

Planning Committee 13th September 2022

APPLICATION NUMBER		22/00728/FUL	
SITE ADDRESS:		Tinkerbell Cottage, Main Street, Hopton, Matlock, Derbyshire, DE4 4DF	
DESCRIPTION OF DEVELOPMENT		Retention of garden room, shed and extended patio area.	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Mr. Howard
PARISH/TOWN	Hopton	AGENT	None.
WARD MEMBER(S)	Cllr. Mrs. Rose	DETERMINATION TARGET	18 th August 2022
REASON FOR DETERMINATION BY COMMITTEE	Ward Member request.	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact of the development on the surrounding area.

MATERIAL PLANNING ISSUES

- Impact on the character and appearance of the property and the surrounding area.
- Impact upon the setting of the Conservation Area
- Impact upon neighbouring properties.

RECOMMENDATION

Planning permission be approved.

1. THE SITE AND SURROUNDINGS

- 1.1 Tinkerbell Cottage, is a detached, stone-built house, situated on the eastern side of Hopton. The site is set back from the road with direct access from Main Street. The dwelling house and proposed buildings are located outside of the designated Carsington & Hopton Conservation Area, with the access drive and part of the front garden within.
- 1.2 The nearest neighbouring property is Henmore Grange to the north east.



2. DETAILS OF THE APPLICATION

- 2.1 This is a retrospective planning application for the retention of a garden room and garden shed erected within the rear garden of the property. An existing patio area has also been extended to accommodate the buildings.
- 2.2 The garden shed measures 2.9m by 2.5m and 2.2m high. It has a contemporary design, with a flat roof, grey vertical boarding with a glazed strip at the top.
- 2.3 The garden room measures 6.5m by 5.3m and 2.5m high at its highest point, It has a contemporary design, with a shallow pitched roof, vertical timber cladding and glazed window and door openings to the garden facing (west) elevation.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
PD1: Design and Place Making
PD2: Protecting the Historic Environment
HC10: Extensions to Dwellings
- 3.2 Other:
National Planning Policy Framework (2021)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

WED/0191/0014/C	Erection of house.	Approved
09/00119/FUL	Single / two-storey extensions.	Approved
10/00436/S106D	Discharge of Section 106 Planning Obligation Agreement dated 16th May 1991.	Approved

5. CONSULTATION RESPONSES

Parish Council: Raise concerns about the retrospective nature of the application. Are also aware of neighbouring objections and other matters.

Conservation Officer: No objection subject to conditions.

“The property is a modern (1980/90s) detached house set back and down from the main road and constructed in random coursed stonework, with stone dressings and a clay tiled roof. It is located outside the Hopton Conservation Area but adjacent to it.

The application proposal (although the development has been carried out) is the erection of a detached garden room and a detached garden shed in the south-eastern corner of the garden. Both structures are depicted in the submitted application and are ‘contemporary’ in design, materials and detailing.

The primary conservation issue is the potential impact(s) of the proposed development on the setting of the adjacent Conservation Area. In assessing views/vistas etc., from within the Conservation Area, of the development (which is a relatively low scale/mass) it is concealed by the house itself and other buildings and landscape features. In this regard, it is considered that the development does not constitute an adverse impact on the setting of the adjacent Conservation Area.

The garden room building has a timber cladding whose colour is light/bright. It is considered that this should be painted/stained a mid-dark grey (colour to be agreed via a condition).”

6. REPRESENTATIONS RECEIVED

11 letters of representation have been received and are summarised below.

6.1 Letters of objection.

- a) Object to the retrospective nature of the application.
- b) Information submitted with the application is incorrect / misleading.
- c) The buildings are located close to the neighbour’s garage. A structural engineers report should have been carried out.
- d) The buildings are unsightly by virtue of their materials and appearance and the development harms the character and appearance of the Conservation Area.
- e) The impact of the buildings must be considered with the concrete foundations.
- f) The garden room has been provided with full services. Concern that the garden room would be used for overnight accommodation or residential purposes.
- g) Approval of planning permission will set a precedent for any development within the District.
- h) Concern about lack of enforcement investigation or action by the District Council.
- i) The concrete foundation and buildings have been constructed over the main sewer that serves the village.
- j) Concern that the development may result in foul sewerage and pollution of neighbouring land.
- k) Concern about other alleged works including felling trees on adjacent land and disposal of spoil.
- l) The development has contravened other statutory requirements under the Party Wall Act.
- m) The position of the oil tank contravenes statutory guidelines.
- n) The bank adjacent to the buildings has recently begun slipping and is being professionally monitored.
- o) There are trees in the neighbouring property close to the proposed development and close enough to cause damage if they fell.
- p) The District Council has applied design standards for developments at neighbouring properties and the local area. These standards should be applied to all development.

6.2 Letters of support.

- a) Both the garden room and shed are on a property outside of the Conservation Area and finished to a superb, very high quality. They replaced previous dilapidated sheds that had come to the end of their lives and present a significant improvement to the area.
- b) The specifications are within Permitted Development limits (having been unaware that Permitted Development rights have been removed from their house). For the objectors to present these as building for residential use and claiming they have services, is a falsehood.
- c) I fully endorse the comments in support of the application and can confirm that no aspect of the project has or does create a nuisance.
- d) A similar garden room has been granted elsewhere within the Conservation Area.

7. OFFICER APPRAISAL

- 7.1 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes; and requires development that contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, the relationship to adjacent buildings and incorporating well integrated car parking. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.
- 7.2 Policy PD2 of the Adopted Derbyshire Dales Local Plan states that heritage assets shall be conserved in a manner appropriate to their significance taking into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated heritage assets and their setting including Conservation Areas.
- 7.3 Policy HC10 of the Adopted Derbyshire Dales Local Plan requires that the plot size is large enough to accommodate the extension without resulting in a cramped or overdeveloped site; and that the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling and the sites wider setting and location.
- 7.4 Background
- 7.5 Tinkerbell Cottage was built following the grant of planning permission in 1991 (ref: WED/0191/0014/C). Permission was granted subject to planning conditions and a planning obligation. The planning obligation has been subsequently discharged but a planning condition which removed permitted development rights remains. This means that any new extensions or outbuildings within the domestic curtilage require planning permission.
- 7.6 The development has been completed and therefore this application is retrospective and seeks the retention of the garden room, shed and extended patio area. The main issues to assess are the impact that the development has on the character and appearance of the property, the surrounding area, neighbouring properties and the setting of the Conservation Area.
- 7.7 Impact on the character and appearance and the Conservation Area
- 7.8 The garden room, garden shed and the extended patio area are positioned off-set to east side of the property and within the rear garden.

7.9 The patio area is set at the level of the existing patio and therefore rises relative the natural ground levels (which fall gently to the south). The patio area is formed by natural stone chippings and retained by a stone wall with steps and coping stones. The patio area is set below the level of the adjoining stone boundary walls and is of an appropriate design, materials and appearance.

7.10 The proposed garden room and shed are sited on the patio. These buildings have not been designed to reflect the host dwelling or the local built tradition and are of a contemporary design with shallow / flat roofs and timber / grey vertical cladding. The visual impact of the buildings is limited due to the site being located to the side and rear of the property. The buildings are located outside of the designated Conservation Area (CA) and are largely concealed from views within the CA by Tinkerbell Cottage, other buildings, topography and landscape features.

7.11 Therefore the design of the proposed buildings is considered to be acceptable in this context. The buildings would not have a harmful impact upon the character or appearance of Tinkerbell Cottage, the surrounding area or the Conservation Area. The Conservation Officer raises no objection but recommends a planning condition to require the natural timber boarding to the garden room be painted a mid-grey. Given the limited visibility and impact of the development this condition is not considered necessary.

7.12 Impact on neighbouring amenity

7.13 The development is located adjacent to the boundary with Henmore Grange to the north east. Part of the curtilage of Henmore Grange is elevated relative to the application site but the garden area immediately to the east of the site is set at a similar level with a drystone boundary wall.

7.14 The proposed patio extension has raised the level of the land relative to the neighbouring garden. However, the proposed patio level is still below the top of the boundary wall and therefore the development would not result in any significant overlooking or loss of privacy to the occupants of Henmore. There are no openings to the proposed garden room or shed which would result in overlooking.

7.15 The proposed garden room and shed are built upon the patio area and are therefore visible from the neighbouring property beyond the drystone boundary wall and existing tree planting. However, these buildings are single storey and therefore do not appear as oppressive or overbearing in relation to the neighbouring garden and would not result in any significant loss of sunlight or daylight.

7.16 Concern has been raised in regard to the use or potential future use of the buildings. The application for the proposed garden room and shed must be considered on its own merits and there is no objection in principle to the provision of services to the buildings. Given the relationship of the proposed development and neighbouring properties there are no concerns that use of the buildings for ancillary domestic purposes would be harmful in terms of noise, light or other forms of disturbance.

7.17 Therefore the development would not harm the amenity, privacy or security of any neighbouring property. The development is therefore in accordance with the requirements of policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan.

7.18 Other issues

7.19 The proposed development would not affect the existing access or parking arrangements. Therefore there are no objections to the development on the grounds of highway safety.

- 7.20 Concerns have been raised in respect of the retrospective nature of the development and that the development may not have been carried out in accordance with other statutory requirements. This application must be determined on its own merits and the fact that the application is retrospective does not weigh either in favour or against the development. The application must only be determined on planning grounds. The requirement for applicants to comply with other statutory consent regimes or legal requirements (such as building regulations or the party wall act) is not a material planning consideration. The grant of planning permission does not remove the requirement to comply with other statutory consent regimes.
- 7.21 Concern has been raised that the bank to the north of the development has been recently slipping. There is no compelling evidence that the proposed development has resulted in land stability issues or has undermined neighbouring buildings such that planning permission should be refused.
- 7.22 The development has not resulted in harm to any trees in and around the application site.

8 Conclusion

- 8.1 The development does conserve the character, appearance and amenity of the property, its setting, the setting of the Conservation Area and neighbouring properties. The development has not harmed highway safety. The development is therefore in accordance with relevant policies in the development plan. In the absence of any other material considerations and having taken into account all matters raised in representations the application is therefore recommended for approval.
- 8.2 No planning conditions are necessary in this case because the application is retrospective.

9. **RECOMMENDATION**

Planning Permission be granted unconditionally.

10. **NOTES TO APPLICANT:**

- 10.1 This Decision Notice relates to the following documents:
Planning application form and drawings, received by the Council on 24th June 2022.
- 10.2 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.