

PLANNING COMMITTEE – 31 MAY 2022

Reference Number: 22/00244/FLH

Application expiry: 15/06/22

Application Type: Householder

Proposal Description: Retrospective application for garage with store

At: Croftonvale, Alton Lane, Littlemoor, Ashover, Chesterfield, S45 0BE

For: Mr Day

Third Party Reps: 2 objections, 1 supporting comment

Parish: Ashover

Ward: Ashover

Report Author: Denise Knipe

Date of Report: May 2022

MAIN RECOMMENDATION: Grant unconditionally.

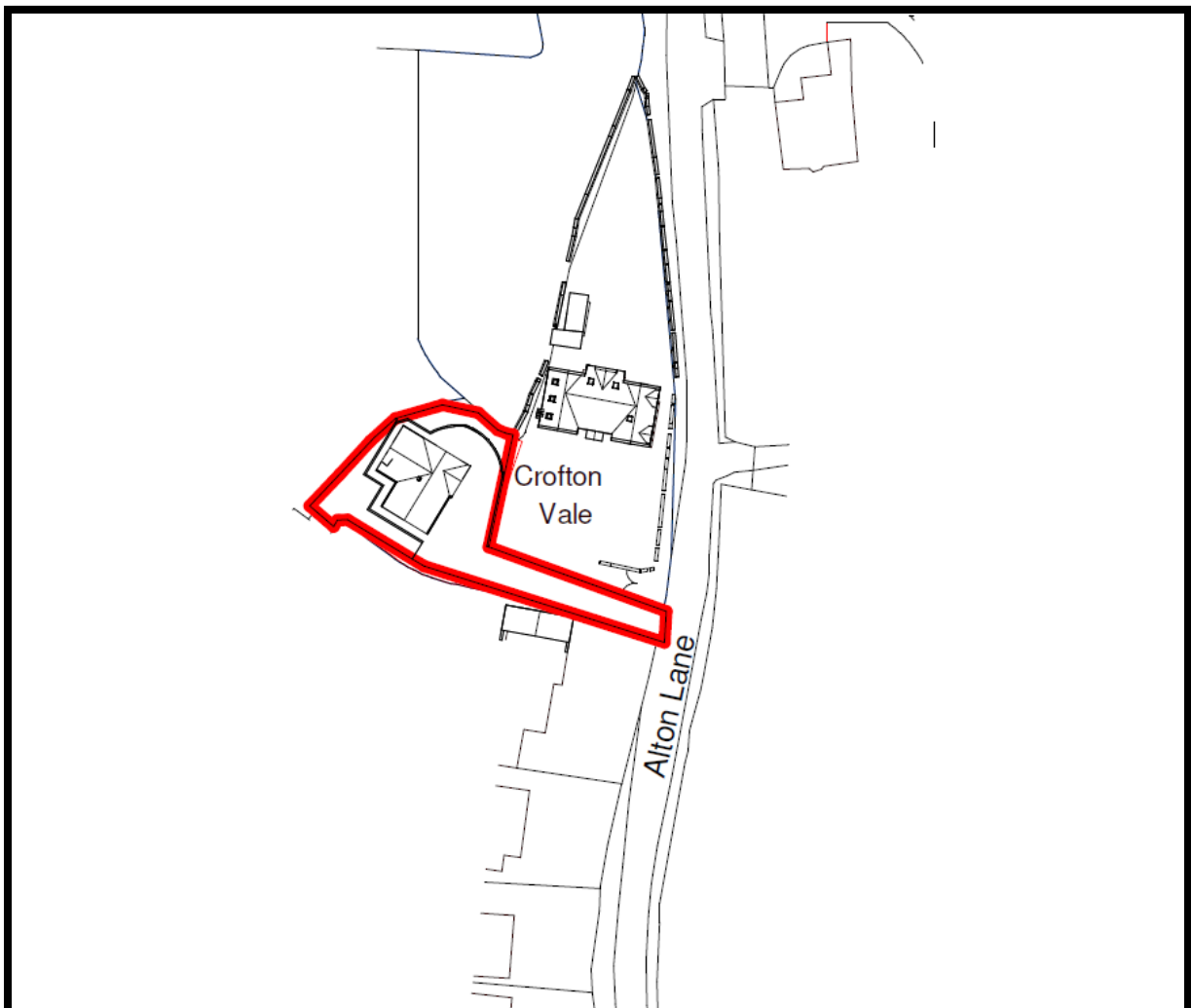


Figure 1: Site location plan

1.0 Reason for Report

- 1.1 Cllr Armitage requested that the application be considered by Planning Committee so that members can consider the impact upon the neighbouring property and loss of stone walls. Supports the comments received from the Parish Council.

2.0 Proposal and Background

Site Description

- 2.1 The application site is located to the west of Alton Lane, which is within Littlemoor which is located in open countryside outside any defined Settlement Development Limit.
- 2.2 Croftonvale is a stone bungalow which was granted planning permission in 2019 under planning reference 19/00413/FL. The garage building, subject of this application, is positioned in the northwest corner of the site, between the boundary and bungalow.
- 2.3 To the east is a dwelling under construction and to the west is Oakroyd a detached dwelling. To the north and west is agricultural land. The Application site sits on a lower topography than the field and a retaining wall runs along the north boundary and a stone field boundary wall set away from the retaining wall. The boundary to Oakroyd is a stone wall with fencing above.

Proposal

- 2.4 The proposal has been submitted to regularise the detached garage building and is therefore seeking retrospective planning permission.
- 2.5 The garage has been constructed from stone to match the host bungalow and contains a store room above the garage, accessed by external stairs. It has an irregular plan form and dog legs to the rear wrapping partly round the northeast curtilage of Oakroyd. The proposed site plan can be seen in Figure 2 below.

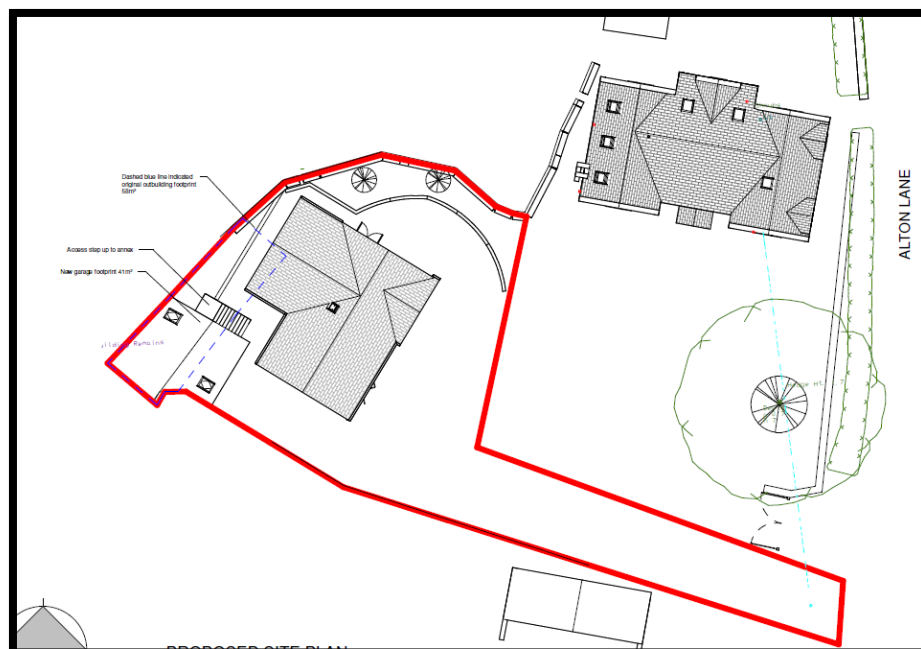


Figure 2: Proposed site plan with garage in south west corner of site

2.6 The garage building (seen below in Figure 3) has been cut into the site and a stone boundary wall built, retaining the open land to the north. The building appears as a single storey building when viewed from the open countryside to the west. The access stairs are on the east elevation. There is a rooflight on the front roof slope and one on the rear. There are no other window openings. The garage as built occupies a footprint of 41 square metres.

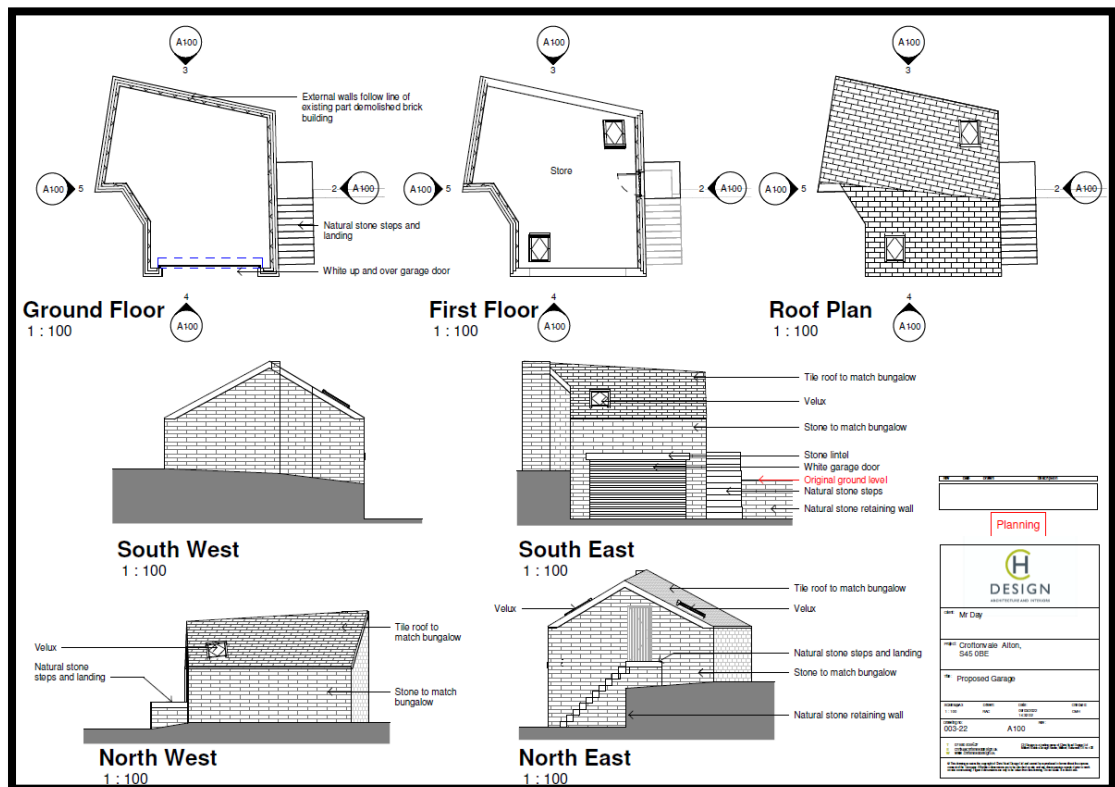


Figure 3: Proposed floor and elevation plans

2.7 The garage building replaces a block of dilapidated outbuildings which is stated within the planning statement to have collectively, occupied a footprint of 58 square meters. There are photographs appended to the statement which shows parts of the gable still standing which appear to be of a two story height.

2.8 Objections have been received which challenge the legal ownership of the northwest corner which wraps around the curtilage. Whilst ownership matters are not material planning considerations; they remain civil matters, the applicant has provided the title deeds which shows that they are the legal owners and for the purpose of the planning application it is considered that the correct ownership certificates have been provided and the correct procedural matters have been followed. Any boundary dispute remains a civil matter and cannot be resolved through the planning system.

Amendments

2.9 None.

3.0 Relevant Planning History

3.1 19/00413/FL - Construction of new bungalow approved 11th July 2019.

4.0 Consultation Responses

- 4.1 **Ashover Parish Council** object to the loss of stone boundary walls and advises that they do not support retrospective planning proposals.

[Officer Note: Retrospective planning applications are part of the Town and Country Planning Act and as a planning application is to be considered against the Development Plan, in this case the Local Plan and Ashover Neighbourhood Plan, for the area and considered on its own planning merits.]

- 4.2 **Ward Councillor Armitage** supports the Parish Council and considers that the ownership issues need to be established before a decision can be reached.

[Officer Note: Ownership and boundary disputes are not matters that can be taken into account when considering a planning application. These remain civil matters and fall outside of the planning considerations. The Council has a duty to establish if the correct ownership certificates have been received and on this matter the Officer is satisfied with the response received from the applicant and the correct certification has been issued.]

- 4.3 **Highways Authority:** No comments received.

5.0 Representations

- 5.1 The adjoining neighbours were consulted by letter and a site notice posted on the gate to the property on the 25th March 2022. As a result, two objections from interested parties have been received, one is a joint executor of the late Kathleen Stevenson of which 50% of Oakroyd estate is included. A letter of support from the occupiers of the neighbouring property, Oakroyd, also joint executors of the estate has been received. A summary of the responses received are below provided below, the full copies can be viewed on the Councils website.

- 5.2 The **objection** is summarised below:

- The garage is encroaching on land that is not in the ownership of the applicants.
- It is overbearing and dominant and larger than the previous outbuildings.
- The velux window causing loss of privacy to Oakroyd.
- The finish of the new boundary wall is unsightly from the garden of Oakroyd and has an unfinished appearance.
- Objects to the loss of the stone wall dividing the gardens Croftonvale/Oakroyd.
- The boundary hedge approved with the replacement bungalow can no longer be planted as the building is on the boundary.

- 5.3 The letter of **comments/support** has been written by the son of the owner of Oakroyd on behalf of his father and sister – joint executors of the estate. The applicant and owner/occupiers have been in discussions prior to the works being carried out.

- It considers that the use of breeze block on part of the side wall of the garage building is unsightly and the resolution would be to build in stone.
- They have no objection to the scale of the building on the boundary and it is more visually acceptable than the previous old buildings. As the foliage grows it will screen the building.
- The velux window cannot be seen from Oakroyd and has no privacy issues.

- Whilst there appears to be some encroachment, less than a meter squared, the parties are satisfied that this does not detrimentally impact the property.
- The rebuilding of the boundary wall has been a gain of land along the whole of the boundary wall in Oakroyd's favour of approx. 10-12 inches.
- The applicants have already agreed to stone clad the breeze block wall on Oakroyd side and install a fence on the back of the fence already installed.
- Lost planting has been agreed to be replanted by the Applicant.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

6.1 The following policies of the LP are material to the determination of this application:

SS1	Sustainable Development
SS9	Development in the Countryside
LC5	Residential Extensions
SDC3	Landscape Character
SDC12	High Quality Design and Place making

Ashover Neighbourhood Plan (ANP) adopted February 2018

6.2 The following policies of the ANP are material to the determination of this application:

AP2	Development Proposals Outside the Limits to Development
AP11	Design
AP13	Landscape Character
AP16	Dry Stone Walls

National Planning Policy Framework (NPPF)

6.3 The revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied. This revised NPPF replaces the previous NPPF published in July 2012, 2018 and 2019. At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development that give rise to the need for the planning system to perform a number of roles; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) which include support economic, social and environmental objectives.

6.4 To promote sustainable development, the NPPF advises that these are objectives that should be delivered through Development Plans and the Framework. They are not criteria to adjudge planning applications against, that is the role of development plan policies which should play an active role in guiding development towards sustainable solutions taking into account local circumstances, to reflect the character, needs and opportunities of each area.

6.5 Chapters of relevance to this application are:

Chapter 2. Achieving sustainable development

Chapter 12. Achieving well-designed places

Other Material Planning Considerations

- 6.6 Successful Places Interim Planning Guidance, adopted December 2013.

7.0 PLANNING ASSESSMENT

Principle of Development

- 7.1 The site lies outside any defined Settlement Development Limits (SDL) in open countryside. Local Plan policy SS9 of the adopted Local Plan supports development where it respects the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 7.2 Policy LC5 allows for proposals which respect the scale, proportions, materials and overall design and character of the existing property; do not harm the street scene or local area, including the loss of characteristic boundary features and landscaping; avoid significant loss of privacy and amenity for the residents of neighbouring properties; and do not significantly and demonstrably harm highway safety.
- 7.3 Policy SDC3 states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. The site falls into a Secondary Area of Multiple Environmental Sensitivity (AMES) with land to the west within a Primary AMES. Due consideration should be made to proposals in these areas. Any development should be informed by, and be sympathetic to, these distinctive areas.
- 7.4 Policy SDC12 requires that all new development should be of a high quality design and make a positive contribution to the quality of the local environment.
- 7.5 Ashover Neighbourhood Policy AP2 seeks to protect the countryside setting of Littlemoor. Development will not be seriously intrusive in the countryside and will respect the character of existing settlements and their setting.
- 7.6 Policy AP13 also states that development proposals are required to demonstrate that they respect the distinctive landscape character of the area as identified in the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area. The impact of any development on the landscape will be assessed accordingly as not to cause an unacceptable visual intrusion, adversely affect landscape elements, field boundaries or settlement patterns, introduce or remove incongruous landscape elements and not disturb or detract from the visual amenity and tranquillity of the area.

Impact upon the Character of the Area

- 7.7 The garage building has been built at the top of the site, adjacent the bungalow. It is well set back from the street and therefore, has little impact upon the character of the streetscene. The construction materials match those of the bungalow.

- 7.8 The rear of the building has been cut into the landscape which raises south to north. A retaining wall has been built and a new stone wall erected in the field. The garage building is read in context of the built form of Littlemoor and does not represent an incongruous feature in the landscape.
- 7.9 The garage building as built does not have a traditional square/oblong footprint due to encompassing land that previously was not included in the curtilage of Croftonvale. The land occupied a small outbuild attached to outbuildings within the curtilage of Croftonvale and it was purchased by the Applicant and incorporated into the site now occupied by the garage/store building.
- 7.10 The ownership and encroachment issues have been raised by objectors and is not a material planning consideration. The main focus is how the building affects the character of the area in accordance with Local Plan Policies SS9, SDC3 and SDC12 and Neighbourhood Plan Policies AP2 and AP13.
- 7.11 In considering the retrospective proposal, the garage store has been built to an acceptable quality and due to siting, massing and construction materials it is concluded by Officers that it does not have a detrimental impact on the character of the site and the surrounding countryside, which is a Secondary Area of Multiple Environmental Sensitivity.
- 7.12 The Parish Council and Ward Councillor have raised objections to the loss of stone wall which divided the two gardens. Ashover Neighbourhood Plan Policy AP16 advises that development proposals that affect a dry stone wall should be designed to retain or enhance it. It supports proposals for new dry stone walls that make a positive contribution to the network of dry stone walls across the Parish.
- 7.13 The boundary wall was within a domestic setting and outside of any conservation area and its loss could not be resisted. However, a new stone wall has been constructed to the rear of the garage building separating the site from the open countryside. It has been built to a high standard and is considered to comply with the Ashover Neighbourhood Plan Policy AP16.

Impact upon Residential Amenity

- 7.14 The nearest residents are located to the south east, at Oakroyd. The garage building sits at the top of the garden on the far western corner of the Application site. Oakroyd is some distance away from the garage building, and whilst the west elevation forms the boundary treatment (given the former outbuilding has been demolished) it is only viewed from parts of the garden area due to the mature landscaping. There are no windows on the side elevation and no overlooking is created by the rooflight on the front roof slope. Whilst interested parties have a differing view to one another, it is in the Officers opinion that the building does not cause a significant adverse impact upon privacy and amenity to neighbouring residents.
- 7.15 The new boundary wall and fence is yet to be appropriately finished on the neighbours' side and an agreement has been reached outside of the planning application. Similar replacement planting has also been agreed. Officers do not consider that these matters are required to be controlled by way of conditions on any decision.

- 7.16 The proposal is therefore considered to accord with the North East Derbyshire Local Plan policies SS9 and SDC12 and Ashover Neighbourhood Plan Policy AP2 and AP11.

Highway Safety

- 7.17 There are no changes proposed to the access arrangements or parking situation. The Highways Authority have raised no comments.

8.0 Summary and Conclusion

- 8.1 The proposal seeks retrospective planning permission for the retention of the garage building to be used by the occupiers of Crotonvale. Retrospective planning applications are required to be considered in respect of the policies of the Development Plan and determined on their own merits. Where harm is identified the application should be refused.

- 8.2 In the case of this retrospective application, it is not considered that the building causes any adverse or significant impact upon the character of the area or residential amenity of neighbouring properties and there are no reasons to depart from the Development Plan when taken as a whole. Accordingly, it is recommended that planning permission is **granted** unconditionally.

9.0 Recommendation

- 9.1 That Planning Permission is **granted** unconditionally.