

18. FULL APPLICATION – DEMOLITION OF EXISTING DWELLING AND PROPOSED REPLACEMENT DWELLING AT HILLCREST, SHERWOOD ROAD, TIDESWELL (NP/DDD/0315/0150, P.6398, 415072 / 375434, 24/10/2015/AM)

APPLICANT: DLA PIPER LTD

Site and Surroundings

Hillcrest is located within Tideswell and within the designated Conservation Area. The property includes an existing dwelling with pedestrian and vehicular access off Sherwood Road.

The existing dwelling is a non-traditional building constructed from a timber frame with infill wet dash render panels on top of a stone plinth. Two prominent dormer gables face east towards the rear garden under pitched roofs clad with blue slate. The dwelling currently connects with an existing roadside barn which is in separate ownership. The land slopes away from Sherwood Road to the west.

The nearest neighbouring properties are 3 Sherwood Terrace to the north and Two Ways to the south.

Proposal

This application seeks planning permission for the demolition of the existing dwelling and the construction of a replacement dwelling.

The application proposes a detached two storey, four bedroom house built from natural limestone and limestone dash render under pitched roofs clad with natural blue slate. It would have painted timber windows and door frames with gritstone detailing. The plans show that the ground floor level of the dwelling would be 'dug in' below the level of the existing dwelling.

The four proposed bedrooms would be provided at ground and first floor (within the roof space) along with a living room and porch leading to the front entrance out onto the higher ground level to the front of the dwelling. The kitchen, dining room and additional living accommodation would be provided at the lower ground floor with access out onto the rear garden. The existing access will be retained and a total of three parking spaces would be provided; one to the front of the dwelling and two to the rear served by a driveway which would pass the side of the house.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions.

- 1. Statutory 3 year time limit for implementation.**
- 2. Development not to be carried out otherwise than in accordance with specified amended plans.**
- 3. Removal of permitted development rights for external alterations and extensions.**
- 4. Prior approval of detailed scheme of landscaping (including any new planting, earth mounding, re-seeding, walls, gates and hard standing) to be implemented as part of the development.**
- 5. Prior approval of details of foul sewerage.**

6. **Conditions to specify or require prior approval of architectural and design details for the dwelling including, stonework, roof materials, windows and door design and finish and rainwater goods.**
7. **Require fixed windows and obscure glazing for first floor windows on the northern gable and the ground floor windows on the southern gable.**
8. **Prior approval of space within the site for accommodation, storage of plant, materials and parking for site operative's vehicles during construction works.**
9. **Prior approval of bin storage space.**
10. **Parking and turning areas to be laid and constructed prior to occupation and maintained available for use in perpetuity.**

Key Issues

- Whether the principle of the replacement dwelling meets the requirements of Policy LH5.
- Whether the proposed development would otherwise conserve or enhance the valued characteristics of the National Park and be acceptable in all other respects.

Relevant Planning History

None relevant.

Consultations

Highway Authority – No objection.

District Council – No response to date.

Parish Council – No objection.

PDNPA Ecology – Response expected in time for the meeting.

Representations

The Authority has received a total of nine representations on this application at the time this report was written. Four of the letters support the application and four object while one makes general comments. The reasons given in the letters are summarised below. The letters are available to read in full on the Authority's website.

Object

- Proposed house is larger than the existing and do not consider that this addresses a local housing need which is for starter homes or properties that young families can afford. This proposed dwelling would be outside the pockets of most young families in the village.
- New building will be higher than the existing and will spoil views from neighbouring properties over the roof of the building towards the village and the church.
- The windows and roof lights in the building overlook neighbouring properties.
- The proposed two first floor gable windows specifically would overlook numbers 3 and 2 Sherwood Terrace.

- The proposed increase in height / width of the building will have an adverse impact upon the neighbouring properties by reducing sunlight. Any proposed replacement building should be no higher than the existing building.
- No new properties have been built in the Sherwood Road area which have more than two storeys therefore a three storey building is not in keeping with the area.
- Access to the property is between the roadside barn and Sherwood Terrace and therefore there is poor visibility for anyone exiting the site onto Sherwood Road.
- Although three off-street parking spaces are proposed it is easier and more convenient to park on the road which would add to the congestion on the road. The proposed parking spaces could also be used for other purposes and not be available to park cars.
- The vehicle access to the property has been newly created and previously there was no vehicle access to Hillcrest.
- Bats are known to be in the vicinity of the site and this issue needs to be assessed by the Authority when the application is determined.
- The existing property contains a lot of asbestos and demolition of the property could give rise to harmful dust which needs to be properly controlled.

Support

- The current building is an eyesore and is totally out of character with the village. The proposed building will be an enhancement to the Conservation Area and will provide a good home for a family.
- The plans show a traditional style of house which is about the same size as Two Ways and a lot smaller than Sherwood Terrace and would be built from proper limestone walls.
- The plans show that the building will be a little bit higher, but still a lot lower than Sherwood Terrace and spaced equally between Two Ways and Sherwood Terrace.
- The existing house has now off-street parking and would increase parking pressure on the road if it was re-occupied. The proposed dwelling accommodates off-street car parking.

General Comments

- Concern that while three off-street parking spaces are proposed that these will not be utilised. Occupants of the house must use the parking spaces and this should be compulsory.
- Concern about where skips will be placed and trader's vehicles parked during construction.

Main Policies

National Planning Policy Framework

In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

Development Plan policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3 and CC1

Relevant Local Plan policies: LC4, LC5, LC17, LH5, LT11 and LT18

Saved Local Plan policy LH5 is directly relevant for the current application and other key policies relate directly to landscape character, appropriate design and climate change mitigation and adaptation in the National Park.

Local Plan policy LH5 – Replacement Dwellings states that the replacement of unlisted dwellings will be permitted provided that:

- i. The replacement contributes to the character or appearance of the area.
- ii. It is not preferable to repair the existing dwelling.
- iii. The proposed dwelling will be a similar size to the dwelling it will replace.
- iv. It will not have an adverse effect on neighboring properties.
- v. It will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

In addition to policies LC4 and LH5, the draft Development Management Policies Development Plan Document (DPD) was presented to and agreed by members at the Authority Meeting on 2 October 2015. At the October Authority Meeting members agreed that from this stage some limited weight may be attached to the emerging DPD as a material planning consideration; as an agreed statement of the Authority's intended position on development management policy.

Policy DMH9 of the emerging DPD is of particular relevance to this application. This specifically relates to Replacement Dwellings and states that these will be permitted provided that:

- (i) the dwelling to be replaced is not listed individually or as part of a group listing, and
- (ii) the dwelling to be replaced is not considered to have cultural heritage significance, and

Where the original dwelling complies with these principles, development will only be permitted where:

- (iii) the proposed replacement dwelling demonstrates significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape, and
- (iv) the replacement dwelling will not create an adverse impact on neighbours residential amenity, and

- (v) in the event that the replacement dwelling is on another footprint, the existing dwelling is removed from the site prior to the completion of the development, or within 3 months of the first occupation of the new dwelling where the existing dwelling is in residential use, and
- (vi) where there is specific evidence of general housing demand in the Parish for dwellings of the size proposed to be replaced, the replacement dwelling is restricted to that size and/or type.

Adopted design guidance within the 'Design Guide', the adopted Climate Change and Sustainable Building Supplementary Planning Document (SPD) and the Authority's Landscape Strategy and Action Plan offer further guidance on the application of these policies. These policies are supported by a wider range of policies in the Development Plan.

Assessment

Whether the principle of the replacement dwelling meets the requirements of Local Plan policy LH5 (ii)

The existing dwelling is modern has no particular architectural or historic merit. The low massing of the building, wide gables, large bay window openings and construction materials do not reflect the form or detailing of traditional vernacular buildings typically found within Tideswell and in the National Park more generally.

It is therefore considered that the replacement of the existing building with a more appropriate design which enhances the site and its surroundings and incorporates enhanced energy saving measures would be acceptable in principle and in accordance with LH5 (ii).

Whether the proposed dwelling is of a similar size to the dwelling it will replace (Local Plan policy LH5 criteria (iii))

This part of the policy uses the phrase 'similar size' as a parameter to control the size of replacement dwellings to protect the landscape, instead of a simple like for like floor space or volume calculation. This enables a degree of flexibility necessary to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate in the context of different sites and their setting.

The table below shows the difference in size between the existing and proposed dwelling. Members will be aware of officer advice in previous replacement dwelling applications that volume is considered to be a more reliable indicator of 'similar size' in relation to the key issue of landscape impact. Figures have been provided for footprint and volume of the building. Ridge height is discussed later in this report because the application proposes to lower the finished floor level of the proposed house.

	Existing House	Proposed House (percentage change compared to existing)
Footprint (m ²)	58	55 (4% decrease)
Volume (m ³)	307	397 (29% increase)

The proposed house would actually have a smaller footprint than the existing house but as a consequence of providing accommodation over three floors, the volume and height of the house would increase. The increase in volume and height is considered to be significant and therefore it is considered that the proposed house would not be a similar size to the existing house. However taking into consideration the supporting text states that the Authority will take account

of policy LH4 – Extensions to dwellings, which will generally allow around 25% or 30% increases in scale, the proposal is considered to be broadly in conformity with LH5 (iii).

The relative size of the existing and proposed house is only one criterion of the policy and should not be looked at in isolation from the context of the site or its setting within the landscape. In these respects criteria (i), (iv) and (v) of LH5 are particularly relevant.

Whether the proposed dwelling meets the requirements of Local Plan policy LH5 (i), (iv) and (v)

The site is located within Tideswell and there are no concerns that the proposed replacement dwelling would have any adverse impact upon the landscape character of the National Park. A number of representation letters raise concerns about the height and massing of the building and the potential impact upon the privacy of neighbouring properties from overlooking and the potential impact upon natural daylight and sunlight to the properties within Sherwood Terrace.

The proposed dwelling is higher than the existing to accommodate accommodation over three floors, with the third floor within the roof space. The application proposes to lower the finished floor level of the proposed dwelling by digging down into the site and creating a lower ground floor which opens out onto the garden which is at a lower level than Sherwood Road.

The proposed dwelling would therefore have the appearance of a two storey building from the garden side and a single storey building from Sherwood Road with roof lights and windows within the gables providing light into the first floor. The ridge height of the replacement dwelling would be 1.4m higher than the existing building but the overall height of the building would fall between the heights of the neighbouring buildings as the level of the land rises. Consequently, it is considered that the height and form of the proposed dwelling would not be dominant or harmful in the street scene because it would reflect the pattern of existing neighbouring built development.

The form, massing and proposed materials would reflect the local built tradition in accordance with adopted design guidance. The use of natural limestone under a natural blue slate roof reflects buildings within the Conservation Area and would be a significant enhancement over the existing timber infilled panels. The design and proportion of the proposed window and door openings is otherwise acceptable in design terms along with use of natural gritstone detailing.

It is therefore considered that the proposed dwelling is in accordance with LH5 (i) and (v) because the development would make a positive contribution to the character and appearance of the Conservation Area and because the new house would not be more intrusive in the landscape. If permission is granted, Officers would recommend that architectural details and specifications are secured by condition and that a condition to remove permitted development rights for alterations and extensions is also necessary to ensure that the Authority retains control of domestic development which could undermine the character and appearance of the development and the amenity of the area.

LH5 (iv) states that replacement dwellings must not have an adverse effect upon neighbouring properties and this is a key issue which has been raised in representations. Concern has been raised in particular about the impact of the new house upon the residential amenity of the occupants of 3 Sherwood Terrace.

Concern has been raised that the proposed house would result in a significant loss of sunlight and daylight to the occupants of 3 and 2 Sherwood Terrace and that the proposed house would have an overbearing impact upon the occupants of 3 Sherwood Terrace.

Officers have given careful consideration to this issue and visited the application site and 3 Sherwood Terrace at mid-morning when the development would potentially have the greatest impact upon sunlight given the eastern orientation of the properties. As a result Officers have sought amendments to the siting of the proposed house to ensure that the impacts of the

development are mitigated such that the development will not have a harmful impact upon the amenity of occupants of the neighbouring properties.

The proposed house would be 1.4m higher to ridge and 1.1m higher to eaves level than the existing house. The proposed house would also be sited 0.8m further down the garden (east on the site) compared to the existing building. Importantly however, the proposed building is set at a lower level compared to Sherwood Terrace and would be set a further 1m away from that property than the existing building.

As a result the proposed dwelling would remain beneath the eaves and ridge height of Sherwood Terrace and the proposed building would fall outside of the 45 degree measurements from the protected windows of 3 Sherwood Terrace and the 45 degree measurement from the nearest corner of 3 Sherwood Terrace. The proposed building would therefore meet the Authority's adopted guidelines in regard to daylight, sunlight and overbearing.

It is therefore considered that while the proposed building would be taller and set further down the garden than the existing building, the proposed development would not result in any loss of daylight or sunlight which would harm the residential amenity of either 3 or 2 Sherwood Terrace. It is also considered that the proposed development would not have an overbearing impact to 3 Sherwood Terrace.

Concern has also been raised in regard to over-looking from the two proposed first floor bedroom windows in the gable elevation facing north towards 3 Sherwood Terrace. These two windows would directly overlook the garden of 3 Sherwood Terrace and would look towards the rear wall of that property, albeit at an oblique angle. There is a living room window on the existing house which already overlooks 3 Sherwood Terrace and therefore it is arguable whether the proposal would result in any loss of privacy compared to the existing situation.

However, it is considered that the opportunity should be taken to control the overlooking issue by requiring the two proposed windows to be obscurely glazed and fixed to prevent overlooking which would be more likely to occur from the proposed two separate habitable rooms from a higher vantage point. For similar reasons it is recommended that the two ground floor windows on the gable facing south towards Two Ways are also obscurely glazed and fixed to prevent inter-visibility to the ground floor facing window which serves the neighbouring property.

Given the distance to other neighbouring properties there are no concerns that the proposal would result in any loss of privacy or amenity to any other neighbouring property. The potential impact of the development on private views across the village and property values are not material planning considerations and therefore Officers' advise that this issue is given no weight.

Therefore it is considered that the proposed replacement dwelling is in accordance with Local Plan policy LH5. Although the replacement dwelling is not a similar size to the existing dwelling, in the context of this site and its setting within the landscape, the proposed dwelling would make a positive contribution to the character and appearance of the area, would not have an adverse impact upon neighbours and would not be more intrusive in the landscape or street scene either through increased building mass or greater activity.

Other Issues

The proposed house would be served by the existing access which would not be altered. Concern has been raised that the access has been installed recently but this has been carried out in accordance with permitted development rights to serve the existing dwelling and therefore this is the starting point for the determination of this application.

There is space within the site to park and turn three vehicles clear of the highway which is appropriate for the proposed four bedroom house. Therefore, subject to appropriate conditions to require details of a construction compound and provision and maintenance of parking and bin

storage space, it is considered that the development would be served by satisfactory parking and access arrangements in accordance with policies LT11 and LT18.

The application form states that foul sewage drainage is to be to a septic tank however no justification has been given to demonstrate that either a connection to the main sewer or to package treatment plant is not practicable or viable. Therefore the use of a septic tank would not be acceptable. If permission is granted a condition would be recommended to require full details of foul sewerage to be submitted and approved by the Authority. If a connection to the main sewer is not possible then the expectation would be that a suitable package treatment plant would be installed.

Concerns have been raised that the development may have an adverse impact upon protected species and particularly bats which have been witnessed leaving the existing building by occupants of the neighbouring properties. Officers therefore have requested a protected species survey been carried out and a report has now been submitted by the agent.

The survey found no evidence of bats roosting within the building but did find that commuting and feeding bats use the garden to the rear of the existing property. The report advises that where the house attaches to the neighbouring barn that it should be demolished using hand tools only because the barn may have potential to accommodate bats. This barn is in separate ownership and therefore could not be surveyed. The report also advises that any lighting to the outside of the building is direction so that light spill on the eastern end of the garden is minimised.

The report also recommends that demolition works are carried out outside of the bird-breeding season and that integral bird nesting boxes are integrated into the design to provide long-term protected nesting habitat.

Having had regard to the conclusions of the report it is considered that the proposed development would not have any adverse impact upon bats or birds or any other protected species or habitat provided that conditions are imposed to ensure that the development is carried out in accordance with the recommendations of the submitted survey.

The application states that the new dwelling would be constructed to meet the requirements of Code for Sustainable Homes Level 3, despite that code now having been abandoned. This would be achieved by utilising high performance insulation within the walls and roof, efficient lighting and water butts. Surface water would be to a soakaway to the lower end of the garden. The development would also re-use the stone plinth of the existing building within the landscaping works.

Finally, concern has been raised in regard to potential dust arising from asbestos within the existing building which will need to be removed from the site. Any asbestos and other waste arising from the proposed development will need to be removed by an approved contractor. Any removal of asbestos would need to be in accordance with the 2012 Control of Asbestos Regulations and as any impact and risk related to the demolition of the building and removal of asbestos is controlled by separate legislation it is not necessary to repeat this control by way of a planning condition.

Conclusion

It is therefore concluded that the proposed development dwelling is in accordance with Local Plan policy LH5 because although the replacement dwelling is not a similar size to the existing dwelling, taking into account policy LH4 and the context of this site and its setting within the landscape, the proposed development would make a positive contribution to the character and appearance of the area, would not have an adverse impact upon neighbours and would not be more intrusive in the landscape either through increased building mass or greater activity.

There are no objections to the proposed access, parking and manoeuvring space or garage. The proposal would not harm the valued characteristics of the National Park including its landscape character and biodiversity.

In the absence of further material considerations, the proposed development is considered to be in accordance with the development plan and accordingly is recommended for approval subject to conditions.

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