

DELEGATED DECISION REPORT

HPK/2023/0037
Valid 02/02/2023

12 LEE DALE
HARPUR HILL
BUXTON

RETROSPECTIVE
APPLICATION TO REPLACE
EXISTING AREA OF DECKING
AND GARDEN STEPS WITH
NEW DECKING AND STEPS

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Neighbouring Amenity
- Design
- Nutrient Neutrality

DESCRIPTION OF SITE

12 Lee Dale is a semi-detached property of red brick, with a conservatory to the rear. the properties curtilage drops away from the dwellinghouse steeply to the rear. The property has a driveway to the front providing off-street parking for 2 vehicles.

The common boundary with number 11, the adjoining semi is almost open with very low level horizontal timber boarding, whilst along the rear boundary is a 1m high timber fence. To the boundary with no 13 there is higher 1.8 meter high fencing.

PROPOSAL

Retrospective planning permission is sought for decking providing access from the existing conservatory into the rear garden. The proposed decking is replacing pre-existing decking of a similar design.

The proposed decking consist of 3 steps down from the conservatory to a narrow platform, there are then steps again which provide access down to the rear garden. Along the boundary with no. 13 is proposed to be no wider or deeper that the pre-existing decking. However, towards the middle and towards the boundary with no. 11 the decking becomes deeper, accommodation the 3 steps down from the conservatory.

Revised plans have been submitted (HPK-2023-0037 Fence Panels) which demonstrates the proposed addition of fencing along the boundary with no.11, of a height of 1200 mm above the decking.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
EQ 6 Design and Place Making
CF 6 Accessibility and Transport

National Planning Policy Framework

Section 4 Decision-Making
Section 12 Achieving well-designed places

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

N/A

CONSULTATIONS

Publicity

Site Notice expiry date: 22/03/2023
Neighbour consultation period ends: 07/03/2023
Press Advert: N/A

Public Comments

Neither (0)
Support (0)
Objection (1)

- The decking is deeper than the original decking, extending 60-70cm further into the garden, which affords anyone standing on the decking a view of our garden.
- The property is a rental property.
- We have already had to raise the boundary fence by two panels to preserve our privacy and are considering trellising to the next panel.
- The applicant hasn't been truthful, when explaining the works they have undertaken.
- The house may be used as a holiday let.

Town / Parish Comments

N/A

Environmental Health

N/A

Derbyshire County Council Highways

N/A

OFFICER COMMENTS

Principle of Development

LP Policy S 2 states that development should be directed towards sustainable locations, including Market Towns such as Buxton. The site is situated within this built-up area boundary. Therefore, the principle of the development is acceptable subject to consideration of the following policy.

Design

Section 12 Paragraph 130(c) of the NPPF states that development should be sympathetic to the character and history of the area, while not restricting change.

LP Policy EQ 6 states that all development should be well designed, of a high quality and respond to the areas character, history and scale.

The proposed decking is necessary to provide access from the existing conservatory to the rear garden. The decking layout is similar to that of the previous decking, although it is extended in depth towards the centre point behind the conservatory and the boundary with no.11.

The decking is considered to be of an acceptable design, which is tempered in nature, and does not detract from the character of the dwelling house.

Amenity

Section 12 Paragraph 130(f) of the NPPF states that development should create places with a high standard of amenity for existing and future users.

LP Policy EQ 6 states that all development should achieve a satisfactory relationship to adjacent development and doesn't cause unacceptable effects by reason of vision intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The proposed decking has been slightly extended when compared to the previous decking. As such privacy concerns have been raised by the neighbour at number 13. The boundary along no. 13 is treated with high fencing (figure 1) which is considered to adequately protect their privacy as it prevents overlooking from the decking. It is noted that the depth of the decking has not been extended along the immediate boundary with no.13, but has increased in depth to the rear of the conservatory. The original decking with its steps down from the conservatory extended to a total depth of 1m from the rear elevation of the conservatory. By comparison, the new decking is

positioned 1.63 meters from the rear of the conservatory, with the area immediately behind the newly created steps having a depth of 0.8 meters. Being just 0.8 meters in depth and positioned 1.90 meters from the neighbours (no.13) boundary, this limited depth is not considered large enough for persons to dwell on (e.g. with a table and chairs) and would not cause additional overlooking and a loss of privacy, beyond the original decking to any significant degree.

With respect to the neighbouring property at number 11, the decking has increased by approximately 0.8m along the common boundary. Along the boundary with no. 11 there is very low boundary treatment (figure 2). Additional plans were provided by the applicant to demonstrate that fencing will be added to the boundary to protect the privacy of no. 11. However, the fence is just 1.2m in height above the decking so will not provide complete privacy. When considering the photos of the original decking, which the applicant has provided with the application, the original decking was already causing overlooking, because of the absence of any significant boundary fencing. The new fencing whilst not providing a significant level of privacy will however represent an improvement on the existing situation. It is also noted that this neighbour has not made any comments on the application.



Figure 1 – boundary between no. 12 and no.13



Figure 2 – boundary between no. 12 and no. 11.

Overall, for the above reasons it is considered that the development would not significantly harm the amenities of the neighbouring properties significant beyond the original decking.

Highway Safety

The proposed decking does not impact upon the existing parking provision nor does it create a need for more parking. As such it does not impact upon 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 or surface water run-off from the site. Therefore it 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.

Other Matters

Whether the applicant has been truthfully or not to the neighbours is not a material planning consideration. This application has been judged on its own merits and against the relevant local plan policy and design guidance.

In respect of the comment concerning the use of the property as a holiday, this application is solely for retrospective consent for the decking and any future use or otherwise of the property cannot be taken into account.

CONCLUSION / PLANNING BALANCE

The development is considered acceptable in terms of design, amenity and highway safety. It is considered to be in accord with the relevant policies put forward in the Local Plan and the NPPF. Therefore this application is recommended for approval.

OFFICER RECOMMENDATION : APPROVAL

Case Officer: Rachel Robinson

Recommendation Date: 24th March 2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council