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WALSINGHAM PLANNING

SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

Planning Appeal Statement

10 Robertson Road, Buxton, SK17 9DY

Mr and Mrs Smith

FEBRUARY 2023

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I INTRODUCTION

I.1 This Statement is prepared by Walsingham Planning (WP) on behalf of the Appellants (Mr and Mrs Smith). This statement accompanies an appeal of the decision to refuse an application for householder planning permission (LPA ref: HPK/2022/0383).

I.2 The application sought householder planning permission for the following:

“Demolition of existing outbuildings and the addition of a single-storey side / rear extension with associated internal alterations, to include the construction of detached ancillary accommodation and alterations to the boundary wall fronting the highway.”

I.3 The Decision Notice was issued on 07/12/2022. The stated reasons for refusal are as follows:

“The proposed outbuilding, by reason of its significant scale, height and proximity to the site boundary, along with the change in land levels with No.8 Robertson Road would result in an unacceptable relationship with that property. The proposed relationship is considered to be un-neighbourly and would give rise to adverse overshadowing, overbearing to that property and its private amenity space, along with an unacceptable loss of outlook. As such, the development would have a detrimental impact on the amenity enjoyed by residents of that property. The development proposals would therefore be contrary to Policies S1 and EQ6 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 of the NPPF.”

“The site is located within the Buxton Conservation Area, which is a designated heritage asset. The proposed outbuilding, by reason of its significant scale, height, design, materials along with its siting, would result in a prominent and incongruous form of development that would be at odds with its context, and would cause demonstrable harm to the character and appearance of the streetscene and Conservation Area. The proposals would cause less than substantial harm to the significance of the heritage asset, where no public benefits exist to outweigh the harm. The development proposals would therefore be contrary to Policies S1, EQ6 and EQ7 of the High Peak Local Plan

2016, the High Peak Residential Design SPD (2005), the adopted Buxton Conservation Areas Appraisal 2006 and relevant paragraphs under Chapter 12 and 16 of the NPPF.”

“The site is located within the Buxton Conservation Area, which is a designated heritage asset. The proposed extension, by reason of its inappropriate design would result in an incongruous form of development that would be at odds with the host dwelling and would cause demonstrable harm to its character and appearance and that of the Conservation Area. The proposals would cause less than substantial harm to the significance of the heritage asset, where no public benefits exist to outweigh the harm. The development proposals would therefore be contrary to Policies S1, EQ6 and EQ7 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 and 16 of the NPPF.”

“The proposed siting and inclusion of full height windows to the proposed outbuilding would cause direct overlooking to number 7 College Road and would result in loss of privacy and an unacceptable relationship with that property. As such, the development would have a detrimental impact on the amenity enjoyed by residents of that property. The development proposals would therefore be contrary to Policies S1 and EQ6 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 of the NPPF.”

1.4 This submission will demonstrate that the proposal is, contrary to the view of the Council, development that is in full accordance with the Development Plan, whereby there are no material considerations that would justify departing from the position that development is in full accordance with the Development Plan must be approved without delay.

1.5 The remainder of the statement is structured as follows:

- Section 2 – factual background, including a description of the appeal site and its surroundings, relevant planning history and designations affecting the site.
- Section 3 – a summary of relevant planning policy.
- Section 4 – the Appellants Statement of Case
- Section 5 – our conclusions

2 BACKGROUND

The Appeal Site and its Surroundings

- 2.1 The application site relates to a two-storey semi-detached dwelling located within a predominantly residential area. The property is a three-bay semi-detached property with two bay windows. The property is set under a tiled-hipped roof (hip end over the attached garage).
- 2.2 The property has existing vehicular access and dropped kerb from Robertson Road. A low stone wall runs across the frontage.
- 2.3 The neighbour of the pair has been extended to the side, Planning Permission (HPK/2003/0115); this extension has the effect of elongating-built form and infilling space between the property and its neighbour at 14 Robertson Road.

Planning History

- 2.4 There is no planning history noted on the Council's website. The Council confirms no planning history within its Delegated Report (Appendix I). Irrespective of this, the properties' fabric had been altered before the Appellant's ownership.

Designations

- 2.5 The site lies within the development boundary for Buxton as defined by the Local Plan Policies map. The application site lies within the College area of the Buxton Conservation Area.
- 2.6 As the Appellants acknowledged, the property has some significance to the Conservation Area. The Council does not designate the property as a non-designated heritage asset in its Delegated Report. Thus, Paragraph 203 of the NPPF is not relevant.

Appeal Proposals

- 2.7 The proposals constitute the erection of a single-storey rear extension to the property in a modern style. The erection of an outbuilding to the rear and side of the property and enlarging an existing gap between the front boundary wall facing Robertson Road.

- 2.8 The proposed outbuilding will measure approximately 14m with a width of approximately 5.5 and an overall height of approx. 5.1 metres. The outbuilding is located in the rear and side of 10 Robertson Road and is to be timber clad with aluminium finishes to the columns, fascia's, and soffits. The height to the eaves is approx..2.7m. This structure is of high-quality modern design to provide an attractive contemporary outbuilding of an entirely ancillary nature to the main dwelling.
- 2.9 The proposed rear extension measures 3.5m with an overall height of approx.: 4.1 m and a width of approx..5.3m. A small utility room is to be added adjacent to the proposed rear extension, which has a length of approximately 3.4m and a height of approx. 3.3m. The utility room is set under a flat roof.
- 2.10 The proposed opening is to widen to approx. 4.6m from the previous approx. 3.2m. The driveway and existing dropped kerb will remain as existing.
- 2.11 Of the Appeal proposals, the Council has objected on design and amenity grounds to the extension and the outbuilding. The other elements were not refused and, thus, are acceptable to the Council.
- 2.12 Below is a table with images of the materials to be used, as can be seen they are high quality modern materials that will result in high quality development.

3 PLANNING POLICY CONTEXT

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that ‘if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Act, the determination must be made in accordance with the plan unless material planning considerations indicate otherwise’. Any issue that relates to the use of development of land is capable of being a material planning consideration. This includes Government statements of planning policy.
- 3.2 Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990) states that the decision-maker shall have regard to the provisions of the development plan so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 3.3 Conservation areas are “areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”, as defined in section 69(1) of the Listed Buildings and Conservation Areas Act 1990. Section 72(1) expresses that “in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
- 3.4 The national policy on “Conserving and enhancing the historic environment” in Chapter 16 of the National Planning Policy Framework (NPPF) is consistent with the statutory duties under the Listed Buildings and Conservation Areas Act 1990.
- 3.5 The Development Plan consists of the High Peak Local Plan (adopted in 2016). Statements of National Planning Policy in the form of the National Planning Policy Framework (2021) are of relevance; this is as well as supplementary planning guidance documents - Residential Design (2005); High Peak Design Guide (2018); Buxton Conservation Areas Appraisal (2007).
- 3.6 The Delegated Report lists the policies of relevance to the determination. That list of policies is not subject of contention and is, thusly, not repeated. The Delegated Report is reproduced as Appendix 2.

4 STATEMENT OF CASE

REASON I

4.1 The first reason for refusal is as follows:

“The proposed outbuilding, by reason of its significant scale, height and proximity to the site boundary, along with the change in land levels with No.8 Robertson Road would result in an unacceptable relationship with that property. The proposed relationship is considered to be un-neighbourly and would give rise to adverse overshadowing, overbearing to that property and its private amenity space, along with an unacceptable loss of outlook. As such, the development would have a detrimental impact on the amenity enjoyed by residents of that property. The development proposals would therefore be contrary to Policies SI and EQ6 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 of the NPPF.”

4.2 The property, no.8 Robertson Road, sits at a lower level than the appeal site. A vehicular access and a laid hardstanding area are at the property’s side that shares a boundary with the appeal site. A modest conservatory and bay window serve ground floor space on the property’s side elevation. There are windows on the second floor on the side elevation.

4.3 The proposed outbuilding is not near the conservatory, being set away from this structure and not directly facing the conservatory. The proposed outbuilding is approx..10 metres away from the bay window. The outbuilding is also approx.12 metres away from the rear outrigger. These are significant distances; in this context, the outbuilding does not result in an inappropriate relationship with that property.

4.4 The amenity space of the neighbouring property is substantial, and there is a small area of lawn whereby the presence of the outbuilding may be experienced. However, considering the full extent of the space to the rear approx..17m in length, most rear amenity space will not experience the outbuilding (the outbuilding has a height of c. 5.5 metres).

4.5 Design guidance does not provide separation distances between outbuildings and neighbouring built forms. Therefore, the Council must consider this impact on a case-by-case basis.

- 4.6 In this instance, substantial distances exist between the outbuilding and amenity spaces. Considering these distances and the nature of the proposed outbuilding, the proposal will not result in a deleterious impact on the amenities of the property, no.8 Robertson Road, in terms of giving rise to adverse overshadowing, overbearing to that property or its private amenity space, or an unacceptable loss of outlook.

REASON 2

- 4.7 The second reason for refusal is as follows:

“The site is located within the Buxton Conservation Area, which is a designated heritage asset. The proposed outbuilding, by reason of its significant scale, height, design, materials along with its siting, would result in a prominent and incongruous form of development that would be at odds with its context, and would cause demonstrable harm to the character and appearance of the streetscene and Conservation Area. The proposals would cause less than substantial harm to the significance of the heritage asset, where no public benefits exist to outweigh the harm. The development proposals would therefore be contrary to Policies SI, EQ6 and EQ7 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), the adopted Buxton Conservation Areas Appraisal 2006 and relevant paragraphs under Chapter 12 and 16 of the NPPF.”

- 4.8 The reason for refusal pertains to the impact of the outbuilding on the character and appearance of the Buxton Conservation Area. The Council contends that the proposal results in less than substantial harm without public benefit.
- 4.9 The proposal is to replace a modest existing outbuilding with a larger modern outbuilding of high design quality. While no public benefit can be put forward, the Appellants do not concur with the position of the Council that harm would result from the proposed outbuilding.
- 4.10 The Council concludes that the outbuilding, due to its design, is detrimental to the Conservation Area in that it will be a presence in the gap between properties and will obstruct glimpse views. The impact the Council describes is localised to the immediate area.
- 4.11 The proposed outbuilding will change the setting of the host building but not to the extent of causing harm to the character and appearance of the Conservation Area. The presence of

the outbuilding will have a slight impact on glimpse views between the properties; however, the width of the outbuilding is only approx.. 2.8m metres wide. The outbuilding is, therefore, slight and would only infill a small amount of the space between properties, consequently having little impact on the glimpse view.

- 4.12 The Council consider that the outbuilding will fragment the urban pattern of the road, and the relationship between the host building and its setting will be diluted.
- 4.13 The existing urban pattern of the road is already fragmented due to extensions to the side of properties and other ancillary structures in the grounds of neighbouring properties. The proposed outbuilding, by being in the rear setting of the host property (in excess of 1.5m behind the property), would not result in fragmentation of the street scene. The proposal is ancillary in nature and of a residential scale; thusly, it will not dilute the setting of the host building.
- 4.14 The design guidance emphasises that the materials should match the materials of the existing house, which it is acknowledged that the proposals do not do; however, the proposed materials are high quality and do not harm the Conservation Area.
- 4.15 Design guidance is advisory and can steer toward good design; however, guidance documents are not prescriptive. Policy EQ 6 of the Local Plan requires that development be well designed to respect an area's character in terms of materials which the proposal achieves.
- 4.16 The proposed outbuilding is of a high standard of design that is complementary to the setting of the host building and the wider Conservation Area. The outbuilding will be experienced in localised glimpsed views and will not be appreciated as an alien or incongruous addition. The proposed outbuilding, contrary to the view of the Council, will not result in less than substantial harm to the significance of the Conservation Area.

REASON 3

- 4.17 The third reason for refusal is as follows:

“The site is located within the Buxton Conservation Area, which is a designated heritage asset. The proposed extension, by reason of its inappropriate design would result in an incongruous form of development that would be at odds with the host dwelling and would cause demonstrable harm to its character and

appearance and that of the Conservation Area. The proposals would cause less than substantial harm to the significance of the heritage asset, where no public benefits exist to outweigh the harm. The development proposals would therefore be contrary to Policies SI, EQ6 and EQ7 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 and 16 of the NPPF.”

- 4.18 The reason for refusal pertains to the impact of the extension on the character and appearance of the Conservation Area and the design of the host dwelling. The Council contends that the proposal constitutes less than substantial harm, with no public benefit. While there is no public benefit, the proposal does not harm the Conservation Area.
- 4.19 Supplementary planning guidance guides interpreting the requirements of Policy EQ6; however, its guidance is solely advisory. The Residential Design Guide (2005), within section 9, states that extensions should be designed to be subordinate to the main house and which is well-designed in itself.
- 4.20 The Council’s Delegated Report explains, “The proposed rear extension would be harmful to the character and appearance of the host dwelling, and the Conservation Area generally. As observed above, one of the main characteristics of the CA are the glimpse views between streets and these proposals would be visible and appear at odds with the general character of the area and heritage asset.”
- 4.21 The proposed extension is of a high-quality modern design and is domestic in scale, size, and massing. The Council has approved extensions of various ages to the rear of properties in this area; hence, the extension would not be at odds with the prevalent character.
- 4.22 The extension, contained within the rear elevation, will not impact glimpse views, as it does not obstruct the possibility of glimpse views between the properties. The extension is of a subordinate and residential scale and massing and achieves good design.
- 4.23 The Council’s design guidance is clear that modern design can be appropriate. There is recognition of this fact within The High Peak Design Guide Paragraph 5.6 “in some circumstances, it may be acceptable to consider extensions which do not emulate the style of the original building. A more contemporary approach to an extension in terms of style and materials will provide a more honest recognition of the building’s evolution and retain

its historic integrity. These need to be handled carefully and must respond to the scale and character of the host building.”

- 4.24 While the Council may prefer a contemporary approach, it is explicit that there are situations where extensions which do not emulate the style of the original building are appropriate, this is such a situation. The proposal complies with the requirements to respond to the scale and character of the host building.

REASON 4

- 4.25 The fourth reason for refusal is as follows:

“The proposed siting and inclusion of full height windows to the proposed outbuilding would cause direct overlooking to number 7 College Road and would result in loss of privacy and an unacceptable relationship with that property. As such, the development would have a detrimental impact on the amenity enjoyed by residents of that property. The development proposals would therefore be contrary to Policies SI and EQ6 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 of the NPPF.”

- 4.26 The reason for refusal pertains to amenity.
- 4.27 There is no comment within Design Guidance concerning separation distances in the context of outbuildings and visual separation distances; hence, it must be a matter of judgement.
- 4.28 The property, 7 College Road, is approx. 10 metres from the rear elevation of the outbuilding. The proposed outbuilding does not face directly onto the windows on the rear elevation of No.7 College Road; thus, there would be no direct overlooking.
- 4.29 The outbuilding could look into amenity space; this is, however, not uncharacteristic for views into the space being possible due to the nature of the existing context.
- 4.30 The internal space of the outbuilding would serve an ancillary purpose noted as a gym and is thus not a space whereby an individual would be inactive and likely to observe the surroundings outside.

- 4.31 Overall, the proposed outbuilding will not result in direct overlooking of the windows or spaces within

COMPLIANCE WITH THE DEVELOPMENT PLAN

- 4.32 The High Peak Local Plan (2016) constitutes the Development Plan.
- 4.33 Policy EQ6: Design and Place Making explains that “all development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.” The Policy then expresses a series of design principles as bullet points. The proposal achieves the design principles described in the bullet points, and thusly, the proposal complies with the Policy.
- 4.34 Policy EQ7: Built and Historic Environment explains, “The Council will conserve heritage assets in a manner appropriate to their significance.” Subsequently, the Policy expresses a series of bullet points which explain how the Council will achieve the aim of conserving heritage assets in a manner appropriate to their significance. The proposal achieves the principles expressed in the bullet points, and thusly, the proposal complies with the Policy.
- 4.35 The proposal complies with Section 16 of the NPPF as explained in the Heritage Statement reproduced in the Appendices.
- 4.36 The NPPF, within Section 12, which pertains to achieving good design, explains that planning decisions should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. The proposals will change the area; however, this change will not impact the character and history of the built environment.
- 4.37 The NPPF, Section 12 places a significant emphasis on design guides and codes at national and local levels. The proposals comply with local design guides (as explained above) in all but the proposed materials and modern aesthetic. The proposed materials are not a detriment to the locality and are of high quality, complementing the surroundings. On balance, the slight departure from local design guidance does not result in the proposals being harmful to the locality. Thus, the proposals comply with the principles of good design expressed in the NPPF.

- 4.38 As outlined above, the proposal complies with the relevant policies of the Development Plan. The proposal also complies with the relevant sections of the NPPF. Regarding material considerations, the Appellants agree with the Council that there are no material considerations that would outweigh the policies of the Development Plan. Thus, it is clear from the above that as the proposal complies with the policies of the Development Plan, there are no material considerations that would justify a departure from the position that proposals that comply with the policies Development Plan must be approved. There is no reasoned justification for the proposed development not to be allowed.

5 PERMITTED DEVELOPMENT POSITION

- 5.1 The position of both parties is that the owner could take advantage of the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015) as amended.
- 5.2 The Appellants do not put forward the position that the proposals comply with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, If the Appeal is not successful, a scheme that utilises permitted development to its fullest potential will be taken forward by the Appellants.
- 5.3 As the plan in Appendix 4 illustrates, an extension of a similar design could be achieved without planning permission. The reasons for refusal that pertain to the extension, impact on the Conservation Area due to design needs to be considered in this context. An extension that would have a more significant impact than the proposal could be delivered.
- 5.4 In terms of the outbuilding, an outbuilding could include glazing and be even closer to the rear amenity spaces of the directly neighbouring properties. An example is provided on Plan 7029_PD01, reproduced as Appendix 4. An outbuilding of more significant impact could be built without Planning Permission.
- 5.5 Overall, the Appellant's proposal has been designed to account for the amenities of neighbouring properties and the character and appearance of the Conservation Area. In the Appellant's view achieving a good balance between providing much-needed space and protecting visual and private amenities. In this context, it is material that the proposed outbuilding and extension can be considered a less impactful option than which can be delivered without the need for Planning Permission.

6 CONCLUSION

- 6.1 This Statement has assessed the proposals against the relevant policies contained within the Development Plan, together with the provisions of the National Planning Policy Framework (NPPF) and other material considerations. This Statement has also considered the reasoning behind the Council's decision to refuse the application and found them unfounded.
- 6.2 In this Statement, we have considered the scheme's implications and the relevant planning issues. As outlined above, the proposal complies with the relevant policies of the Development Plan. The proposal also complies with the relevant sections of the NPPF.
- 6.3 The proposals are of a high-quality modern design that complements the host building whilst protecting the amenities of neighbouring properties. The proposed extension does not harm the character and appearance of the Conservation Area, being entirely contained within the rear elevation and thus not obstructing important glimpse views from within the Conservation Area; neither does it harm to amenities of neighbouring properties as it is of an appropriate scale, massing, projection and overall design. The design is sensitive to its setting while providing a high-quality internal environment.
- 6.4 The proposed outbuilding, while being of a modern palette of materials and aesthetic, is located in a position sensitive to the amenities of the neighbouring properties and the Conservation Area due to a significant setback from the street scene. While it will be experienced within the street scene, the experience is not to the detriment of the character and appearance of the Conservation Area.
- 6.5 Regarding material considerations, the Appellants agree with the Council that there are no material considerations that would constitute a reason for refusal.
- 6.6 As the proposal complies with the policies of the Development Plan, and there are no material considerations that would justify refusing the proposed development. It is the firm view of the Appellants that this appeal should be allowed.



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Application no: HPK/2022/0383

Determined on: 07/12/2022

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PLANNING PERMISSION

Location of Development:

10, Robertson Road, Buxton, Derbyshire, SK17 9D

Description of Development:

Demolition of existing outbuildings and the addition of a single storey side/rear extension with associated internal alterations to include the construction of detached ancillary accommodation and alterations to the boundary wall fronting the highway

High Peak Borough Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans refs: 7029_PL01, 7029_PL02, 7029_PL03, 7029_PL04, 7029_PL05, 7029_PL06, 7029_PL07, 7029_PL08, 7029_PL09, 7029_PL10, 7029_PL11, 7029_PL12, and 7029_PL13

for the reason(s) specified below:-

1. The proposed outbuilding, by reason of its significant scale, height and proximity to the site boundary, along with the change in land levels with No.8 Robertson Road would result in an unacceptable relationship with that property. The proposed relationship is considered to be un-neighbourly and would give rise to adverse overshadowing, overbearing to that property and its private amenity space, along with an unacceptable loss of outlook. As such, the development would have a detrimental impact on the amenity enjoyed by residents of that property. The development proposals would therefore be contrary to Policies S1 and EQ6 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and





relevant paragraphs under Chapter 12 of the NPPF.

2. The site is located within the Buxton Conservation Area, which is a designated heritage asset. The proposed outbuilding, by reason of its significant scale, height, design, materials along with its siting, would result in a prominent and incongruous form of development that would be at odds with its context, and would cause demonstrable harm to the character and appearance of the streetscene and Conservation Area. The proposals would cause less than substantial harm to the significance of the heritage asset, where no public benefits exist to outweigh the harm. The development proposals would therefore be contrary to Policies S1, EQ6 and EQ7 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), the adopted Buxton Conservation Areas Appraisal 2006 and relevant paragraphs under Chapter 12 and 16 of the NPPF.
3. The site is located within the Buxton Conservation Area, which is a designated heritage asset. The proposed extension, by reason of its inappropriate design would result in an incongruous form of development that would be at odds with the host dwelling, and would cause demonstrable harm to its character and appearance and that of the Conservation Area. The proposals would cause less than substantial harm to the significance of the heritage asset, where no public benefits exist to outweigh the harm. The development proposals would therefore be contrary to Policies S1, EQ6 and EQ7 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 and 16 of the NPPF.
4. The proposed siting and inclusion of full height windows to the proposed outbuilding would cause direct overlooking to number 7 College Road and would result in loss of privacy and an unacceptable relationship with that property. As such, the development would have a detrimental impact on the amenity enjoyed by residents of that property. The development proposals would therefore be contrary to Policies S1 and EQ6 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 of the NPPF.

Informatives

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. In this instance amendments to the scheme to overcome the concerns would not be minor and as such have not been suggested. The applicants were given the opportunity to withdraw the application.



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2. The submitted plans include a number of errors, including the height and size of the proposed outbuilding.

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council





NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
1. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
2. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
3. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
4. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
5. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances



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which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



DELEGATED DECISION REPORT

HPK/2022/0383
Valid 12/10/2022

10, ROBERTSON ROAD,
BUXTON, DERBYSHIRE,
SK17 9DY

DEMOLITION OF EXISTING
OUTBUILDINGS AND THE
ADDITION OF A SINGLE
STOREY SIDE/REAR
EXTENSION WITH
ASSOCIATED INTERNAL
ALTERATIONS TO INCLUDE
THE CONSTRUCTION OF
DETACHED ANCILLARY
ACCOMMODATION AND
ALTERATIONS TO THE
BOUNDARY WALL FRONTING
THE HIGHWAY
(FULL - HOUSEHOLDER)

MAIN ISSUES

- Principle of Development
- Design Considerations (including impact on Heritage Assets)
- Impact upon Residential Amenity
- Highway Safety
- Nutrient Neutrality

DESCRIPTION OF SITE

The application site lies within the development boundary for Buxton as defined by the Local Plan policies map. The application site relates to a two storey semi-detached dwelling which is located within an area that is predominantly residential in character. The site has a modest flat roof outbuilding located to its side and includes off street parking to the front and private amenity space to the rear. The site lies within the College area of the Buxton Conservation Area.

PROPOSAL

This application seeks permission for the demolition of the existing outbuilding and construction of a new ancillary outbuilding and rear extension.

The outbuilding would measure approximately 12.5m in length and 5.7m in width (according to the floor plan), although elevation details a wider development when scaled. Due to land level changes the outbuilding would be partially excavated into the slope with access steps down. Maximum eaves and ridge heights would measure 3.6m and 6.9m, according to the gable elevations. While the side elevation shows differing eaves and ridge heights of 3.1m and 5.7m respectively. Materials would comprise vertical timber boarding to the elevations and a plain tile roof. The

plans purport to show a gym with kitchenette, study, shower w/c room, and a hallway.

The proposed rear extension would be flat roofed and project to the rear by a maximum depth of 3.6m. The maximum height of the extension would be 4m according to the side elevation, however the rear elevation measures a height of 5.4m. The proposals would be largely glazed. Accommodation would include a dining room and utility.

The scheme also includes the widening of the existing access.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S7 Buxton Sub-area Strategy
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

Supplementary Planning Guidance/Documents

Residential Design (2005)
High Peak Design Guide (2018)
Buxton Conservation Areas Appraisal (2007)

National Planning Policy Framework

Section 12: Achieving Well-designed Places
Section 16: Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 24/11/22
Neighbour consultation period ends: 01/12/22

Public Comments

4 letters of objection received. Salient points being:

- Rear extension glazing unacceptably high, dominating feature which has no relationship with house
- Outbuilding disproportionate and overdevelopment of plot

- No relationship to existing house and alien to area
- Glass gable dominating and unacceptable, amenity issues
- Intrusive development
- Examples of appropriate extensions at 12 and 14
- Question end use
- Inconsistent plans
- Concerns over length and height
- Appears closer to boundary
- Foundations could damage wall
- Loss of daylight to windows
- Elevations incorrect
- Materials out of keeping
- Unmapped sewers
- Heritage statement errors, inaccuracies
- Outbuilding in good condition
- Changes in site levels, boundary wall is a retaining wall
- Impact on trees
- Building material concerns with Building Regs
- Nutrient neutrality concerns

Councillor Comments

Cllr Thrane - Please note that if this application is recommended for approval, then I request that it be considered by the Development Control Committee. The reasons for the call in include the size and position of the ancillary accommodation and the consequential impact on the neighbours, and the conservation area.

Town / Parish Comments

None received

Conservation Officer

Objection. Recommend Refusal. Comments conclude - Currently the scheme shows a moderate level of impact and therefore harm imposed on Buxton College Conservation Area and as such cannot be supported.

DCC Highways

No objection subject to condition

Severn Trent Water

No mapped sewers at site

OFFICER COMMENTS

Principle of Development

The application proposes householder development to a property which is located within the settlement of Buxton as defined by the Local Plan Policies Map, which lies within the Buxton Sub Area. Within such locations extensions to dwellings are acceptable, as a matter of principle. The main considerations in this instance whether the design is appropriate, taking into consideration its siting within a Conservation Area, whether an amenity issues would arise, whether there would be an impact upon highway safety, and the impact upon the Peak District Dales Special Area of Conservation.

Design Considerations

Policy S1 states that new development will be expected to make a positive contribution towards the sustainability of communities and where possible enhancing the environment which would be achieved by, inter alia, securing high quality and locally distinctive design. Policy EQ6 states that all development should be well designed and of a high quality and that this will be achieved by requiring development to be well designed to respect the character of the townscape, and requiring development to contribute positively to an areas character, identity and history in terms of scale, height, density, layout, appearance, materials and relationship with adjacent buildings.

Further guidance for extensions is contained within the High Peak Residential Design Guide SPD (2005), and the Design Guide SPD (2018).

The Residential Design Guide (2005) provides guidance in section 9, and states that extensions should be designed to be subordinate to the main house and that an extension results in a dwelling which is well designed in itself. Garages and outbuildings should relate to the main dwelling in terms of size, proportion and appearance. They should be subordinate in size and height and match the materials of the existing house.

The Design Guide SPD (2018) at 5.5 states that extensions should harmonise with the parent building and should respect the dominance of the original building, being subordinate to it in terms of size and massing. Paragraph 7.25 identifies that there is not tradition of external timber boarding in High Peak.

The NPPF also seeks to deliver high quality design in development and, at paragraph 134, states that development which is not well designed should be refused.

Policy EQ 7 states that the council will conserve heritage assets in a manner appropriate to their significance. The application site lies within The College area of the Buxton Conservation Area which is a designated heritage asset.

The Buxton Conservation Area Appraisal for the College area identifies some of the main characteristics of the area being a spacious setting in large gardens and glimpse views between streets laid out on different levels. The CAA identifies that *“the large gaps between the houses along College Road provides glimpses of properties at the rear on the raised land at Robertson Road”*, and goes on to state that *“Robertson Road has a generally more unusual mix of houses than either*

Spencer Road or Compton Road, and more individual variety within each pair of semis. The west side of Robertson Road overlooked College Road and there are interesting glimpses of buildings between the pairs of semi-detached houses”.

The application proposes the construction of a large detached outbuilding, and a single storey rear extension.

The existing outbuilding is modest in height and scale, and as such is discreet and unobtrusive within the streetscene, and as such preserves views between the buildings towards the properties beyond. This would be replaced by an outbuilding of significant scale. The siting and scale of the building is such that it would represent a significant addition to the plot which consumes a large proportion of the garden and at odds with the general pattern of development in the area. The scale and design of the outbuilding would be visually prominent between the existing dwelling and the adjacent villa (No.8) to the north. Given the design proposed this would appear visually at odds with the adjoining properties to the detriment of the character and appearance of the area.

Furthermore, the proposals would be visible from the glimpse views between dwellings, identified as being a characteristic of this part of the Conservation Area. Given the scale and design of the proposed outbuilding, and the design of the rear extension it is considered that these views would be prejudiced and as such the development would cause harm to the character and appearance of the Conservation Area and impact upon its significance.

With regard to the appearance of the outbuilding, it is proposed that this would be constructed from vertical timber boarding which is not a traditional approach in High Peak. Further, the Conservation Officer observes that there is no precedent for this in the historic environment, nor within Buxton College Conservation Area.

The siting, scale, and design of the proposed development is such that it would represent an incongruous and harmful addition to the Conservation Area, and character and appearance of the area generally.

The proposed rear extension includes a contemporary design approach which does not appear to be informed in any way by the existing building or its heritage setting. The Conservation Officer advises that *“the kitchen extension appears to be of such an incongruous size that the original floor plan of the dwelling would be rendered illegible, and therefore the character of the dwelling would be diluted. Though I have no issue with an extension in principle; the scale and massing of this intervention should be rethought to ensure a subtle integration into the environment. The overall design of this extension is quite lacking and doesn’t seem to take note of the principle dwelling in regard to architectural features or pattern of fenestration. I am concerned there is a risk of a conflict between the ‘old’ and the ‘new’, and that the vagueness of proposed materials could see a stark contrast of the two forms”*

The proposed rear extension would be harmful to the character and appearance of the host dwelling, and the Conservation Area generally. As observed above, one of the main characteristics of the CA are the glimpse views between streets and these

proposals would be visible and appear at odds with the general character of the area and heritage asset.

The widening of the existing access would still ensure that a significant portion of the existing boundary wall is retained and therefore this element would not harm the character and appearance of the conservation area.

It is considered that the proposed development would cause less than substantial harm to the significance of the heritage asset. The level of harm is considered to be less than substantial. In such circumstances, paragraph 202 of the NPPF confirms that this harm should be weighed against the public benefits of the proposal. In this instance it is not considered that the proposed development delivers any such public benefits to outweigh the harm caused to the Conservation Area.

Amenity

Policy EQ6 requires development achieve a satisfactory relationship to 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.

The Residential Design SPD states, at 9.2, that extensions should *“be of a scale and be designed and positioned to avoid undue harm to the amenity of neighbouring properties. They must have regard to the orientation of adjacent homes, the number and position of windows and land levels. Excessive overshadowing of neighbouring habitable rooms windows, glazed doors and private garden/amenity areas should be avoided.”*

At 9.3.1 the SPD states *“an extension should not unduly reduce outlook from a main habitable room window or produce a tunnelling affect. To prevent this, extensions affecting neighbouring property should not normally extend more than 2.5 m from the rear of the affected home”.*

With regard to the proposed single storey rear extension, this would be sited sufficient distance from the boundaries with the adjoining properties, and windows to serve habitable rooms do not cause any undue harm through loss of daylight, overbearing, or overshadowing.

With regard to the proposed outbuilding, it is proposed that this would be sited along the site boundary with No.8 to the north. There is an existing modest flatroofed outbuilding located along this boundary which would be removed to facilitate the development. The proposed outbuilding is significant in scale measuring 12.4m in length. There is conflicting information with regard to the eaves and ridge heights, based on measurements from the submitted scale bars. The front and rear elevations suggest maximum eaves height of 3.6m and ridge height of 6.9m. While the side elevation show eaves and ridge heights of 3.1m and 5.7m respectively. Regardless of which measurement is correct the proposed development would represent a larger addition along the site boundary.

The curtilage of No.8 to the north, is located at a lower land level than that of the application site. This would exacerbate the significant scale of the proposed building. Given the scale of the proposals, its proximity to the site boundary, and orientation, it is considered that the proposed development would result in significant overshadowing on the private amenity space of that property. The proposals would be unneighbourly, resulting in a prominent and overbearing development to the detriment of the enjoyment of that neighbouring dwelling. Furthermore, the scale of the development is such that there would be an unacceptable impact on the outlook of residents of that property.

With regard to the relationship with No.7 College Road, there would be a significant glazed elevation facing towards that property. Although the proposal relates to ground floor accommodation only, the low boundary stone wall would not provide any screening to prevent overlooking toward this neighbour and its rear facing windows and garden area. It is considered that this would give undue overlooking to the detriment of the amenity of that property.

The scale of the development is wholly unnecessary and inappropriate which does not represent an ancillary addition to the host dwelling. The proposals would cause adverse harm to the amenity of neighbouring properties and is contrary to the Development Plan.

Highway Safety

The proposed extension do not result in an increase in bedrooms at the property and as such there is no increased demand for off street parking. The application does include a large outbuilding and as such DCC Highways have recommended a condition on any permission for this to remain ancillary.

The widening of the existing access would have no detrimental impact on highway safety.

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out "likely significant effects" on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if "likely significant effects" (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an "Appropriate Assessment" where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays.

However, the proposal does involve additional hard surfacing and roof area and will therefore increase surface water run-off. However, given the very limited extent of the additional roof and hardstanding it will not significantly increase run-off from the site and in turn will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

There are no significant trees which would be impacted by the development.

CONCLUSION / PLANNING BALANCE

It is considered that the proposals would not comply with the policies contained within the Development Plan and guidance within the NPPF, and as such it is recommended that the application be refused.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Declan Cleary

Recommendation Date: 07/12/2022

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council

Heritage Statement

10 Robertson Road, Buxton, Derbyshire, SK17 9DY

Introduction

This Heritage Statement is written to accompany a planning application submitted by Smashbox Architecture.

The application site is the property, 10 Robertson Road which is located within the administrative area of High Peak Borough Council (the Council). 10 Robertson Road is not a statutorily Listed Building; however, the property sits within the Buxton Conservation Area.



Image of 10 Robertson Rd courtesy of Google Earth (2022)

Background: 10 Robertson Road, Buxton

The application site constitutes a semi-detached property located facing Robertson Road. The property is not mentioned in the Buxton Conservation Area Appraisal.

The Buxton Conservation Area Appraisal (BCAA) (2007) makes the following references to Robertson Road in the following locations:

“The coursed gritstone walls reappear near Robertson Road. The houses were developed much later and range from turn of the century Arts and Crafts inspired houses, to very recent 20th-century houses. (BCAA:99)”

“The large gaps between the houses along College Road provide glimpses of properties at the rear on the raised land at Robertson Road and show that the plots were not deep, the main emphasis being on the front garden. This may have

been directly influenced by the Estate requirements, as it was normal by this time for houses to have larger private gardens at the rear. (BCAA:100)”

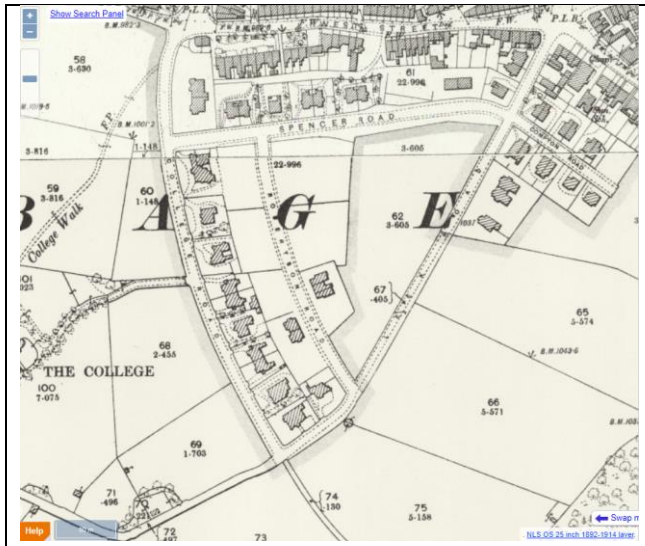
“Robertson Road, Spencer Road & Compton Road These streets sit on a secondary limestone plateau raised above West Road. The area is characterised by a wide variety of houses that exhibit both the traditional character of Victorian Buxton – tall three-storey buildings in stone, with stone bay windows and sashes - and the more eclectic and two-storey horizontal character of Edwardian Arts and Crafts influenced buildings, some still with their original graduated Westmoreland slate roofs. The majority of the 19th-century houses are gable-fronted with gabled half-dormers and a high proportion of these retain their original decorative bargeboards and drop finials. All of them retain their original roof coverings of natural Welsh slate.

“Spencer Road has a higher proportion of surviving street trees; those along Robertson Road have dwindled to a few sycamores. (BCAA:101)”

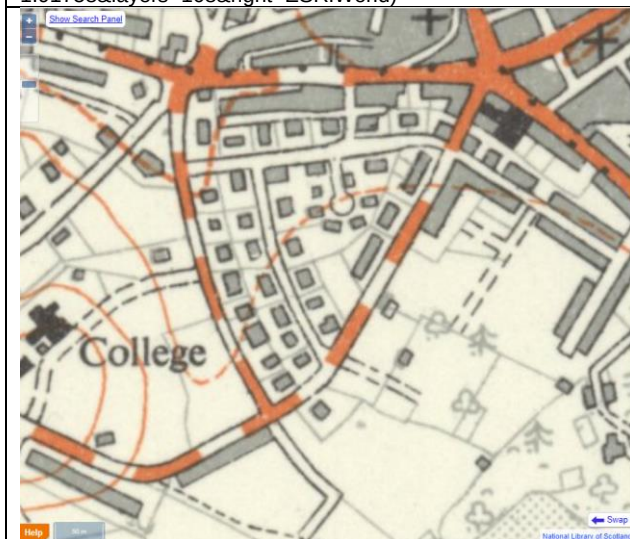
“Robertson Road has a generally more unusual mix of houses than either Spencer Road or Compton Road, and more individual variety within each pair of semis. The west side of Robertson Road overlooked College Road and there are interesting glimpses of buildings between the pairs of semi-detached houses. (BCAA:101)”

Mapping Progression





Map 2: OS 25 inch, 1892-1914 courtesy of National Library of Scotland (<https://maps.nls.uk/geo/explore/side-by-side/#zoom=17.0&lat=53.25168&lon=-1.91758&layers=168&right=ESRIWorld>)



Map 3: OS 1:25,000 1937-61 courtesy of National Library of Scotland (<https://maps.nls.uk/geo/explore/side-by-side/#zoom=17.0&lat=53.25168&lon=-1.91758&layers=10&right=ESRIWorld>)

Properties along Robertson Road are predominately 20th century including 10 Robertson Road, these properties incorporate design characteristics of their earlier Victorian neighbours notably in the design of the plots; Map 3 is a good example of this.

Robertson Road exhibits the 20th-century approach to housing and the desire to integrate new properties within the traditional character of Victorian Buxton. In this, it has its greatest significance to the Conservation Area.

10 Robertson Road has some individual historical significance to the Conservation Area; in terms of the above and has some architectural significance albeit, the architectural significance has been somewhat eroded by additions approved in the past.

Planning Policy Background

The Development Plan comprises the High Peak Local Plan (2016), the policies pertaining to Heritage Assets echo National Guidance contained within the National Planning Policy Framework (2021) (NPPF) and are consistent with the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

In addition to the policies within the Development Plan and the National Planning Policy Framework (2021), the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 is of relevance where it pertains to Conservation Areas. This is as well as non-statutory guidance produced by Historic England and the Council, in particular, the Buxton Conservation Areas: Character Appraisal (2007).

Methodology

This desk-based assessment, based on best practice and guidance from within Legislation and Government and Local guidance documents affords any impacts one of four categories: neutral, slight, detrimental, or positive.

Neutral is an impact that protects the status quo in terms of significance; such an impact does not enhance or result in a detriment. A slight impact results in a change, but this change does not result in harm. Detrimental impacts are harmful impacts or impacts that detract from significance. Positive impacts enhance significance.

Assessment

This Heritage Assessment fulfils the requirement of Paragraph 194 of the NPPF to provide a Heritage Assessment of sufficient detail, consummate with the development proposed that assesses the impact of the proposed development upon the significance of any designated heritage assets which may be impacted by a development proposal.

The designated heritage asset for this assessment is the Buxton Conservation Area, designated firstly in 1968 and subsequently extended on various occasions, the latest being 2007.

The mapping progression and guidance from the BCCA 2007 have been scrutinised to influence this assessment.

The proposals are residential in character, and the site and the surrounding area are residential in character. Thus, the proposal will have no impact on the character of the Conservation Area.

The proposed development does not require the loss of mature trees and the characteristics of the plot will remain appreciable. The proposed development will not impact the key characteristics of Robertson Road that have resulted in its inclusion within the Conservation Area.

Enlarging the entrance will result in a slight change to the appearance of the frontage within the Conservation Area, the extent of enlargement is small, and the change would have a limited visual impact.

In terms of longer views around the Conservation Area, due to the characteristics of Robertson Road, the presence of mature trees, and due to the residential scale of the development

proposed, any longer views will not be impacted; accordingly, the proposal will have a neutral impact in this regard.

The gaping between the houses along Robertson Road that provide glimpses of properties at the rear on the raised land along College Road will be slightly impacted by the presence of the outbuilding. However, the outbuilding is set back from the front elevation and any impacts are limited to the immediate context.

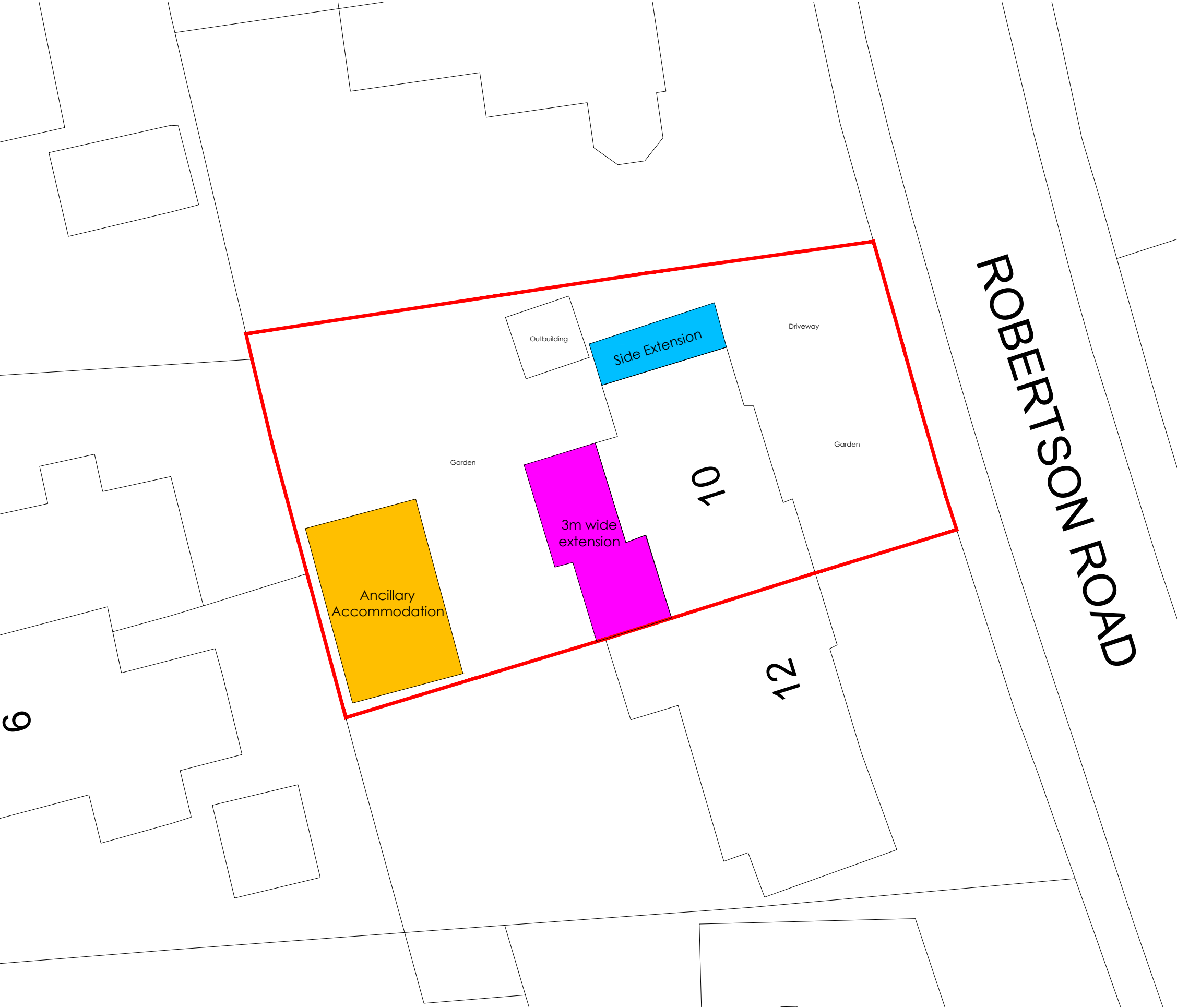
The proposals will have a slight impact on the immediate street scene due to the fact the proposals are residential in character and appearance and therefore, consistent with the pattern of surrounding development. The proposals while having a slight impact will not result in detriment to the street scene. Overall, in terms of long views, medium views, and short views in/around the Conservation Area the proposal will have a slight/neutral impact.

Conclusion

The proposal will have a slight/neutral impact on the characteristics of the application site that contribute to the inclusion of the site within the Conservation Area. As explained a slight impact results in a change, but a change that is not harmful to the significance of the Conservation Area.

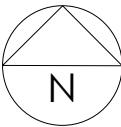
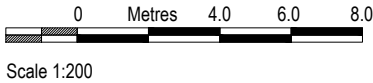
The proposals will have a neutral/slight impact on long, medium, or short views in/around the Conservation Area, the proposals will only be visible from short views within the Conservation Area, and mature trees (subject to protections) and set back position of the outbuilding result in the proposals not being visible in medium to long views.

Overall, the proposal can only be considered to comply with the policies within the Development Plan and the NPPF.



NOTES

This drawing to be read in accordance with the specification/Bills of Quantities and related drawings.
All stated dimensions to be verified on site and the designer notified of any discrepancies.



FOR PLANNING

Project

10 ROBERTSON ROAD
BUXTON
DERBYSHIRE
SK17 9DY

Title

ILLUSTRATIVE PLAN TO
DEMONSTRATE DEVELOPMENT
OPTIONS UNDER PERMITTED
DEVELOPMENT

Scale

RTD @ A3

Drawn

SB

Drawing Number
7029_PD01

Date

FEBRUARY 2023

Checked

-

Revision
-

SMASHBOX

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