

**10. HOUSEHOLDER APPLICATION – ERECTION OF DOUBLE GARAGE WITH ATTACHED STORE – MAYFIELD, GREAT HUCKLOW (NP/DDD/0414/0410, P.906, 16/4/2014, 417811 / 377866, MN)**

**APPLICANT: MS DEBORAH STANSFIELD**

**Note:** This application was presented to the June Planning Committee where the resolution was one of approval subject to design and siting changes, which officers were delegated to agree with the applicant in consultation with the Chair of Planning Committee.

The changes covered the following:-

- The building be constructed of natural stone, coursed and pointed to match the coursing and pointing of the main house [on the recommendation of the senior Officer at the Committee meeting]
- The relocation of the lower portion of the building housing the garden store from the north-eastern gable to the south-western gable.
- The garage be built a further 1m away from the boundary wall to the north-west than shown on the submitted revised plans

However, the applicant, through their agent, has advised that they do not wish to incorporate these further revisions for the reasons set out below in the revised assessment section of the report. Members are therefore now requested to determine the application as proposed.

**Site and Surroundings**

Mayfield occupies a corner plot on the main road through Great Hucklow village. It is a detached property built with reconstituted stone under a hardrow slate roof. Whilst it does have stone cills and lintels, its form and design are otherwise more modern with a large footprint, plentiful and wide window openings, and fascias beneath the roof eaves.

The property has a large garden to the rear, which is visible from the minor side road that runs alongside the property. Vehicular access to the property is also from this road into the rear garden. To the western edge of the garden is a single garage. This has white painted walls to the sides and rear, a reconstituted stone front gable and a corrugated roof with timber barge boards.

Due to the irregularly shaped plot, the property's curtilage borders neighbours at both The Pines and Rowan House to the west. Whilst more closely related to the immediate neighbour in this direction, The Pines, part of the garden does share a boundary with Rowan House. To the north, the curtilage borders neighbours at both The Alders and Greenwood Cottage. To the east, on the other side of the minor road, is the neighbour at Sycamore House.

The site is just outside of the conservation area, with the conservation area boundary abutting the south and east sides of the property's curtilage.

**Proposal**

Demolition of existing single garage and erection of replacement double garage with attached garden store. Materials would be artificial stone walling to the front and gable elevations with rendered rear wall under a hardrow tiled roof all to match the existing house.

**RECOMMENDATION:**

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

1. **Statutory 3 year time period for commencement.**
2. **Completion in accordance with the revised plans**
3. **The roof lights shall be of a conservation style that fit flush with the slope of the roof and shall be non-opening.**
4. **Any trees required to be felled as a result of the development shall each be replaced with a hawthorn, blackthorn, or holly tree**
5. **The garage shall be used for no other purpose than the garaging of private domestic vehicles**
6. **The development shall remain ancillary to the occupation of Mayfield**

### **Key Issues**

1. Whether the development has an acceptable impact on the character and appearance of the dwelling and wider area
2. The impact upon the setting of the Conservation Area
3. The impact of the development on the amenity of neighbouring properties

### **Consultations**

Derbyshire County Council – Highways – No objection.

Derbyshire Dales District Council – No response at time of writing.

Great Hucklow, Little Hucklow and Grindlow Parish Council – Object on the following grounds:

- Concerned as to the large size of the building and especially the height of the roof.
- The rooflights on the north west side will overlook the rear of the adjacent property (The Pines) and be an intrusion on their privacy.
- The building is similar to the size of a small cottage.
- The building is in close proximity to both The Pines and Rowan House and is going to be very obtrusive and detrimental to both properties.
- The Council also query, as Great Hucklow is in a Conservation Area, whether the building meets the standards required by the Government Section 7 (Requiring good design) and Section 12 (Conserving and enhancing the environment) of the NPPF.

### **Representations**

5 letters of representation have been received objecting to the application. Most matters raised are addressed in the Assessment section below, but Officer responses have been included in bracketed italics where this is not the case. The objections are made on the following grounds:

- The trees close to the boundary of Mayfield and Rowan House would have to be felled, affecting neighbouring outlook and wildlife habitat.
- The size and position of the proposed garage would overshadow a pond in the garden of Rowan House and render it obsolete.
- The rear of the proposed building would be an unsightly obstruction in views from the garden and dwelling of Rowan House.
- The inclusion of windows to the roof of the proposed building is unnecessary for a garage, and would overlook Rowan House.
- The building could later be converted to a dwelling, and its size, together with the nature

- of the window openings, raises concerns over its potential future use.
- There is already a double garage in the grounds of Mayfield which is more in proportion to the size of the house than the proposed building. *[The existing garage is a single garage.]*
  - The building would adversely affect The Pines due to a loss of privacy, natural light, and open outlook.
  - The scale of the proposal will have a significant impact on the Conservation Area.
  - It is not in keeping with the scale and proportions of other similar new developments permitted in the locality and would set an undesirable precedent.
  - It would spoil the view from facing windows of Sycamore House.
  - It would affect the value of The Pines *[This is not a planning consideration]*
  - The garage could create noise and disturbance affecting The Pines.

## **Main Policies**

### Core Strategy

GSP1, GSP2, GSP3, DS1

Policy DS1 allows for the extension of existing buildings in all settlements in the National Park.

Policy GSP2 sets out the policy for achieving enhancement within the Park.

Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation.

GSP3 states amongst other things that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposals.

### Local Plan

LH4, LC4, LC5

The policies of the development plan are generally permissive of householder development provided it will not harm the character and appearance of the original building or its setting and will not harm the amenities of the site, neighbouring properties or the area (policies LC4 and LH4).

Policy LC5 states that development in a conservation area, or that affects its setting, should assess and clearly demonstrate how the existing appearance of the conservation area will be preserved and, where possible, enhanced.

These policies are consistent with the wider range of conservation and design policies in the Development Plan, which promote high standards of design and support development proposals that would be sensitive to the locally distinctive character of the site and its setting and the valued characteristics of the National Park.

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.

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 GSP1, GSP3, DS1,

LC4, LC5, and LH4 of 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 because both emphasise that great weight should be attached to the conservation and enhancement of the National Park landscape and cultural heritage in any planning decision, and also promote high standards of design that would be sensitive to the valued characteristics of the National Park.

## **Assessment**

### ***Design***

#### **Materials**

The existing garage is considered to be out of keeping with its setting. Whilst modest, neither its form or materials reflect either those of the local tradition or the main house. As such it detracts from the setting of the house and the conservation area.

As proposed by the applicant, the front and gable elevations of the replacement garage building would be constructed of reconstituted stone to match that of the house, with the rear elevation being rendered. The roof would be clad with hardrow tiles also to match the house.

A change to the walling material was one of the amendments required by Members at the last Committee meeting, who accepted the Senior Officer's update recommending the use of natural stone instead of artificial. The reasons given were to ensure that the garage matches the wider established local building tradition for natural stone and to maximise the opportunity of enhancement of the site and its setting on the edge of the adjacent Conservation Area. It was also considered by officers that was a reasonable requirement not adding excessive cost.

Since the Committee meeting the applicant's agent has advised that they do not consider this to be either necessary or reasonable in all other respects – as they note that planning conditions are required to be by National Guidance. (now NPPG, paragraph 206). The agent notes that the case Officer considered the reconstituted stone to be acceptable in the original committee report as it matched the existing dwelling and was therefore logical and appropriate. They therefore consider that it has already been accepted by Officers that reconstituted stone is an acceptable material, and that because of this and the additional cost of natural stone (unspecified), the condition is not necessary or reasonable.

Members are now therefore asked to determine whether the reconstituted walling stone to match the existing house as submitted is acceptable without alteration by condition.

#### **Scale**

The size of the proposed building is considered commensurate with its purpose. The main building has the floorspace of a typical double garage and the addition of a garden store is considered a reasonable and simply designed addition. It is also preferable in design terms to the alternative of a timber shed that could be constructed without the benefit of planning permission. Both the property itself and the garden are large, and so the size of the proposed building is considered to relate acceptably to its setting.

#### **Form**

The building follows a traditional design with a pitched roof with the main doors below the eaves. The doors and window openings would have stone lintels and cills and the frames would be constructed of timber.

The applicant has reduced the roof pitch since submission in an effort to mitigate neighbouring concerns regarding the height of the building, but the pitch has been maintained at around 30 degrees, which is in keeping with the local tradition. Four roof lights are proposed, two on each roof slope. They are of a modest size and subject to being of a flush fitting conservation style that minimises the disruption to the roof slope, are considered acceptable.

Overall, due to its traditional form and matching materials the garage is considered to relate acceptably to the dwelling and conserve the character and appearance of its setting, complying with policies LC4 and LH4.

#### Wider impact

Officers have also considered the impact of the garage on the wider setting of the area. Whilst just outside of the Great Hucklow conservation area, the site is adjacent to its boundary and would therefore be seen in the context of the Conservation Area. As discussed above, the building as proposed is considered to represent an enhancement over the garage currently on the site. The existing garage detracts not only from its immediate setting but also from the general character and appearance of the area due to its visibility in public views.

The new garage, by contrast, is of a traditional form and design. It is proposed to be constructed of artificial stone which would match the house rather than natural stone as the planning officer requested at the last meeting. Natural stone was suggested by the Senior officer at the last meeting in recognition of the size of the building, its detached nature from the house as well as its setting where the use of natural stone would reflect the traditional walling material predominantly used in the wider village.

Whilst more prominent than the existing garage due to its size, the proposed replacement does have a more appropriate design and the use of artificial stone would of course match the main house. Consequently it is considered that that it would represent enhancement over the existing and accord with policies seeking to conserve and enhance the character of the wider area (LH4, LC4 and LC5) despite the judgement that the use of natural stone would be more appropriate enhancement in the wider setting.

#### ***Impact on neighbouring amenity***

##### Impact upon The Pines

The neighbouring property considered to be most affected by the development is The Pines, due to the proximity of this dwelling and garden to the application site. The proposed garage would be just over 8m from the rear wall of their house at its closest point. Due to the orientation of the properties relative to the sun path it would not cast shadow over this neighbour or block direct sunlight during any part of the day.

In terms of blocking ambient light, the Authority does not have any adopted guidance on minimum distances for facing buildings to be built apart. A good starting point for making such assessments though is to apply a '25 degree rule' that states that when constructing properties facing each other the new building should not be so close or tall as to break a 25 degree upward line drawn from the centre point of the lowest window. This can provide a good starting point for making an assessment, and helps prevent blocking of light and the construction of overbearing structures. In this instance due to the height of the garage, its distance from the neighbouring property and relatively even ground levels between the two, such a line would not be broken even at the garage's highest point. Given this and the fact that the height of the garage drops away to each side and that it is angled away from The Pines, it is considered that there would not be a significant loss of light to this neighbour.

In terms of being oppressive over this neighbour, the garage would be 1m from the boundary between the two properties at its closest point, and would then angle away from the neighbour as

previously stated. At the ridge it would be 4.4m tall, dropping away to each side in views from The Pines. Whilst it would be visible above the boundary fence, the height and massing of the structure facing this neighbour is not considered to be so significant as to be either overbearing or oppressive. It is also considered that it would not be as dominant in any views from the property or garden as to constitute a loss of outlook.

During the last Committee meeting Members took the view that the impact on this neighbour could be further reduced and required a revised scheme to be agreed that switched the garden store to the other end of the building. The committee felt that this was required to reduce the impact upon the immediate neighbour by moving the taller main garage further from their boundary and breaking up the facing gable elevation.

In response, the applicant's agent has since advised that the alteration would cause his client extra expense through the need for significant further paving, would be detrimental to the appearance of their garden and that they do not consider the change to be either reasonable or necessary under the terms of Circular 11/95 (now addressed by the NPPG). They therefore wish to retain the buildings form as proposed and Members are asked to consider the application on this basis.

#### Impact upon Rowan House

The garage would also be close to the boundary of Rowan House. It would however, be much further from this property in comparison with that of The Pines, and so is not considered overbearing or oppressive. Due to the orientation relative to the sunpath it would cast some shadow over the eastern part of the dwellings large garden. This would be limited to the morning hours and would be only a short shadow due to the buildings' height. It is not therefore considered to have a significant impact on the occupiers ability to enjoy their property; the pond that they have expressed concerns over in relation to overshadowing by the garage would still receive sunlight for much of the day.

Due to the orientation of the building's roof, the rear rooflights would face towards the garden of Rowan House. Whilst significantly above head height and therefore unlikely to cause any amenity issues the applicant has nevertheless revised the original scheme to obscure glaze the rooflights facing in this direction in an effort to mitigate neighbour concerns. With this adjustment, it is considered that any risk of overlooking from the proposed development is removed, and that the privacy of all neighbours would be preserved, as required by LC4.

During the June Committee meeting Members additionally took the view that it would be unfortunate for the existing planting to be lost between the garage and Rowan House, as this serves to break up the building in these views and provides wildlife habitat. It was considered that a 2m wide gap between the building and boundary wall – instead of the one metre proposed – would be more likely to allow the planting to be retained, or allow more space to establish new planting were it found necessary to remove the existing. The Committee also felt it would further reduce the impact of the garage in views from Rowan House.

In reply to this request, the applicants agent has stated that this would involve more excavation costs and that they consider that this 1m movement would provide no significant benefit to the nearest neighbour. They therefore consider the change to be neither necessary nor reasonable and do not agree to the imposition of a condition requiring this, or an amended scheme securing it, and have requested that the application is determined as proposed.

#### Impact upon Sycamore House

The neighbour at Sycamore House has objected to the impact of the development on views from their property. This is not a material planning consideration and in any case, the proposed development is far enough from this property such that it is not considered to have a significant effect on outlook.

## Other neighbours

The neighbours to the north are considered to be such a distance from the application site as to be unaffected by the development.

## Conclusion on amenity issues

On balance, the building as proposed is sited sufficient distance away from adjacent properties and within a setting such that it would not adversely affect neighbouring amenity. As a domestic garage it is not considered that it would create significant further noise than could be generated by use of the existing garage and garden. Overall, the development is therefore considered to preserve the amenity of neighbouring properties in accordance with LC4.

## **Other matters**

### *Trees*

The applicant has advised that they hope to retain the trees that are planted close to the boundary between Mayfield and Rowan House, but that until works begin they cannot be sure whether they will require removal. The Authority's Tree Officer has advised that the trees are not of such significance as to reasonably warrant the imposition of a TPO. He advised that if they were found to require removal however, their replacement with suitable species such as hawthorn, blackthorn and holly would be recommended in order to replace wildlife habitat.

From an amenity point of view, this would also serve to further reduce the impact of the building on Rowan House, as its outline would be broken up. The applicant has advised that they would be happy to undertake replacement planting if it is found necessary to remove the trees, and were permission to be granted this could be required by planning condition. At the last Committee meeting however Members considered that a wider planting belt of 2m would be beneficial, but as discussed under the 'impact on neighbouring amenity' section above this has not been accepted by the applicant.

### *Size*

Objectors have noted that they consider the size of the garage to be akin to that of a dwelling, and are concerned about a potential future change of use. Officers however consider the buildings size to be typical of a double garage. The suggested conditions requiring the garaging use to be retained and ancillary to the use of the dwellinghouse would prevent such a change which, in any case, would require a fresh planning permission.

### *The applicant's potential fall-back position using 'permitted development rights'*

Since the last meeting the applicant, via their agent, has outlined their 'fall-back' position were permission to be refused for the current application.

Officers confirm that under permitted development rights the applicant would be able to erect a garage in the position requested by Members – or in any position in the garden that is 2m from a boundary – up to a height of 4 metres. The applicant has advised that this is the course of action they would pursue were they to be unsuccessful with the current application.

In such circumstances, the Authority would have no control over the design of such a building and in order to comply with the requirements of permitted development regulations the roof pitch would have to be lower than as currently proposed and also lower than the local tradition. The applicant has stated that they would also revert to using the cheaper materials that they had originally proposed – rendered rear and side walls along with timber, rather than stone, lintels above the doors.

Officers consider that this would be most unfortunate given the improvements to the design that have already been negotiated on the current application. Such a scenario would result in a building that is less likely to conserve the character and appearance of the Conservation Area. In the circumstances this fall back position is therefore given considerable weight in Officers' continued support of the current application in the position and form as submitted. The previous officer suggested condition to build the walling material is still felt to be appropriate in this setting and especially because it should not entail additional cost, however, given the threat of losing all the enhancements in the current scheme via the real possibility of the fall-back position your officers have reluctantly decided not to recommend this condition to the Committee in this report.

### **Conclusion**

The form, design and size of the building are all considered to comply with both the Authority's adopted design guidance and the policies of the Development Plan.

Whilst Officers understand Members' efforts to protect the amenity of neighbouring properties, Officers consider that as proposed the application does not have such an impact on this amenity to be either significant or unacceptable.

Given these considerations, and also given the applicants fall back position of construction under permitted development rights, the application is recommended for approval.

### **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