Planning Committee 14th March 2023

APPLICATION NUMBER		23/00069/FUL	
SITE ADDRESS:		The Grange, Holme Road, Matlock Bath, Matlock, Derbyshire, DE4 3NU	
DESCRIPTION OF DEVELOPMENT		Erection of rear extension to create residential annex with roof terrace and associated landscaping works	
CASE OFFICER	Mr Joe Baldwin	**APPLICANT**	Mr Stuart Atkinson
PARISH/TOWN	Matlock Bath	**AGENT**	Mrs Anna Manning
WARD MEMBER(S)	Cllr G Purdy and Cllr D Murphy	**DETERMINATION TARGET**	17.03.2023
REASON FOR DETERMINATION BY COMMITTEE	More than 5 unresolved objections and as the application has been called in by Cllr G Purdy.	**REASON FOR SITE VISIT (IF APPLICABLE**)	For Members to appreciate the site and context and assess the impacts of the development on the character and appearance of the existing dwelling and the amenity of neighbouring occupants.

MATERIAL PLANNING ISSUES

- Impact on the character, appearance and setting of the property, Matlock Bath Conservation Area and the Derwent Valley Mills World Heritage Site
- Impact on residential amenity
- Highway safety and parking provision.

RECOMMENDATION

- Granted with Conditions

1.0 THE SITE AND SURROUNDINGS

1.1 The application relates to an existing detached dwelling – The Grange, located off the southern side of Holme Road toward the northern edge of Matlock Bath. The site is located within both the Matlock Bath Conservation Area and the Derwent Valley Mills World Heritage Site. The existing dwelling on site is finished in stone and render. The former detached garage to the front of the property has been converted to habitable accommodation and is currently operated as a holiday let. The garden to the dwelling drops steeply from the property at the northern end of the site toward the properties fronting North Parade to the south.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the erection of a rear extension to the property to create a residential annex with roof terrace and associated landscaping works as set out on the amended plans. The proposed extension would be constructed using large areas of glazing, white render and charred timber cladding. The extension would be split across two levels following the gradient of the rear garden.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
   - S1: Sustainable Development Principles
   - S2: Settlement Hierarchy
   - S3: Development Within Defined Settlement Boundaries
   - PD1: Design and Place Making
   - PD2: Protecting the Historic Environment
   - HC10 Extensions to Dwellings
   - HC19: Accessibility and Transport
   - HC21: Car Parking Standards

2. National Planning Policy Framework (2021)
   National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

08/00068/FUL	Erection of decking (retrospective)	Granted with Conditions	07/04/2008
01/02/0095	Rooftop extension	Granted	06/04/2001

5.0 CONSULTATION RESPONSES

Matlock Bath Parish Council

5.1 Matlock Bath Parish Council strongly objects to this application for the following reasons:

- Loss of parking plus the additional need for more cars. Despite the applicant's suggestion that there are ample spaces for the use of the building a quick analysis of the stated users prove this not to be true. There are 2 spaces on the driveway currently if one car blocks the other in. Minimum parking standards and turning areas are recommended by DCC Highways, if these rules are applied there is only one parking space compliant on the built area. The parking is also on a steep slope.
- The existing house is shown as 5 bedrooms (but is actually 6 as the garage is not drawn on the existing drawing). The proposed drawing suggests that there will only be 5 bedrooms if the application is granted (6 with the garage). The labelling of a clearly obvious bedroom as an office should not be overlooked. The house will have 7 bedrooms including the garage and proposed. Additional bedrooms need additional parking spaces and the office label seen for what it is.
- There is a proposed ensuite bathroom and a separate bathroom although the application is only for a one bedroom annex.
- The house is already large and incongruous on the hillside and judged to be the maximum for that plot. We would doubt that DDDC planners would permit such a building on the plot had it been applied for in 2023. To add to the anomaly is wrong. The bulk and architecture of the house as proposed makes an already inappropriate house even bigger and more inappropriate. The proposal takes the house from 4 bedrooms to 7 (with a potential of 11 bedrooms in total) and must be viewed as over intensification of the land.

- The impact of the proposal on the neighbouring properties, especially the immediate neighbour is huge. The extension extends The Grange further down the hillside so that its large bulk is overbearing to the neighbour. The neighbouring property has a private rear garden that will be directly overlooked from a balcony. It is also the only private amenity space for this property.
- The proposal has not been sensibly considered from a construction perspective. The extension at a lower level will undermine the existing house as well as retaining boundary walls to both neighbours.
- The development is not in keeping with a Conservation Area.
- Whilst the extension will not been seen from the front (Holme Road), it will be clearly visible from certain parts of the village below.
- No Party Wall agreements have been sought and we understand both properties will be insisting that a formal agreement is made before any building work commences. The extent of the construction work necessary to safeguard the existing house and both neighbouring properties especially the boundary walls is huge and unlikely to be justified by the gain in accommodation.
- The garage has been converted to an air bnb for which planning permission was not sought.
- We further feel that the drawings are unclear for the main house.
- We question how such construction work can be carried out compliantly given the limited access to the property and the constraints and limitations of Holme Road. We would ask where the builders park their vehicles, where skips will be housed, digger access to the work position and how they will remove excavations. Surely DDDC will be liable if the road is blocked and all the parking is impassable with vans. We believe there is zero chance the extension can be built without blocking the road. We ask therefore how the intended work will be carried out compliantly.
- We would question the intention of this application and from social media postings that this property could be a 'party house'. We would also question why the development is being advertised prior to planning permission being sought and a decision made. We have sent evidence of social media postings to the Planning Officer under separate cover. On Agoda.com it states "when booking more than 5 rooms …"
- The application states it is for a one bedroom extension; however, on Instagram.com (matlockbath_airbnb) it states 2 bedrooms - "the design giving flexibility allowing the provision of an #entirespace#airbnbexperience or providing #multigenerationalliving for family and friends"
- We believe this property is being converted into a commercial property which is not suitable in a residential area.

There is an overwhelming opposition in the village to the current application for reasons mentioned above.

Finally, the Parish Council, on behalf of residents, wishes to exercise its right to have the application heard by a full planning committee unless DDDC are minded to refuse the application using delegated powers.

Comments are also made regarding enforcement complaints made against the property.

Derbyshire County Council (Highways)

5.2 No response to date, this will be reported in the late representations.

Design and Conservation Officer (Derbyshire Dales)

5.3 No response to date, this will be reported in the late representations.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 15 representations have been received in objection to the proposed development. A summary of the representations is outlined below:

- Concerns regarding parking issues along Holme Road being exacerbated by the development.
- There are a number of rooms, including the former garage at the property which are used for Airbnb
- The application does not seek additional residential accommodation, the new accommodation would effectively create a small hotel.
- The design of the extension would be out of keeping and harmful to the character of the Conservation area.
- Concerns regarding the disruption to the local area during the build period.
- The extension would be visible from the A6 with the glass elevation reflecting sunlight.
- The extension would alter the building lone of properties along this side of Holme Road.
- Concerns regarding highway safety.
- Concerns regarding noise from potential occupants of the development.
- The increase in number of holiday lets is making properties unaffordable for families who want to move to the area.
- Concerns regarding how the development may impact on the stability of neighbouring properties.
- The development would lead to additional overlooking of neighbouring properties.
- The development would appear overbearing from neighbouring properties.
- Sectional drawings would show the level of overbearing and overlooking from the development.
- The development would require a party wall agreement.
- The original plans of the property were designed to respect the building line of the adjacent dwellings.

6.2 A total of 4 non attributable representations have also received which raise the following objections:

- The garage of the property has already been converted and there is insufficient parking at the property.
- There has been an influx of B&Bs in the area.
- Concerns regarding noise from potential occupants of the extension.
- Building works would exacerbate exiting parking difficulties on the road.
- Access to the applicant's property is already dangerous and limited.

7.0 OFFICER APPRAISAL

Principle of development:

7.1 The development site is located within the settlement boundary of Matlock Bath, a third tier settlement as identified by policy S2. The principle of the development should therefore be assessed against policy S3 (Development Within Defined Settlement Boundaries). Policy S3 is supportive of extensions to residential properties provided that "the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located" and "it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings".

7.2 On the basis of the above it is considered that the main issues to assess in the consideration of this application would be:

- Impact on residential amenity

- Impact on the character, appearance and setting of the property, Matlock Bath Conservation Area and the Derwent Valley Mills World Heritage Site
- Highway safety and parking provision.

7.3 A large number of comments received from local residents have raised concerns regarding the use of the premises as an Airbnb. The Local planning Authority are aware of the current use of the garage and rooms within the dwelling as holiday accommodation however it appears that this remains ancillary to the main use of the property as a dwellinghouse falling within Use Class C3 and no material change of use has occurred. This application seeks planning permission for an extension to the dwelling to form a residential annex and must be determined on that basis. There remains a link through to the existing dwelling along with shared parking and garden and therefore no separate planning unit would be created.

Impact on residential amenity

7.4 Policy PD1 requires development proposals to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.5 Some concerns have been raised by neighbouring residents with regard to overlooking from the proposed terraces and the scale of the extension appearing overbearing. Having visited the property and appreciated the development from the gardens of neighbouring dwellings it is recognised that whilst given the nature of the site, with significant sloping gardens there is some existing overlooking between the properties along Holme Road, the proposed elevated pathway from the front of the dwelling to the proposed rear terrace was at a height and proximity to the boundary with the neighbouring property such that it would afford open views into the neighbouring properties garden significantly reducing the privacy of the neighbouring occupants. This has been raised with agent and amended plans have been submitted which omit this element and introduce a privacy screen to the eastern side of the new terrace. The scale of the extension would not cause any significant loss of light and would not be overbearing when appreciated form adjacent land such that it would warrant the refusal of permission in this case.

7.6 On the basis of the amended plans the development would retain a satisfactory relationship with surrounding dwellings and not result in any unacceptable effects by reason of visual intrusion, overlooking, overbearing effect, noise, light pollution or other adverse impacts in in accordance with policy PD1.

Impact on the character, appearance and setting of the property, Matlock Bath Conservation Area and the Derwent Valley Mills World Heritage Site

7.7 Policy PD2 deals specifically with protecting the historic environment and states that the District Council will conserve heritage assets in a manner appropriate to their significance.

7.8 The formal consultation response from the Design and Conservation officer has not been received to date. This will be reported to members as a late representation, however, it has been verbally advised that there are no objections to the proposed development in terms of its impact on the character and appearance of the existing dwelling or its impact on the wider significance or character and appearance of the Matlock Bath Conservation Area or the Derwent Valley Mills World Heritage Site.

7.9 It is noted that, despite some existing planting within the site which, due to the time of year is currently providing its most limited amount of screening, there would be some views of the proposed extension from both the A6 and Lovers Walk. The extension is of a contemporary design due to its construction utilising large amounts of glazing, render and

charred timber. This design gives the extension a relatively lightweight appearance to the rear of the property and the construction of the extension to follow the sloping land levels of the site would further reduce its visual impact. The existing dwelling is a relatively modern addition to the conservation area (approved in 1997) and the scale design and appearance of the proposed extension, subject to conditions, is not considered to result in any harm to its existing character or appearance or any harm to the wider special character, appearance or significance of the Matlock Bath Conservation Area or the Derwent Valley Mills World Heritage Site.

7.10 Paragraph 202 of the National Planning Policy Framework (2021) states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". In this case, given that no harm has been identified to the Matlock Bath Conservation Area or the Derwent Valley Mills World Heritage Site, there is no requirement to assess the public benefits to be derived from the proposed development.

7.11 Having regard to the above, the proposed development is considered to comply with the provisions of policy PD1 and PD2.

Highway safety and parking provision

7.12 As highlighted above, policy S3 requires developments to "have a layout, access and parking provision appropriate to the proposed use, site and its surroundings". A large number of concerns have been raised regarding the level of off street parking available at the property".

7.13 At the time of writing the formal consultation response from the Local Highway Authority has not been received. This will be reported to members as a late representation.

7.14 Currently, the property is a five bedroom dwelling with an additional bedroom in the former garage. The level of vehicular parking required for this dwelling cannot be accommodated by the existing two off street parking spaces and therefore some additional parking is required on street or in local public car parks. The proposed development seeks to add an additional bedroom within the extension however two existing bedrooms will be converted to a home office. Whilst it is appreciated that the home office could still function as a bedroom this would not present a net increase in bedrooms at the property with the total number of bedrooms (including the office) remaining at 5 (and the additional rooms in the garage). It is therefore not considered that the extension would result in any additional parking requirement beyond the current dwelling.

7.15 Notwithstanding the above, the site is located within the settlement boundary of Matlock Bath, a tier 3 settlement with good access to public transport both by bus and by rail. Furthermore, it is possible to park on are on Holme Road adjacent to the site and at the time of the site visit there was space for several cars available and there are public car parks within approximately 5 minute walk of the property.

7.16 On the basis of the above, Officers are satisfied that the level of parking both on street and off street at the dwelling, given its position within a tier 3 settlement which is well served by public transport is sufficient and a recommendation of refusal on this basis could not be sustained at appeal. The development is therefore considered to be in accordance with policies S3 and HC21.

Conclusion

7.17 Based on the above and subject to conditions, the proposed development is considered to be in accordance with the relevant parts of the Adopted Derbyshire Dales Local Plan (2017) and a recommendation of approval is made on this basis.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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 approved shall not be carried out other than in accordance with the following approved plans and subject to the following conditions:

   AP102 (Rev A) – Proposed Floor Plans (rec 02.03.2023)
   AP103 (Rev A) – Proposed Elevations (rec 02.03.2023)

   Reason:

   For the avoidance of doubt and in the interests of the proper planning of the area.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works commence on the facing walls or roof of the development hereby approved The development shall thereafter be constructed in accordance with the approved details.

   Reason:

   To ensure the use of appropriate materials in the interests of preserving or enhancing the character and appearance of the Conservation Area in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to overlooking and loss of privacy to neighbouring occupants.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. 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 £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.