

DELEGATED DECISION REPORT

HPK/2022/0564
Valid 23/12/2022

1 HAWK ROAD
NEW MILLS

NEW STORE/GARAGE AND
FENCE ADJACENT HIGHWAY

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design, Character and Appearance
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to No.1 Hawk Road, New Mills; a semi-detached bungalow positioned at the junction of Hawk Road and Pingot Road, with the latter terminating a short distance to the north-east of the site in the form of a cul-de-sac.

The boundary fronting the highway is defined by a well maintained mature hedgerow that extends around the corner of the junction to the front and side of the property, pierced by a small access gate. The part of the existing boundary hedgerow that runs parallel with Pingot Road terminates at the point at which an existing access provides entry to an existing garage/store.

This existing garage has a width of 2.8m and depth of 5.1m which falls short of modern adopted standards for a single garage (3.0m x 6.0m) reaching a height of approximately 2.5m. The existing garage is served by a small area of hard surfacing, with the front elevation of the garage set back some 7m from the carriageway edge via a dropped kerb which crosses the pedestrian pavement.

A street light is positioned between the hedgerow forming the side boundary and Pingot Road.

PROPOSAL

The application seeks permission for a new vehicular access in the form of a dropped kerb on to Pingot Road to the side of the dwelling, the provision of hard standing to provide space to accommodate 3no. vehicles, facilitated by the removal of a section of existing boundary hedgerow, and the replacement of the existing store/garage with a new store/garage with a dual pitched roof.

The plans show the provision of timber fencing immediately in front of the side elevation at the back of the new parking area, extending to the side of the new garage/store. An additional small section of fencing is proposed on the other side of the garage, replacing hedgerow. The fencing is shown to have a height of 1.7m, whilst the width of the new dropped kerb extends some 15m.

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
EQ6 Design and Place Making
CF6 Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2022/0562	Certificate of Lawful Development for proposed dormer window (Pending)
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CONSULTATIONS

Publicity

Site Notice expiry date: 17th February 2023
Neighbour consultation period ends: 20th January 2023
Press Advert: N/A

Public Comments

None

New Mills Town Council Comments

No objection.

Derbyshire County Council Highways

The proposal seeks the creation of a new vehicular access to Pingot Road to serve a replacement garage and 3no. off-street parking bays.

The application site is located on the cul-de-sac of Pingot Road which is an unclassified road subject to a 30mph speed limit. The proposed access is similar as the existing access in terms of emerging visibility, and it is likely that vehicle speeds in the vicinity of the site are low.

Any length of dropped kerb made redundant by the proposal should be raised to the appropriate level along with the associated footway.

The applicant should be aware that the street lighting column in the vicinity of the proposed vehicular access will likely require relocation and any costs incurred in this will need to be at the applicant's expense.

The proposed garage is below the required dimensions to be considered as a parking space (3.0m x 6.0m) however, the size of the garage is similar to that of the existing garage and the proposed demonstrates sufficient levels of on-street parking provision by way of a driveway.

Typically garages should be setback a minimum of 6.5m from the nearside highway boundary (back edge of the footway) so that vehicles can pull off of the highway/footway prior to the garage doors being opened. In this instance it is not considered that a lesser set back distance would be a sustainable reason for a highways objection as the existing garage is set back around 4m from the back of the footway. However, the Highway Authority recommends that the proposed garage is set back a similar distance.

You may wish to ask the applicant to address the above comments and submit a revised drawing, which we would be happy to comment upon in due course. However, if you are minded to approve the proposals as submitted, it is recommended that the following conditions are imposed:

1. A new vehicular access shall be formed to Pingot Road in accordance with the approved drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use
2. The proposed area of hardstanding, within the curtilage of the application site as shown on the application drawings shall be used for the parking of vehicles clear of the highway and shall be maintained free of any impediment to its designated use
3. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only

OFFICER COMMENTS

Principle of Development

The application seeks alterations to an area of land within the domestic curtilage of an existing residential property that lies within the built-up area boundary of New Mills that is not constrained by any sensitive statutory designation.

The principle of development is therefore supported subject to an assessment of all relevant planning considerations.

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 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

Paragraph 130 of the NPPF states amongst other things 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 residential property subject of this application stands at the junction of two internal estate streets (a corner plot) and as such has a heightened sensitivity for any development beyond the front and side elevations. It is important to note that permitted development rights are intact for this property. Whilst the property is not considered to have any relative architectural merit or sensitivity, it is nevertheless bounded by an attractive mature hedgerow that encloses a front and side garden.

The proposal seeks to remove a considerable section of this hedgerow to the side of the property to make way for an extended dropped kerb and an area of hard standing to make provision of 3no. off-street parking spaces. A timber fence would be sited immediately in front of the side elevation. A replacement garage with slightly larger dimensions to that which currently exists is proposed.

Firstly with regards to the proposed replacement garage, the plans show this structure to have a dual pitched roof reaching an overall ridge height of 3m. The scale and height of the replacement garage is considered to be acceptable, continuing to read as a subordinate and secondary structure in comparison to the main dwelling. The garage would be constructed from a low section of blockwork with timber boarding above, which is typical for this type of ancillary outbuilding as similarly is considered to be acceptable in design terms.

Turning to the introduction of hardstanding in place of the boundary hedge, permission is not required to remove the hedgerow and therefore the loss of this boundary treatment on the character and appearance of the street scene cannot be taken into account.

Whilst the introduction of hard standing to facilitate 3no. vehicles parking side by side would undoubtedly result in a negative impact to the overall character and appearance of the site and wider street scene, particularly given its location on a corner plot, it is the case that such works can be implemented without planning

permission having regard to Schedule 2, Part 2, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, which is a material consideration to the assessment and determination of the application.

In light of the above, it is the view of Officers that whilst the proposals would be highly undesirable and would undoubtedly lead to a deterioration of the overall visual aesthetics of the site and wider street scene, and thus having a degree of conflict with LP Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF, the fall-back position by virtue of what can be achieved under permitted development without planning permission is such that there are no credible or reasonable grounds for refusal with regards to design or appearance.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The introduction of a dropped kerb relates to an adopted but non-classified road, and as such, having regard to planning legislation (separate from any highways legislation) this aspect of development can be implemented without planning permission under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

The Highways Authority response has noted that the street lighting column in the vicinity of the proposed dropped kerb may require re-location, for which expenses would be incurred by the applicant.

With regards to the positioning and dimensions of the proposed garage, the Highways Authority have stated that it is substandard for a parking space but that sufficient off-street parking is proposed adjacent. Further, it has been identified that the garage should ideally be set a minimum of 6.5m from the nearside carriageway so that vehicles can pull off the highway/footway prior to garage doors being opened, but that in this instance, the failure to achieve this set back would not be a sustainable reason for refusal given that the existing garage is only set back some 4m behind the highway edge.

With the above in mind, the Highways Authority have suggested three conditions that would allow the proposal to be acceptable in highway safety terms. Whilst the third condition relating to gates can be applied, the first two conditions are not considered

to be necessary or reasonable bearing in mind the hard standing and dropped kerb can be introduced without planning permission.

Subject to compliance with these conditions, it is considered that the proposed development would not result in any adverse harm to highway safety, in accordance with LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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.

The application seeks permission for domestic development that amounts to the creation of a dropped kerb with hard standing for off-street parking in place of an existing hedgerow and the replacement of an existing garage/shed with one of slightly larger dimensions with dual pitched roof.

An assessment of the application has concluded that whilst there would undoubtedly be a deterioration in the visual aesthetics, character and appearance of the site and wider street scene as a result of the loss of the hedgerow, the removal of this boundary treatment and introduction of a dropped kerb and hard standing could be implemented without planning permission.

Therefore on balance, taking all material considerations including the permitted development fall-back position into account, the application is considered to amount to a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions that amongst other things, ensures that highway safety would be preserved.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 17th February 2023

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council