

DELEGATED DECISION REPORT

HPK/2023/0053
Valid 16/02/2023

SPRING MEADOW
WHITEHOUGH HEAD LANE
WHITEHOUGH

**DEMOLITION OF EXISTING
BRICK GARAGES AND
REPLACEMENT WITH A NEW
DOUBLE GARAGE AND
GARDEN ROOM FOR A
PURPOSE INCIDENTAL TO
THE ENJOYMENT OF THE
DWELLINGHOUSE.**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design & Conservation
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application relates to Spring Meadow, a large detached two storey residential dwelling which lies off Whitehough Head Lane, Whitehough.

The dwelling is set a considerable distance behind the public highway, accessed via a gated private driveway, and sits within a large plot that contains separate garden areas to the side and rear, with the driveway leading to a large detached brick garage that was constructed following approval granted in the late 1970's.

The site is bounded to the south by the Peak Forest Tramway, defined by a timber boarded fence, and to the east by land that has permission for a further phase of the Forge Works housing development. To the west, screened by a considerable amount of vegetation, is the nearest neighbouring property 'The Dell'.

For the purposes of the Development Plan, the site lies outside of the built-up area boundary in the open countryside and within the Chinley Conservation Area.

PROPOSAL

The application seeks full planning permission for the demolition of the existing garages and replacement with a new double garage and garden room which would be ancillary to the main dwellinghouse.

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
S6 Central Sub-area Strategy
EQ3 Rural Development
EQ6 Design and Place Making
EQ7 Built and Historic Environment
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
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0000/8136 Proposed Detached Garage (Approved 1978)

CONSULTATIONS

Publicity

Site Notice expiry date: 3rd April 2023
Neighbour consultation period ends: 21st March 2023
Press Advert: 30th March 2023

Public Comments

None

Parish Council Comments

No comments received

HPBC Conservation Officer

No objections

Derbyshire County Council Highways

No comments to make

OFFICER COMMENTS

Principle of Development

The applicant seeks permission for domestic development within the curtilage of an existing residential dwellinghouse that lies outside of the built-up area boundary in the open countryside and within the Chinley Conservation Area.

As such, the application is subject to Local Plan (LP) Policies EQ3 and EQ7, together with restrictive national planning policies relating to the conservation and enhancement of the historic environment, underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The principle of development can be supported only in the event that the application can demonstrate compliance with such policies, notwithstanding all other relevant planning considerations.

Design & Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

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 EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

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.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Paragraph 9.7 of the Residential Design Guide SPD (2005) specifically relates to domestic garages, and states that these should relate to the main dwelling in terms of

Paragraph 5.10 of the more recently adopted Design Guide SPD (2018) states that garages need to be designed and built in sympathy with the properties they serve, with materials and roof pitches matching those of the parent building. The guidance notes that a separate building is often the better solution particularly where more than one garage is needed.

Chapter 16 of the NPPF contains the relevant restrictive national planning policies relating to heritage conservation. Paragraphs 199-202 set out how a local planning authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The site comprises a large residential plot which lies at the southern fringes of Chinley village and the northern fringes of Whitehough. Views of the property and its associated curtilage are visible from the Peak Forest Tramway to the south and therefore any ancillary domestic structures require careful consideration.

The existing garage has a simple rectangular form with dual pitched roof constructed of a lightly coloured brick, adjoined on its northern side by a rather unsympathetic flat roof structure finished in a darker red brick. Taken together, this domestic outbuilding is considered to contribute negatively to the overall character and appearance of the site and wider immediate rural area, and thus any proposal to replace it with a more attractive structure is welcome.

The proposed replacement garage and adjoining garden room is shown to be sited in broadly the same location and thus will continue to have a strong spatial and visual relationship with the main dwelling, which is important for any ancillary structure.

Whilst having a slightly greater height, the proposed structure is considered to be of a modest scale and height which continues to allow the dwellinghouse to dominate, thereby reading as a subordinate and subsidiary addition. The replacement of a flat roof with a dual pitched roof and the introduction of a consistent red brick is considered to amount to a visual betterment that enhances the character and appearance of the site, and its immediate surroundings which includes the setting of the Conservation Area.

In light of the above analysis, and that no objection has been received from the Conservation Officer, it is concluded that by virtue of its high quality design, the proposal will preserve and to some degree enhance the character and appearance of the rural landscape, and setting of the Conservation Officer, in accordance with LP Policies S1, EQ3, EQ6 and EQ7, relevant Supplementary Design Guidance, relevant paragraphs relating to design under Chapter 12 of the NPPF, and restrictive

paragraphs relating to heritage conservation under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The site lies within a relatively isolated and well screened location with regards to any neighbouring residential properties. The nearest property to the west 'The Dell' would not be adversely affected, given the modest scale and height of the proposed structure, intermittent screening, and the distance between habitable windows. For similar reasons, neither users of the Peak Forest Tramway, nor any property that forms part of the latest phase of the Forge Road development to the east would not be adversely affected, particularly given the presence of strong boundary treatment.

As such, it is considered that the proposed development would preserve the amenity of neighbouring properties and users of the Peak Forest Tramway, in accordance with LP Policy EQ6, the Residential Design Guide SPD, and paragraph 130 of the NPPF.

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 proposed garage provides two spaces for vehicles that are acceptable by modern standards (8m x 5.5m) with the site already offering generous off-street parking and turning facilities. As such, there are not considered to be any adverse

highway safety impacts arising from this proposal in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Trees

The site contains a number of mature trees, some of which are subject to a TPO. The proposals show the removal of a tree on the frontage. However, this is not one of the TPO's. Sufficient separation appears to be achieved between the proposed building and the crownsread of the protected trees. Nevertheless it is considered prudent to impose a condition relating to tree protection measures.

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; 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.

The application seeks permission for a replacement garage and domestic ancillary outbuilding on a site that lies outside of the built-up area boundary and in the Conservation Area.

An assessment of the proposal has found that the proposal would contribute positively to the character and appearance of the immediate rural landscape and setting of the Conservation Area, by virtue of its design, and choice of materials, thereby demonstrating compliance with all relevant local development plan policies, and all other material considerations, including restrictive policies relating to heritage conservation under Chapter 16 of the NPPF.

The proposal has been found to not result in any harm to neighbouring residential amenity or highway safety.

The application is therefore considered to amount to a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 13th April 2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council