

APPLICATION NUMBER		22/00616/FUL	
SITE ADDRESS:		Whitebeam Cottage, Hillside Lane, Brassington, Matlock, Derbyshire, DE4 4HL.	
DESCRIPTION OF DEVELOPMENT		Two storey extension to side and rear	
CASE OFFICER	Heaton Planning	APPLICANT	Mrs R Summerfield
PARISH/TOWN	Brassington	AGENT	James Probert – OakenStone Design Planning Build
WARD MEMBER(S)	Cllr D Murphy Cllr R FitzHerbert	DETERMINATION TARGET	20.07.2022
REASON FOR DETERMINATION BY COMMITTEE	More than 5 unresolved objections.	REASON FOR SITE VISIT (IF APPLICABLE)	n/a – Members visited the site on the 15 th August 2022.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of proposed development - Design and impact upon the local area - Impact upon the Conservation Area - Impact upon the amenity of the area and neighbouring properties. - Impact upon parking and highway safety.

RECOMMENDATION
That the application be granted with conditions.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is a residential property in the village of Brassington. The property was first granted planning permission in 2004 and is an attractive stone built dwelling house matching the appearance of traditional stone built properties in the locality. The property is nestled in a secluded area of Brassington, and partly screened from Hillside Lane by a Whitebeam tree on the site. The main building is two storeys, incorporates a dual pitched roof, and has a garage side extension. The building also has a rear utility room extension with a catslide roof. The site benefits from a driveway and access onto Hillside Lane to the west, as well as some garden space to the front and rear. The site is located within the Brassington Conservation Area.





2.0 DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for a two storey side and rear extension from the north elevation of the property. The extension would replace the existing attached garage and rear utility room extension. The proposed development would create additional living space, and the submitted floor plans indicate no additional bedrooms would be created, although a proposed study room would be large enough to convert into a bedroom in the future. The application would also remove an existing tree in the west of the site to accommodate a new storage structure. The existing Whitebeam tree would be retained.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
S4 Development in the Countryside
PD1 Design and Place Making
PD2 Protecting the Historic Environment
PD3 Biodiversity and the Natural Environment
PD6 Trees, Hedgerows and Woodlands
PD7 Climate Change
HC10 Extensions to Dwellings

Other:

The National Planning Policy Framework (2021)
National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

04/07/0646	Erection of two storey dwellinghouse and detached garage	A	21/10/2004
06/00913/FUL	Erection of two storey dwellinghouse and garage (modifications to planning permission 04/07/0646)	A	19/01/2007
07/00859/FUL	Erection of two storey dwellinghouse and garage (modifications to planning permission 06/00913/FUL)	A	14/12/2007
09/00256/FUL	Construction of 1.2 metre high stone wall and erection of fence, gates and garden shed	PERC	15/07/2009
T/11/00037/TCA	Works to trees in the Conservation Area of Brassington	P	18/05/2011
T/21/00216/TCA	Removal of Fir Hedge (T1) and crown reduction of Whitebeam (T2) by 60%	P	19/01/2022

5.0 CONSULTATION RESPONSES

5.1 DDDC Conservation Officer – Comments the following:

The applicant/agent has sought no pre-application advice or guidance from the Local Planning Authority in terms of their proposal(s).

The property is a modern residential dwelling (approved in 2007) located within the Brassington Conservation Area. As designed, the cottage has a traditional and vernacular character/appearance comprising a principal (rectangular) block with a secondary and subservient section (adjacent to the roadway) with a distinctive catslide roof. It is built of rubble limestone with sandstone dressings and clay tiled roofs.

It is proposed to remove the secondary section (which currently comprises a garage and utility room on the ground floor and a small bedroom and bathroom on the first floor) and replace it with a larger extension providing an accessible bedroom and en-suite on the ground floor and a bedroom and en-suite on the first floor.

The proposed, new, extension is to be almost double the elevational width of the current projection and its eaves line and ridge line are to be raised. To the rear (east) is to be a further, lower, dual pitched roof section. The new extension is to be clad in rubble limestone (with sandstone dressings) to match the main house. On its principal elevation (west) it is to have coupled windows to ground & first floor (similar to those on the main block of the house), no windows to the north gable end, one rooflight to the rear roof and a small rear (east) window to the en-suite. Due to land levels the northern gable end is to be partly retaining and a new flat-roofed garden/bike store is to be built against the gable end of the new extension.

The current scale, mass and simplicity of the northern projection is diminutive and subservient to the main house. The proposed, new, extension, is larger in scale and mass with a less simple rear roof configuration. However, due to the land levels the base of the northern gable end will be reduced in scale by acting as a retaining wall to the adjacent higher land. This will have the visual & physical effect of reducing the scale/mass of the new extension. Whilst less simple than the current rear roof configuration the proposed rear roof configuration to the new extension is considered to be of a scale and form that assimilates with the vernacular tradition. It is considered unfortunate that the eaves/ridge line of the new extension has to be raised as this compromises the visual & physical sense of subservience to the main building. Ideally the eaves & ridge line should be retained in their current locations to aid subservience.

Subject to the above, and the imposition of conditions requiring approval of all external materials & details etc. it is considered that the proposal will not be harmful to the host building or this part of the Brassington Conservation Area.

5.2 DDC Trees and Landscape Officer – Comments the following:

There are no Tree Preservation Orders on the site, but all trees there are protected due to the site being located within a Conservation Area.

The on-site trees contribute to the character and appearance of the conservation area.

The proposed works are close to 2 trees – a whitebeam and a fruit tree (likely apple or pear).

The whitebeam is a substantial mature tree with high amenity value and this should be retained and provided with appropriate protection throughout development to ensure it is not harmed.

The fruit tree is less valuable and should not be considered a constraint to development. However, I recommend that a replacement should be required to be planted on the property if it is to be removed to facilitate the proposals. This is in order to maintain the character and appearance of the area and also to contribute to the biodiversity of the area.

I recommend that an Arboricultural Impact Assessment be required to be submitted for approval to inform the Planning Officers decision. This should be prepared to the guidelines of BS 5837:2012.

If encroachment into the whitebeam tree's root protection area by proposed development or site activity is required then I recommend that a condition should require an Arboricultural Method Statement to be submitted for approval.

5.3 Brassington Parish Council – Comments the following:

Brassington Parish Council consists of 7 councillors who unanimously object to this application.

The owners do not live in the property, but let it as a holiday cottage. This already increases parking problems. An enlargement would allow greater numbers of holiday makers which would increase disturbance to the neighbours and also add more cars to an already congested area.

Brassington already has a large number of holiday cottages. There can be no valid reason for this extension. It would merely increase revenue for the owners who do not have to put up with the inconvenience which Brassington residents already have to tolerate.

5.4 Cllr Dermot Murphy – No Comment.

5.5 Cllr Richard FitzHerbert – No Comment.

5.6 Local Highway Authority:

No objections subject to the applicant providing / maintaining up to 3 off street parking spaces, in line with maximum parking standards.

6.0 REPRESENTATIONS RECEIVED

6.1 Nine letters / emails of representation have been received, eight objecting and one commenting on the application. In objecting to the development the following comments are made:

- a) The application seeks to increase the capacity and income from the holiday let. This will create further nuisance and disturbance to neighbours.
- b) The development will result in increased overlooking; is there a potential mitigation strategy i.e. screening/planting? Further windows adding to increased overlooking and potential nuisance.
- c) Increased number of bedrooms and therefore vehicles. Increase in capacity and therefore increase in vehicle noise and general comings and goings etc will cause further nuisance.
- d) Does the proposed alteration change the planning use class. I.e. no longer falls under class C3, and use as a group holiday let property as-is, is this contravening C3 planning classification already?
- e) The parking available within the curtilage of Whitebeam Cottage is insufficient in practice to accommodate current guest numbers and the increasing the capacity of the holiday let will further exacerbate the issue.
- f) Excessive noise levels have been and are an issue since the property has changed use from residential to a holiday cottage. This ongoing level of noise and potentially increasing from Whitebeam Cottage is detrimental and totally out of keeping with the character of this quiet village and prevents the enjoyment of my property, and no doubt the immediate residents.
- g) Objects. Whitebeam Cottage was built in accordance with planning criteria which were sensitive to the architectural style of the area and the size and nature of the site.
- h) The proposed development would create a cottage inappropriate in size and shape and encroach seriously on the boundaries with neighbouring properties.
- i) The proposal would increase the capacity of the property. The dwelling is able to accommodate a large numbers of visitors already (advertised as sleeping 8) and has already breached the peace and use of our property. The revised layout increases the potential of the property to accommodate 10 people and therefore putting the holiday let into the “party venue” bracket.
- j) The parking available within the curtilage of Whitebeam Cottage is insufficient in practice to accommodate current guest numbers and the increasing the capacity of the holiday let will further exacerbate the issue with on street parking.

In commenting on the application the following comments are made:

I read with interest the communication and correspondence with regard to the Planning Application 22/00616/FUL for the proposed two storey extension to side and rear | Whitebeam Cottage Hillside Lane Brassington Matlock Derbyshire DE4 4HL which was considered at planning committee on the 16th August 2022, the holiday cottage which I am currently staying at with my family and friends.

Especially of interest was the representation received relating to 'Paving the way for a party house') and the reference to "another BBQ party" at Whitebeam Cottage.

It would be useful to clarify this point, which was incorrect, and correct the misrepresentation.

There are 2 families of 4 people staying in the cottage, and we can categorically confirm that none of us was having either a BBQ or a party. We were sitting outside together and enjoying the evening, and whilst not whispering, there was no music playing, and we weren't loud. There are warnings in the house to inform that windows should be shut at 9pm, as neighbours are up early for work, and there is no wish to disturb. However, we are in the middle of a heatwave, temperatures were in excess of 30 degrees, and it would not be unreasonable to expect people to sit outside where it is cooler, and more pleasant.

We also note that there was a visit by the Planning Committee on Monday 15th August, and were more than happy to accommodate their visit and for them to view the property, and I'm sure any signs of excessive partying would have been observed!

From reading through the lengthy documentation and email, letters and correspondence it is plainly clear that there are some real issues and concerns regarding the proposed development of the cottage, but this does not and should not affect us as temporary residents in the cottage, we are not the ones to blame nor at fault, and there should be some self-reflection to consider this from the local residents. Indeed, I can understand and have a degree of empathy with the residents.

However, in the interest of balance and fairness, though, I felt compelled to reply specifically to the inaccurate comments and misrepresentation made about our group and visit.

7.0 OFFICER APPRAISAL

7.1 This application was considered by members at the Planning Committee Meeting on the 16th August 2022, where it was resolved that the item be deferred to allow consultation with the Local Highway Authority and Environmental Health, to consider parking and manoeuvring within the site, access and noise. The Local Highway Authority have advised that subject to the applicant providing / maintaining up to 3 off street parking spaces, in line with maximum parking standards they have no objections. From the plans and site visit, it is clear that three off street car parking spaces will be maintained on site. The application does not involve a change of use of the building, therefore noise attributed from the continued use of the building falling within Use Class C3 would not constitute a sustainable reason for refusal. The District Council's Environmental Health Team have, however, been consulted on the application and their comments will be presented at the meeting with the late representations.

It remains that the following material planning issues are relevant to this application:

- Principle of proposed development
- Design and impact upon the local area

- Impact upon the Conservation Area
- Impact upon the amenity of the area and neighbouring properties.
- Impact upon parking and highway safety.

- 7.2 It is noted that comments have been made about the property currently being used as a holiday let. The application seeks permission to extend the residential dwelling house and must be determined on that basis and on its own merits. Whether or not there has been a material change of use of the property is a separate matter. Any significant change in the character of the use that amounts to a material change of use of the building would require a separate grant of planning permission. Granting planning permission for this application would not grant any change of use of the existing dwelling house. This application must be determined in the context of an extension to a C3 dwelling house without prejudice to any action the Local Planning Authority may deem appropriate in relation to the alleged holiday use.
- 7.3 Policy HC10 of the Adopted Derbyshire Dales Local Plan (2017) supports proposals for the extension of residential properties provided: the plot size of the existing property is large enough to accommodate the extension or outbuilding without resulting in a cramped or overdeveloped site; the height, scale, form and design of the extension or outbuilding is in keeping with the scale and character of the original dwelling (taking into account any cumulative additions), and the site's wider setting and location; and following construction of the extension, or outbuilding, sufficient space is available for the parking of cars.
- 7.4 Policy PD1 requires proposed development to achieve a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, or an overbearing effect.
- 7.5 Policy PD2 requires proposed developments that affect a heritage asset and/or its setting, including alterations and extensions to existing buildings, to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset in order to ensure that the design is holistic, sympathetic and minimises harm to the asset.
- 7.6 The main issues therefore are whether proposed extensions conserve the character and appearance of the host property, its setting within the Conservation Area and the amenity of neighbouring properties in accordance with Policies PD1, PD2 and HC10.
- 7.7 The proposed development would increase the scale of the northern wing of the property in width and height, bringing the building to sit flush with the neighbour's driveway to the north. The site is large enough to accommodate the proposed extension without resulting in a cramped appearance and overdeveloped site. The proposed scale of the extension would also be proportionate to the original building and would appear as a subservient addition. The submitted Design Statement states that the style and materials will match the existing. However, given the site's location within the Brassington Conservation Area and the traditional appearance of the property, it is considered necessary to attach a condition requiring full details of all external materials to be used. In addition, as the proposed development does not propose to increase the number of occupants the property can accommodate it is considered that the existing parking provision is adequate and in accordance with local standards. This has been confirmed as being acceptable by the Local Highway Authority. When planning permission was granted for the dwelling in 2007 under application code ref. 07/00859/FUL, condition 21 required that the dwelling was not occupied until parking provision for two vehicles had been provided. There was no requirement for this parking or any manoeuvring space to be provided in perpetuity. The proposed development retains sufficient space for parking above the levels approved in 2007 and manoeuvring space to serve the development.

- 7.8 The Conservation Officer also raises no objection to the proposed development, subject to conditions regarding the submission and approval of external materials.
- 7.9 The scale of the proposed extensions would not have an overbearing impact on neighbouring residential amenity. Furthermore and subject to the installation of obscure glazing to the en-suite bathrooms of the extension, it is considered the proposed development would not lead to an unacceptable impact on residential amenity of neighbouring residents nor of occupiers of the application property.
- 7.10 Policy PD6 states that trees of value should be retained and integrated within development wherever possible. Policy PD3 seeks to protect, manage and where possible enhance biodiversity resources and Policy PD7 requires new development to contribute to achieving national targets to reduce greenhouse gas emissions. The Trees and Landscape Officer raises no objection to the removal of the existing fruit tree, considering this is of too little value to act as a constraint to the development. However, it is considered the existing whitebeam tree is a substantial mature tree with high amenity value and this should be retained and provided with appropriate protection throughout development to ensure it is not harmed. Whilst the application does propose to retain the whitebeam tree, it is considered necessary that a pre-commencement condition is attached to this consent requiring the submission of an Arboricultural Impact Assessment to protect the whitebeam tree for visual amenity, wildlife and biodiversity benefits, human health and social benefits and climate change minimisation.

8.0 RECOMMENDATION

The proposed development accords with the Adopted Derbyshire Dales Local Plan (2017). A recommendation to grant planning permission subject to conditions is made on this basis.

CONDITION(S):

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans to which this decision notice relates.

Reason:

For the avoidance of doubt and to establish the scope of the permission granted.

3. No works shall commence on site until an Arboricultural Impact Assessment, prepared to the guidelines of BS 5837:2012, has been submitted to and approved in writing by the Local Planning Authority. The submitted Assessment must consider the impact of the approved development on the existing Whitebeam tree and the method to protect it from any demolition, excavation or construction activities. The development shall thereafter be carried out in full accordance with the approved details.

Reason:

To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with Policies PD1, PD3, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

4. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010.

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

In this condition 'retained tree' means the existing tree which is to be retained in accordance with the approved plans and particulars.

Reason:

To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity, wildlife and biodiversity benefits, human health and social benefits and climate change minimisation in accordance with Policies PD1, PD3, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

5. Details of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development and the appropriate use of materials in the interests of preserving the character and appearance of the Conservation Area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

6. Details of the materials, treatment and colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

7. All window and door frames shall be recessed in their openings a minimum of 100mm behind the front face of the external walls of the buildings.

Reason:

To preserve the external appearance of the building and preserve the character of the area in accordance with Policy PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

8. The windows in the ground floor and first floor east elevation to the ensuite bathrooms of the approved development shall be glazed with obscure glass only and these windows shall be permanently maintained with obscure glazing throughout the lifetime of the development hereby approved.

Reason:

In the interests of preserving residential amenity and privacy in accordance with Policy S1 of the Adopted Derbyshire Dales Local Plan (2017).

9. The lintels and cills shall be natural gritstone, a sample of which shall be submitted to the Local Planning Authority and approved in writing. The sizes shall be 150mm to the heads and 100mm to the cills, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. This decision notice relates to the following documents received by the Local Planning Authority:
 - Planning Application Forms;
 - Design and Access Statement;
 - Existing Elevations V.01 (1:100) Produced 24/5/22
 - Proposed Elevations V.01 (1:100) Produced 24/5/22
 - Existing Plans Site, Roof and Floor Plans V.01 (1:100) Produced 24/5/22
 - Proposed Plans Site, Roof and Floor Plans V.01 (1:100) Produced 24/5/22
 - Proposed Plans Site, Roof and Floor Plans V.BE (1:100) Produced 24/5/22
 - Location and Block Plans V.01 (1:100) Produced 24/5/22
3. The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.
4. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.