

DELEGATED DECISION REPORT

HPK/2021/0103
Valid 03/03/2021

191 MACCLESFIELD ROAD
WHALEY BRIDGE

RETROSPECTIVE
APPLICATION FOR AN
OUTDOOR TIMBER CLIMBING
WALL

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design, Character and Appearance
- Amenity

DESCRIPTION OF SITE

The site relates to a detached residential property and associated gardens situated on the north side of Macclesfield Road, within the built-up area boundary of Whaley Bridge. The rear garden of the property is on two levels with the lower tier being adjacent to the rear gardens of neighbouring properties on Reddish Avenue.

PROPOSAL

This is a retrospective application for the erection of an outdoor timber climbing wall situated within the rear garden of the property. The proposal has been the subject of a Planning Enforcement investigation following neighbour complaints and this application seeks to obtain approval for its retention. The proposed climbing wall is approx. 3.3m high and is affixed to the retaining wall at lower garden level. It comprises a timber structure with plywood boarding and a corrugated roof.

A retrospective application for the same climbing wall was refused under HPK/2020/0358 on 6th November 2020 on the grounds of the impact of the visual appearance of the structure. A covering letter submitted with this application refers to a conservation with Officers following this refusal and states that the following changes have been implemented to address the previous reason for refusal:

- Removal of the corrugated roof material and replacing it with a flat grey roof
- Re-painting the ply sheeting which forms the visible surface of the climbing wall

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
EQ6 Design and Place Making

Supplementary Planning Documents

High Peak Residential Design Guide SPD (2005)
High Peak Design Guide SPD (2018)

National Planning Policy Framework

Achieving Sustainable Development	Chapter 2
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2001/0287	Alterations To Rear Garden To Form Off Street Parking (Refused 03/09/2001)
HPK/2006/0609	Two Storey Rear Extension (Approved 02/10/2006)
HPK/2020/0358	Retrospective application for outdoor timber climbing wall (Refused 6 th November 2020)

CONSULTATIONS

Publicity

Site Notice expiry date: 20th April 2021
Neighbour consultation period ends: 29th March 2021
Press Advert: N/A

Public Comments

3 x representations objecting to the application have been received in connection with this application. The concerns within these objections are summarised as follows:

- Design not compatible with existing properties and surrounding area
- Impact on privacy and general amenity of neighbouring properties
- Revisions do not address previous concerns
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Town / Parish Comments

Supports the application with a more muted colour scheme

DCC Highways

No objections.

OFFICER COMMENTS

The property lies within the built up area boundary of Whaley Bridge, one of the larger Market Towns as identified under Local Plan (LP) Policy S2, whereby the general principle of development is considered to be acceptable. However this is subject to compliance with other Policies concerning design and amenity.

Design, Character and Appearance

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ6 requires that all development should be well designed and of a high quality, responding to its environment and challenge of climate change, whilst also contributing to local distinctiveness and sense of place.

The High Peak Design Guide 2018 states that:

2.2 “It is important therefore that any new development is capable of achieving a high standard of design that meets the demands of today’s lifestyles. The rich variety of architectural styles and historic features in the High Peak area needs to be protected and enhanced. Alterations to existing buildings and new development should be designed to complement the area”.

7.24 “New materials need to respect the building and its setting”...

Paragraph 127 of the NPPF states amongst other matters that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

The proposal relates to an outdoor climbing wall of a timber frame construction which is situated within the rear garden and is partially visible from Reddish Avenue to the north and longer distance views from Macclesfield Road.



Above: Site photos taken 14th May 2021

The above compares with the retrospective scheme refused in November 2020. A site photo taken by Officers on 20th October 2020 is shown below.



The plans submitted with this application show the size and height of the climbing wall to be consistent with that previously refused, with the corrugated roof being replaced with a more sympathetic felt, and two alternative colours being presented – either a dark grey (RAL 7042) or a dark green (RAL 6029). Email correspondence from the applicant confirms that the intention is to paint the wall in one colour and would be happy for the authority to determine this by way of a condition. Such changes have been incorporated based on constructive dialogue with Officers

It is considered that either of these softer colours would result in a much more sensitive design that when viewed from the nearest public vantage point on Reddish Avenue would not result in any adverse harm to the overall character and appearance of the area. It is considered that the muted green offers a more sympathetic appearance than the grey, and as such, a condition is recommended

that specifies the specific colour of the climbing wall. Moreover with the colour of the wall being amended to green, when viewed from the neighbours dwelling it would appear as the backdrop to their landscaped gardens.

Whilst the objection from the neighbouring property is acknowledged, it is considered that the visual impact of the revised climbing wall would be comparable to any other paraphernalia that one would expect to see in a garden for personal use and as such these impacts are negligible.

Having regard to the above, it is concluded that the amendments shown on the supporting plans have addressed the previous design and visual impact reason for refusal and in its revised form, the application does not conflict with Local Plan Policies S1 and EQ6, relevant Supplementary Planning Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

Residential Amenity

Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and to 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.

Paragraph 127 of the NPPF requires that development create a high standard of amenity for all existing and future users.

The neighbours have cited loss of privacy as a key concern. The proposal is positioned at a higher level than the neighbouring property directly to the north, No. 34 Reddish Avenue. It is noted that the earlier application was not refused on the grounds of the impact on the residential amenities of the neighbours. When in use by climbers it would be possible to look from the climbing wall over the garden fence into the neighbour's property and rear garden. However, generally any persons using the wall would have their back to the neighbours as they manoeuvre along the wall. The application property already includes a rear patio above the climbing wall so the potential for overlooking already exists. The garden fence between the site and the neighbouring property partly screens the proposal from the neighbour's property.

Similar to the conclusions of Officers in considering the previous retrospective application, it is considered unlikely that the proposal causes significant loss of light to the neighbouring properties on Reddish Avenue. From these neighbouring properties the climbing wall is seen against the backcloth of the existing retaining wall and fence with the properties on Macclesfield Road beyond on much higher ground.

The neighbours are also concerned that the proposal may be used as a commercial venture, in which case this will further exacerbate its impact as strangers will be able to look into the neighbours' houses and gardens and create parking problems.

However, again in similar vein to the conclusions of the previous application, there is no indication that the proposal is used other than by the occupants of the dwelling. To prevent any such use, a condition is recommended to ensure that the proposal is

used only for purposes incidental to the existing dwelling and not for business purposes.

It is therefore concluded that the proposal does not adversely affect the amenities of the neighbouring properties and the application accords with LP Policy EQ6 and paragraph 127 of the NPPF in this respect.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This retrospective application is for a personal climbing wall in the rear garden of No.191 Macclesfield Road, Whaley Bridge, and includes alterations to a previously refused (retrospective) application following constructive dialogue with Officers.

The principle of development is acceptable given the site's location within the built-up area boundary and that it is not constrained by any sensitive statutory designation.

An assessment of the application has concluded that the proposed changes to the material of the roof and changes to the colour of the face of the climbing wall has addressed the previous reason for refusal relating to design, and in a similar vein to the previous application, is not found to result in any adverse harm to the amenity of neighbouring residential properties.

As such, the application is found to constitute sustainable development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 2nd June 2021

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council