

PLANNING COMMITTEE – 9 MARCH 2021

REFERENCE NUMBER: 20/00833/FLH Application expiry date: 22/03/2021

Application Type: Full Planning Permission

Proposal Description: **Retention of existing roof line 250mm higher than approved planning application (NED/18/00009/FLH) and relocation of office studio in front garden.**

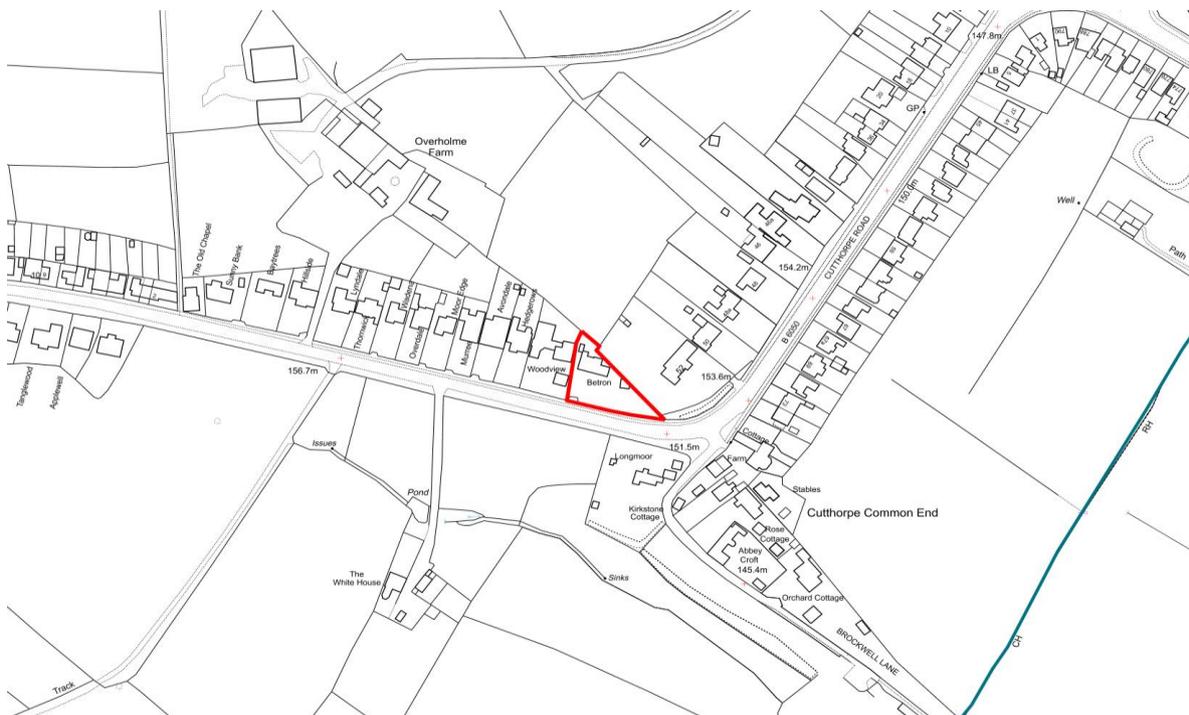
At: **Betron, Main Road, Cutthorpe, Chesterfield**

For: **Mr B Narman**

Third Party Reps: 8 Parish: Brampton
Ward: Brampton and Walton

Author of Report: Adrian Kirkham Date of Report: 01.03.2021

MAIN RECOMMENDATION: GRANT PERMISSION



1.0 Reason for Report

- 1.1 Councillor Thacker has requested that the application is considered by Planning Committee so it can assess the impact of the office pod on the street.

2.0 Proposal and Background

- 2.1 The applicant is seeking consent for the following:

- A. To retain the existing extended building as built (reducing/amending some window openings) and specifically at a height to roof apex 250mm higher than originally approved, and,
- B. To retain an office studio relocated closer to the road in the front garden.

- 2.2 Planning consent was first granted in 2018 permitting the alteration and extension of the original property, including the raising of its roof. Subsequently and following the receipt of complaints, it was noted that the building had been constructed higher than approved with the dormers higher into the roof slope than originally consented. Subsequently, approval was given to retain the dormers in their revised location.

- 2.3 It had been originally considered that the dwelling was finished 400mm higher than approved but further to a survey of the property it has been noted that in fact this height is 250mm. This application is seeking to rectify that issue and gain retrospective consent for the building as constructed, including the removal of two window openings and the replacement of a patio door opening with a window on the rear elevation. In addition, the porch has been altered.

- 2.4 The office pod was originally stationed close to the dwelling but it has subsequently been relocated closer to the road in the front garden.

- 2.5 A letter has been received from the applicant's agent stating that:

- A. There was no deliberate intention by the owner to raise the height of the dwelling above the submitted planning drawing.
- B. A section has been produced through the building and principle elevation showing the different construction elements and their position in relation to the approved drawing. Small individual increases have occurred at various stages of the construction resulting in a total increase of 250mm to the ridge height.
- C. When the roof was removed from the original bungalow it was necessary to add a course of bricks to form a level seating for the new floor joists. This resulted in an increase from the ground floor level to the ceiling of 75mm (one course of brick). The floor joists were required to be significant in depth to straight span the original bungalow plan as there were limited existing low bearing walls. This resulted in a further small addition to the thickness of the floor zone above that shown on the submitted plans.

- D. The first floor ceiling height increased by approximately 40mm which was as a result of coursing into the new natural stone outer skin. The natural stone is coursed at 150mm as opposed to the original bungalow brickwork. This increase when building with masonry over a full storey is minimal. It is often inevitable to have small discrepancies from original planning drawings to final working details required for building regulations.
- E. Finally, the pre-made and engineered attic roof trusses were calculated and needed to be slightly deeper than anticipated. The attic room created is to be used as a play room. There is a small overall increase in the height of the roof trusses.
- F. The height of the eaves can vary by a number of factors – the width of the soffit overhang and the soffit depth, but this would not affect the overall ridge height. This may explain to some extent the heights taken by your officers during their site visit. Also the ground levels were unfinished at the time of measuring. In any event any measurements should be taken from the floor level which is that of the original bungalow, and the datum for any survey. However, the ridge height which is the real issue, could not be checked using a traditional tape. We therefore commissioned an independent electronic survey, using GPS, which is accurate to the millimetre. Using the original floor level as the datum we have been able to overlay the as built section over the planning drawing to clearly demonstrate where the increases have taken place. As pointed out there was no intention to disregard the approved submission as there was nothing to be materially gained. This is the result of incremental increases throughout the construction process cumulating in the overall increase to the ridge height of 250mm as demonstrated at the various stages.

3.0 Relevant Planning History

3.1 The following planning history is relevant to this application:

18/00009/FLH – Raising of roof height to create a first floor extension and rooms in roof space with balcony. Granted conditionally 22/3/18.

18/00380/DISCON – Discharge condition 3 (materials) of planning approval 18/00009/FLH. Approved 26/4/18.

18/00720/FLH – Application to raise the roof height to create a first floor extension and rooms in roof space with dormer windows and first floor balcony (revised scheme of 18/00009/FLH). Granted conditionally 12/7/18.

19/00057/AMEND – Non-material amendment pursuant of 18/00009/FLH for dormer cil height raised, screen wall to Jacuzzi in lieu of obscured glazing panel and lowering of eaves height of rear offshoot. Approved 22/2/2019.

4.0 Consultation Responses

4.1 The following consultation responses have been received

DCC Highways – No highway objections on the basis that use of the home office will not alter under the proposals.

Brampton Parish Council – Objects in the strongest terms to this application. Councillors did not understand how the original construction was completed 250mm higher than approved and it seems applicants are asking planning officers to help them break the rules. Concerns if it is allowed it will set a dangerous precedent allowing applicants to ride rough-shod over planning rules and regulations. We ask that the application be objected and remedial action enforced.

Ward Councillor – Called in to Planning Committee to allow Committee to assess the pod's position and its impact on the street.

5.0 Representations

5.1 A site notice was posted on 23/10/20. Six neighbours were also notified directly by letter.

5.2 In total 8 representations have been received, 7 of which object to the proposal and 1 of which supports the proposal.

5.3 The objections are summarised as follows:

The building is 250mm higher than the approved planning permission allows. Other similar requests to raise the ridge height on buildings have been refused.

100 people have signed a petition against this proposal.

The roof height is 40cm higher than the planning permission (not 250mm).

Dormer windows have been repositioned and are now more than 1 metre higher and overlooking neighbouring properties impacting on their privacy.

If this application is allowed it would set a precedent for future applications to do the same.

The proposed relocation of the office studio will take it outside the building line and permission for this should be refused.

Drawings show the home office is to be enlarged in addition to being relocated.

A number of objections and complaints regarding the property have not been dealt with.

The agents employed by the applicant are providing misleading information.

A condition should be attached for the office relocation to ensure visiting vehicles park on the paved area in front of the house.

5.4 The comments in support are summarised as follows:

The relocation of the office is in a more suitable position and is well screened by trees and shrubs.
The 250mm increased roof height should be addressed in a fair, balanced and appropriate manner.

- 5.5 Reference is made to a petition of 100 signatures. However, no petition has been received in respect of this application.

6.0 Relevant Policy and Strategic Context

- 6.1 The Development Plan comprises the North East Derbyshire Local Plan. Brampton is preparing a Neighbourhood Plan but it does not yet form any part of the Development Plan.

The most relevant policies from the Local Plan pertinent to this application are as follows:

GS1: Sustainable Development
GS5: Settlement Development Limits.
BE1: General Design Principles
E8: Employment Development in Other Areas
H5: Domestic Extensions
T2: Highway Access and the Impact of New Development.
T9: Car Parking Provision

The North East Derbyshire Local Plan (2014-2034) Publication Draft (PDLP) has recently undertaken consultations on main modifications. It is nearing adoption which is anticipated in summer 2021. Its policies may therefore be afforded significant weight in decision making in accordance with paragraph 48 of the NPPF.

The most relevant policies from the PDLP pertinent to this application are as follows:

SS1: Sustainable Development
SS7: Development on Unallocated Land within Settlements with defined Settlement Development Limits
LC5: Residential Extensions
SDC12: High Quality Design and Place-Making

National Planning Policy Framework (NPPF)

The NPPF is a material consideration in determining this application

7.0 Planning Issues

- 7.1 The material matters in this case are:
- A. Is the increase in height and the other alterations to the plans approved in 2018 for extensions at the property acceptable in terms of their impact on the character and appearance of the area and the amenity of neighbours?
 - B. Is the office pod acceptable in terms of its impact on the character of the area?
 - C. Is the office pod acceptable in terms of any impact it has on highway safety?
- 7.2 Planning consent was granted in 2018 for extensions and alterations at the application property. This included various extensions and the raising of the roof to create additional storeys at the property. Subsequently, a further application seeking to add dormer windows into the roof (in place of roof lights) was also approved.
- 7.3 Further to this, it came to light that the development had not taken place in accordance with the approved details. It was originally thought this discrepancy was that the new structure was 400mm higher than approved but this application, further to the completion of the development, seeks formal consent to retain the structure as built at 250mm higher than originally approved. This change comes about as set out by the applicant's agent and follows the undertaking of a full and proper electronic survey. In addition, the approved dormer windows are set to the ridge of the roof rather than just below it. Other elements of the approved decision have been amended with a revised porch design on the front; minor alterations to the side (east) elevation; the omission of two ground floor windows to the rear and the reduction in size of another first floor window on the rear elevation.
- 7.4 The principle of extensions to houses in settlements (as here) is generally considered to be acceptable in principle. In this case, there is a fall-back position of the approved scheme of 2018. This is a material consideration. Therefore, the assessment here is whether the further changes from the approved details are acceptable.
- 7.5 The raising of the ridge height by 250mm and the placing of the dormers at the roof apex (rather than just below it) adds some marginal bulk to the property. However, Officers are of the view that as the site lies within a settlement and when viewed from the west, the most prominent viewing location, the bulk of the property is seen against other large dwellings, there would be a barely perceptible impact on the character of the area over what was originally approved. In addition, when viewed from closer vantage points such as the road outside the property and the local footpath network it will be very difficult to note any meaningful change to the overall impact of the property. As such, the dwelling as built is acceptable, with no unacceptable impact on the character of the area.

- 7.6 The extensions have a limited impact on the neighbouring property, an issue considered and assessed to be acceptable when the original permission for extensions was granted. The issue now is whether the revised scheme is any more harmful than that previously approved. Officers conclude that the revised scheme does not have a greater impact on the amenity of the neighbour than previously as it introduces no new side facing features than those previously approved.
- 7.7 The office pod was originally located to the side of the house. It has subsequently been moved closer to the road within the front garden against the hedge forming the boundary with another property to the east. It is in this location that consent is sought. It is single storey, flat roofed and located in the angle of two mature hedges, one to the side boundary and one to the road boundary. Whilst potentially visible from the highway, the hedge largely obscures the office building. If the hedge is retained to a height of 2 metres this screening will continue and the building will have very little impact on the character of the area.
- 7.8 The issue of the home office use and parking is raised as a matter of concern. The area is characterised by its residential nature and Officers are of the view that the introduction of an uncontrolled office use in this location would not be acceptable. However, suitably conditioned to allow the office to be used only by occupants of the house and as an ancillary building to it, it would be acceptable and not require any additional car parking on site.
- 7.8 Various other issues have been raised. However, it is essential to note that each case should be judged on its merits and permission in this case does not set a precedent for how future applications should be determined. On the specific issue of parking Officers conclude there is sufficient on-site parking to accommodate all vehicles likely to visit the property.

8.0 Summary and Conclusion

- 8.1 The applicant seeks consent to both retain the house extensions as built, and the relocated home office building.
- 8.2 Neither part of this proposal, the 250mm increase in height and the location of the home office building, adversely impact the character of the area or the amenity of neighbours. As such the whole application complies with the policies of the Development Plan.

9.0 Recommendation

- 9.1 It is recommended that consent be GRANTED to retain the development as constructed subject to the following conditions, the final wording of which is delegated to the Planning Manager (Development Management):
1. The development hereby approved shall be carried out in accordance with the submitted plans, unless otherwise specifically agreed in writing by the

Local Planning Authority or otherwise required by any other condition in this decision notice.

2. The home office hereby approved shall only be used by residents of the property known as "Betron" and by no other person.
3. The home office hereby approved shall be used solely as an ancillary building in association with "Betron" and shall not be independently used or sold.