following reasons;

- *the proposed design does not conform to the Peak Park design guide, including the treatment of roofs and elevations.*
- *concern over the increase in footprint, specifically the additional double garage and breadth.*
- *prominent site highly visible from a popular footpath*

The Parish Council have been re-consulted on the amended plans.

19. Derbyshire Dales district council – no response.

### **Representations**

20. One representation in support of the proposal was received during the determination of the planning application for the following reasons;

- *the proposed building sits well in its context and is still modest within the generous sized plot.*
- *the design approach will be a significant enhancement over the former and existing situation which is currently an eyesore.*
- *the use of materials is in keeping with the area*
- *welcome the renewable technology.*

### **National Planning Policy Framework**

21. 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.

22. 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 policies in the Development Plan and the NPPF.

23. Paragraph 139. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design 54 , taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

24. Paragraph 189. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

### **Relevant Development Plan Policies**

#### **Core Strategy**

25. GSP1 - *Securing National Park Purposes and sustainable development*. States that planning applications should secure National Park purposes and sustainable development. It outlines that policies must be read in combination and all development shall be consistent with the National Park's legal purposes and duty. Where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority.

26. GSP2 - *Enhancing the National Park*. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other Core Policies.

27. 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.

28. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. The site is not within a DS1 named settlement.

29. HC1 - *New housing*. Provision will not be made for housing solely to meet open market demand. Housing land will not be allocated in the development plan. Exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where:

A) It addresses eligible local needs:

- i) for homes that remain affordable with occupation restricted to local people in perpetuity; or
- ii) for aged persons' assisted accommodation including residential institutions offering care, where adequate care or assistance cannot be provided within the existing housing stock. In such cases, sufficient flexibility will be allowed in determining the local residential qualification to consider their short-term business needs whilst maintaining local residency restrictions for the long term.

- B) It provides for key workers in agriculture, forestry or other rural enterprises in accordance with core policy HC2.
- C) In accordance with core policies GSP1 and GSP2:
  - i) it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings; or
  - ii) it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.

Any scheme proposed under CI or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:

- i) it is not financially viable, although the intention will still be to maximise the proportion of affordable homes within viability constraints; or
  - ii) it would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future: in which case (also subject to viability considerations), a financial contribution<sup>102</sup> will be required towards affordable housing needed elsewhere in the National Park.
30. 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.
31. Policy CC1 - *Climate change mitigation and adaption* - states that development must make the most efficient and sustainable use of land, buildings and natural resources.

#### Development Management Policies

32. Policy DMC1 – Conservation and enhancement of nationally significance landscapes. In countryside beyond the edge of settlements listed in DS1, any development with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan.
33. Policy 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.
34. Policy DMH9 – Replacement dwellings. States that the replacement of a dwelling will be permitted provided that the existing dwelling is not of heritage or local landscape value. All proposed replacement dwellings must enhance the valued character of the site itself and the surrounding built environment and landscape, reflecting guidance provided in adopted guidance. Larger replacement dwellings should demonstrate significant overall enhancement to the valued character and appearance of the site itself, the surrounding built environment and landscape. In all cases the replacement dwelling must not create an adverse impact on neighbours’ residential amenity. In all cases the replacement dwelling must exhibit high sustainability standards.
35. Policy DMT3 emphasises the importance of safe access to developments.

36. Policy DMT8 – Residential off-street parking. States off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards and does not negatively impact on the visual and other amenity of the local community. This should be either within the curtilage of the property or allocated elsewhere.

### Design Guide.

37. Paragraph 2.18 of the Design Guide states *‘it is preferable to find a design solution which reflects or reinterprets the local tradition and is also a product of our time....New modern buildings often fail in design terms when their designers are more intent on current architectural fashion than respecting the context they are working within’.*
38. The Design Guide states *“there are still some basic principles that need to be respected if the new is to harmonise successfully with the old. These relate to the three main characteristics of traditional elevations:*
- *A balance of proportions between the overall shape of the walls and the openings they contain.*
  - *A high solid to void ratio in which the wall dominates.*
  - *A simple arrangement of openings, usually formal (often symmetrical) in the case of houses, and informal in the case of outbuildings”.*

### **Assessment**

#### Principle of development

39. The former dwelling was not a heritage asset being a 3 bedroomed dormer bungalow and therefore policy DMH9 allows for the erection of a replacement dwelling subject to specific criteria. The proposed replacement is a 5 bedroomed house and being larger than the former, policy requires that the replacement results in a significant enhancement of the site, surrounding built environment and landscape. The principle of a replacement dwelling is therefore acceptable, but only if the proposal meets the criteria set out in policy DMH9 and in other relevant local policies.

#### Design and impact on the landscape

40. The main element of the proposed replacement dwelling would be two-storey with a lower single storey section on the north gable. Whilst the front elevations are flat to reflect the local tradition, on the rear elevation there are two projecting gables. One is two storey and the other single storey and between the two is a flat roof canopy providing partial covering over the rear terraced area and shading to the SW facing full height glazed doors. From the southern gable of the main house a short single storey flat roofed link would connect the main house to a new one and a half storey high double garage with guest bedroom above.
41. The house would be constructed from natural gritstone under a natural blue stone slate roof. Its frontage width would measure 22.5m, the height to eaves would measure 5m, the height to ridge would measure 7.5m and it would be 9.3m in depth.
42. In comparison, the previous dwelling measured 24m in width, the height to eaves measured 2.5m, the height to ridge measured 5m, with a depth of 10.3m.
43. Since submission of the application, revisions to the design have been agreed with the applicant to provide a less contemporary, less suburban development. These revisions are considered to improve the scheme. The key changes include:

- width of two storey element reduced and the ridge lowered
  - roof of side extension amended
  - glazed balustrades on raised platform removed
  - fenestration amended to give higher solid to void ratio.
  - high sustainability standards demonstrated
44. Whilst the replacement dwelling is larger than the current dormer bungalow, the use of the mixed two and single storey form now better reflects the local building tradition for two storey houses. Coupled with the improved fenestration the proposed dwelling would be of a scale, massing, layout and design that is acceptable and resulting in the proposal relate well to its immediate surrounding.
45. The proposed replacement dwelling complies with design policy DMC3 and is in accordance with supporting design guidance.

#### Whether the proposed development achieves significant enhancements

46. Policy DS1 does allow for other development in the countryside which is required to achieve conservation or enhancement of the National Park. Policy GSP2 states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. It goes on to state that proposals intended to enhance the National Park will need to demonstrate that they offer *significant overall benefit to the natural beauty, wildlife and cultural heritage of the area*.
47. Policy GSP2.D outlines that opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings.
48. When considering whether a development would result in 'significant overall benefit' to the National Park, this should be viewed in the context of the National Park's first purpose.
49. As the replacement dwelling is larger than the current property, Part C of policy DMH9 is most relevant. This requires the replacement dwelling to demonstrate *'significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape'*.
50. As noted earlier in the report, the former dormer bungalow was considered not to possess any cultural heritage significance, or specific architectural or aesthetic significance and provided no contribution to the surrounding built environment or landscape character it sits within.
51. Furthermore, the current partially demolished condition of the building has a detrimental impact on the wider landscape and significant enhancement can in principle be achieved.
52. The proposed development is considered to exhibit high sustainability standards, to meet the requirement of DMH9 E, particularly with regard to the use of solar panels energy producing /saving systems, including an Air Source Heat Pump (ASHP) and a mechanical ventilation with heat recovery system (MVHR).
53. The key issue is however Part C of DMH9 and whether the replacement dwelling meets the high bar of achieving 'significant enhancement' to the valued character and appearance of the site itself, and the surrounding built environment and landscape, and would deliver enhancement to the National Park's special qualities, through the siting of an appropriately designed, scaled and sustainable dwelling.

54. The amended design although larger has a simplified form compared to the former bungalow and the stepped two and single storey forms breaks what would otherwise be an overlong two storey form and scale. This improved form now reflects the local traditional for predominantly two storey houses with subservient elements confined to the rear and side.
55. Whilst greater reductions in length and scale were sought the agent and applicant were unwilling to go further citing the need to make use of existing foundations where possible and achieve a scale of development that would make the scheme viable for the applicant taking into account the demolition and rebuilding costs. Nevertheless, Officers consider that the significant improvement to the form and design details of the replacement dwelling represent sufficient enhancement to the built form and local landscape impact such that the removal of the building and replacement with the new dwelling would be in accordance with Part C of policy DMH9.
56. Accordingly, the proposed development complies with policies DS1, GSP2, L1 and DMH9 C.

#### Impact on amenity

57. Given the relative separation of the site from the adjacent dwellings, Woodlands to the north and Brackenburn to the south (itself a replacement dwelling) it is considered that the development would not result in harm to the amenity of these closest residential occupiers, through either overlooking, overshadowing or loss of privacy.
58. The amenity space of the property would be to the west, and would not have an impact on the residential amenity of any neighbouring properties.
59. The proposal therefore accords with policies GSP3, DMC3 and Part D of DMH9.

#### Impact on Highway

60. The Highway Authority raises no objection, subject to a condition requiring a CMP and an informative note.
61. The proposed development would have sufficient off-street parking to serve the 5-bedroomed property. The proposal is considered not to give rise to any concerns about the scale of vehicular use of the access.
62. Given the previous residential use of the site, it is unlikely that the replacement of the existing building with a new dwelling would raise any highway safety concerns.
63. Therefore, the development is acceptable on highway amenity and safety grounds subject to an appropriate planning condition.

#### Sustainable building and climate change

64. Policy CC1 and the NPPF requires development to make the most efficient and sustainable use of land, buildings and natural resources, taking account of the energy hierarchy to achieve the highest possible standards of carbon reductions and water efficiency.
65. The application provides a Climate Change Statement. The statement sets out how the proposed dwelling would meet the requirements of policy CC1 and our adopted Supplementary Planning Guidance 'Climate Change and Sustainable Building'.
66. The proposed development is also required to exhibit 'high sustainability standards', as required by part E of policy DMH9.



67. The application explains that the scheme is designed to produce a highly sustainable new dwelling, which would include the following measures;

- The proposed development would be constructed using local building materials, sustainable building methods
- The statement also sets out other details which would help to make the new buildings sustainable in terms of energy use.
- solar panels would be located on the rear roof slope and other energy producing /saving systems, including an Air Source Heat Pump and a MVHR (mechanical ventilation with heat recovery) system.

68. These measures are considered commensurate to the scale of development. Given the above, the proposed development is therefore considered to exhibit 'high sustainability standards', as required by part E of policy DMH9. The proposal is also considered to meet the requirements of policy CC1.

### Ecology

69. The proposed development would not impact upon protected species, their habitat or designated sites. The development is exempt from statutory BNG as a self-build dwelling. However, if permission were granted there are opportunities for biodiversity enhancements to be incorporated into the built fabric for bats and birds and for the curtilage to be managed to benefit biodiversity in accordance with the normal requirements of policies L2 and DMC11. This can be secured by planning condition.

### Other matters

70. It is recommended that if this application is approved, the details of the package treatment plant, be reserved by condition, in order to mitigate any potential adverse impacts to the water environment.

### Overall planning balance

71. In the overall planning balance, the proposed design reflects the local building tradition for dwellings, and its scale, form, materials and appearance are acceptable.

72. The proposal would result in significant enhancements to the valued character and appearance of the site itself, and the surrounding built environment and landscape and to the special qualities of the National Park. These material planning considerations weigh in favour of the proposed development.

### Conclusion

73. The proposed replacement dwelling in this location would be of a scale, form and detailed design which respects the local building tradition and the Authority's design guidance.

74. The proposed dwelling would not have a harmful impact on the character of the site and its setting. The proposal adequately addresses the requirements of policy DMH9 and would result in significant enhancements to the special qualities of the National Park.

75. For the reasons set out above, it is considered that the proposal is in accordance with Core Strategy policies DS1, CC1, GSP1, GPS2, GSP3, HC1, L1 and Development Management Policies policies DMC3, DMH6, DMH9.

76. Therefore, the application is recommended for approval subject to conditions.

**Human Rights**

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

78. List of Background Papers (not previously published)

79. Nil

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