

DELEGATED DECISION REPORT

HPK/2022/0572
Valid 04/01/2023

LAND ADJOINING NO.2
SYLVAN CLIFF BUXTON

PROPOSED REPLACEMENT
OF DILAPIDATED GARAGE
BUILDING WITH NEW
GARAGE AND WORKSHOP
WITH HOME OFFICE SPACE.

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design & Conservation
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to a narrow rectangular parcel of land that spans a width of 6m and a length of 29m and lies to the south of Sylvan Cliff, a small residential cul-de-sac, that lies within the Buxton Hardwick Conservation Area, adjacent to No.2 Sylvan Cliff which is situated to the east.

The site does not however form part of the domestic curtilage associated with No.2 being physically separated from this property within its own plot and owned by the occupants of No.6 Sylvan Cliff.

The site benefits from a small private access directly on to the public highway and contains a small single storey garage with a square form that spans a width and depth of approximately 5m, finished in a pebbledash render with dual pitched tiled roof reaching a height of approximately 4m.

The site has been subject to repeated attempts to redevelop the site to accommodate a residential dwelling, with all applications including a dismissed appeal being unsuccessful.

PROPOSAL

As originally submitted, the application sought full planning permission for the demolition of the existing garage and its replacement with a one and a half storey building to serve as a ground floor garage and workshop/store to the rear, with an office/studio in its roof. The original plans showed the garage aspect to maintain a similar footprint to the existing building, with a single storey dual pitched outrigger facing towards the southern (rear) boundary serving the workshop.

The replacement structure was shown to have a dual pitched roof orientated in the same manner as the neighbouring properties with gables facing east-west, with a dual pitched roof reaching an overall height of some 6.5m. As set out on the Application Form, the proposed replacement building would have walls constructed in a coursed natural gritstone, a slate tiled roof, with timber windows.

In light of comments from Officers, the application has been subject to multiple revisions. The latest plans that are the subject of assessment within this report are as follows:

- Revised Site Location Plan (Ref: 2165-SL received on the 14/4/23)
- Proposed Plans and Elevations (Ref: 2165-02E)

These revised plans are accompanied by a letter from Jane Newman Planning dated 2nd March 2023 which makes the following statements:

- *Workshop will function as a multi-functioning space with workshop/storage/home office use*
- *The site lies outside of the domestic curtilage of No.6 Sylvan Cliff, but is currently occupied by the resident of that property which is located 19m to the east of the application site. The current use does not include any bedroom, bathroom, or kitchen facilities so is best described as a use incidental to the dwellinghouse (rather than ancillary).*
- *The application does not seek a change of use. The site is already in an incidental use as a garage and is used for storage, parking and garden area. This use is long established and has always been separate to the immediately adjacent property. The use will remain as an incidental domestic building*
- *The applicant runs “Babbling Vagabonds”, a theatre arts company which was established 20 years ago and creates work for theatres, schools and communities in and around the East Midlands. The theatre company is a registered charity and is supported by the Arts Council.*
- *To date the applicant has worked from home, including from the existing garage, both in relation to administrative functions but also producing puppets and props, and working on music scripts and storing items not being used in productions. This use has remained incidental to the dwellinghouse, and incidental to the domestic use of the garage.*
- *The proposed development merely delivers a more robust building to continue these uses, so that they can continue in the long term. It will be used to house and store domestic vehicles and equipment and additional space will allow the family to play instruments.*

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

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

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

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
EQ6 Design and Place Making
EQ7 Built and Historic Environment
EQ10 Pollution and Unstable Land
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 Natural Environment	Chapter 15
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0003/0870	Residential dwellinghouse (Refused 25/09/1991)
HPK/2004/0533	One Detached House (Refused 27/07/2004) Appeal Dismissed (APP/H1033/A/04/1161921) 05/04/2005
HPK/2017/0308	Proposed New House (Refused 04/09/2017)
HPK/2022/0457	Replacement of Existing Garage with Proposed Dwelling (Withdrawn 01/12/2022)

CONSULTATIONS

Publicity

Site Notice expiry date: 24th February 2023
Neighbour consultation period ends: 26th January 2023
Press Advert: 2nd February 2023

Public Comments

3no. letters of support have been received in connection with the proposed development. The points raised within these representations are summarised as follows:

- Replacement of dilapidated garage with better quality structure is positive
- Current building potential safety hazard
- Further decline of the building will render it no longer fit for purpose
- Resultant improvement to character of the street scene
- Parking situation is poor so any proposal that would improve it is a good thing

1no. objection has been received on behalf of the occupants of a neighbouring residential property No.9 Sylvan Cliff which raises concerns in connection with the following:

- Potential commercial use of the building
- Design and impact on Conservation Area
- Impact on Archaeological Assets
- Parking Provision and Highway Safety
- Impact on Trees
- Impact on Nutrient Neutrality

Further comments have been received from the same neighbouring objector in response to further submissions from the applicant, summarised as follows below:

- Reference made to multi-functional space to support a limited company business, and does not give details as to how activities will be developed – Concern that commercial use of the structure would give rise to nuisance
- Are hand tools to be used for cutting and drilling or will battery powered equipment be necessary
- No information submitted on type of music to be played. Modern music usually contains element of amplified bass which can result in adverse noise impacts
- Will vans need to transport stage sets and props, which can often be large?

Town / Parish Comments

N/A

DCC Archaeology

We previously commented on HPK/2022/0457 for the same site.

The site is within the Buxton Area of Archaeological Interest corresponding to the likely area of the Roman town, and within this is very close to the known Roman settlement site at Holker Rd (Derbyshire HER MDR320).

The proposed building footprint is proportionately much larger than the existing garage and will therefore involve significant areas of new dig foundations, which could impact buried archaeological remains.

This should be addressed under NPPF para 205 by a conditioned scheme of archaeological work, the scope and scale of which will depend on the proposed development groundworks and sequence (so early engagement is advised once these details are known). A reasonable approach might be to excavate a single evaluation trench across the footprint following demolition to slab of the existing building, with provision to expand out to the full footprint if significant archaeology is encountered.

The following condition should therefore be attached to any planning consent:

1. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI."

Severn Trent Water

No objection, suggested informative

HPBC Conservation Officer

Initial Comments

OBJECTION

The context around Sylvan Cliff is currently fairly humble with some traditional elements retained (seen in 2 Sylvan Cliff itself), and sees no overbearing visual intrusion. However, the location of this scheme appears to pose loss of a natural visual break between the two storey traditional dwellings and mature greenery on the southern side of Sylvan Cliff. This element is one shared across the Buxton Hardwick Conservation Area and is seen to be a contributor to the setting of the heritage asset.

Further, I am concerned this large 'garage' looks to instead resemble that of an unimaginative residential dwelling with a large heavyset principal elevation and odd footprint. As such I am unsure of the concept of this scheme.

To conclude, there is a conflict between the scheme and its location and in terms of level of harm on the Conservation Area in this case, would equate to less than substantial harm.

Further Comments

No objection (in relation to latest revised plans)

DCC Highways Authority

The proposal seeks the replacement of an existing garage with a new garage including an office and workshop.

In view of the off-street parking provision within the site remaining the same, there are no objections in principle.

The proposed garage is set back around 6.2m from the nearside highway boundary/back of the footway, the Highway Authority recommends that the garage is set back 6.5m from the nearside highway boundary so that vehicles can fully pull off of the public highway/footway prior to the garage doors being opened.

Subject to the above, the Highway Authority has no objections to the proposal, and it recommended the following condition is included in any consent:

1. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation and the storage of plant and materials, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

OFFICER COMMENTS

Principle of Development

The application seeks planning permission for a replacement building that would serve as a ground floor garage with a workshop/storage area to the rear and an office/studio in the roof space.

The application comprises minor development and comprises its own planning unit that lies outside of the domestic curtilage of any neighbouring property.

Concerns have been raised by a neighbouring property with regards to the proposed use of the site for commercial purposes. Whilst the supporting Design and Access Statement states that the intended use is for the occupants of No.6, Officers did initially share these concerns, given that the use of the building cannot reasonably

be for ancillary purposes given the site lies a considerable distance from and not within the domestic curtilage of the parent building No.6 Sylvan Cliff.

The submission from Jane Newman Planning argues that the existing garage, whilst not situated within the domestic curtilage of No.6 Sylvan Cliff, is nevertheless used for incidental purposes in relation to the enjoyment of this dwellinghouse and thus no change of use would occur as a result of the application. Officers concur with this position.

It is submitted that the proposed use of the building would support the applicant's business of producing puppets and props and writing music for theatre productions, which is said to already facilitate the operations of this business. As such, it is considered that as a result of the proposed structure, which in its revised form is relatively modest, there would not be a degree of intensification that would render the principle of development in terms of its proposed use as being unacceptable, subject to the use of strict planning conditions, in connection with the revised Location Plan.

The site lies within the Buxton Hardwick Conservation Area and as such the application is subject to Local Plan Policy EQ7 and relevant restrictive policies contained within Chapter 16 of the NPPF relating to heritage conservation, underpinned by Section 72(1) of the Act 1990.

The application can only be supported as a matter of principle where it can be demonstrated that the proposed development will either preserve or enhance the character and appearance of the Conservation Area, 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 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 9.1 of the High Peak Residential Design Guide SPD (2005) relates specifically to domestic garages and states the following:

9.1 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... Flat roofs should be avoided. Doors with vertical emphasis are usually preferred...

Paragraph 5.10 of the more recently adopted High Peak Design Guide SPD (2018) provides further guidance in connection with domestic garages, and states the following:

5.10 These (garages) need to be designed and built in sympathy with the properties they serve. Materials and roof pitch should generally match those of the parent building. If attached to the building, the new garage should be clearly subordinate. A separate garage building is however often the better solution particularly where more than one garage is needed

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.

Paragraph 133 of the NPPF goes on to state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Chapter 16 of the NPPF contains the restrictive policies relating to the conservation and enhancement of the historic environment.

Paragraphs 199-202 of the NPPF sets 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 long narrow plot that contains a modest single storey garage that has a relatively unsympathetic appearance due to its finish in a pebbledash render. The existing garage is set back from the public highway and is utilised by the occupiers of No.6 Sylvan Cliff.

The site has been the subject to repeated attempts to seek planning permission for a replacement two storey dwelling on this site. An application was first refused and dismissed at appeal in the mid 2000's, with a more recent application refused in 2018. A third application was withdrawn following Officer advice in December 2022.

The application as submitted showed a replacement garage with the introduction of a first floor office above and ground floor workshop to the rear. Further to the objections submitted by the Conservation Officer, the introduction of a first floor was considered by Officers to be detrimental to the character and appearance of the site, wider street scene, and setting of the Conservation Area, due primarily to the odd and contrived jump in scale between the proposal and surrounding residential development.

At the request of Officers, the applicant has submitted the latest set of revised plans, which shows a single storey garage made up of a simple rectangular form, with black timber garage door set underneath a stone sill, and a reduced rear outrigger at right angles that has a ridge line set a significant distance below that of the main garage. The replacement structure is shown to be constructed of a natural gritstone with blue slate tiles. The south facing roof slope is shown to contain photo-voltaic solar panels.

This revised proposal is considered to amount to a visual betterment by virtue of the choice of more traditional high quality materials. The structure is of a modest and appropriate scale for its intended use, and of a height that allows this domestic garage to be read as a subordinate structure comparable to surrounding residential development. The rear outrigger has a depth of approximately half that of the main garage element, and as such, taken together with its subordinate ridge line, results in a structure that overall is well designed in itself.

In light of the above, and the Council's Conservation Officer raising no objection to the revised plans, the proposed development is considered to preserve and enhance the character and appearance of the site, the wider street scene, and setting of the Conservation Area, in accordance with LP Policies S1, EQ6 and EQ7, relevant Supplementary Design Guidance, relevant paragraphs relating to Design under Chapter 12 of the NPPF, restrictive paragraphs relating to heritage conservation within 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.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

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 is surrounded by residential development on all sides, with the public highway being situated to the north. No.2 Sylvan Cliff, the end property in a row of three, is situated to the east, whilst to the south, lies the rear elevation and garden associated with No.19 Silverlands. To the west lies the semi-detached block serving Nos.10 and 12 Holker Road, with rear elevations facing the site.

Due to the modest size and scale of the proposed replacement structure, its non-habitable use, lack of fenestration on the principal elevation, no properties north of Sylvan Cliff would be adversely affected.

The end gable of No.2 Sylvan Cliff containing a single first floor window, positioned some 7 metres from the boundary with the proposed replacement garage structure. It is considered that similarly due to the modest scale and footprint of the replacement structure and lack of habitable rooms, the residential amenity of this neighbouring property would not be adversely affected.

Turning to No.19 Silverlands to the rear of the site, the distance between the rear elevation of the revised replacement structure and the rear elevation of this neighbouring property stands at approximately 11 metres. The rear gable contains a set of doors opening to the garden area. Given the presence of boundary screening comprising a 1.8m high close boarded fence and the modest scale and size of the proposed structure, it is considered that the amenity to the occupants of No.19 (or any other properties adjoining Silverlands) would be adversely affected as a result of the proposed development.

The rear elevations of Nos. 10 and 12 Holker Road stand approximately 23m distant from the side (western) elevation of the proposed replacement structure. Given the modest scale and size of the proposal, the intermittent vegetation that screens any views, and the lack of any habitable windows, the amenity of this neighbouring property would not be adversely affected.

In more general terms, comments/objections have been received with regards to the intensification and the nature of activities that would be operating from the proposed garage. In response, Officers accept the argument put forward by the applicant that that the existing garage supports an established 'work from home' business that is incidental to No.6 Sylvan Cliff.

The issue to consider is whether the proposed development, specifically its proposed use, would give rise to a degree of harm to public and residential amenity over and above the current use that makes the proposed development unacceptable.

Whilst comments which makes reference to the potential use of equipment/power tools and large transportation vehicles are noted, it is considered that the scale of the proposed use would not be any different to a person using their own garage on a recreational or domestic basis which could include activities that involve the use of power tools and the playing of musical instruments.

In light of the above, it is concluded that the proposed replacement structure in its final revised form, subject to strict planning conditions regarding its incidental use to No.6 Sylvan Cliff, would not give rise to any adverse harm to public or residential amenity, in accordance with LP Policies EQ6 and EQ10, the Residential Design Guide SPD, and relevant paragraphs under Chapters 12 and 15 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.

Concerns have been raised from a neighbouring property in connection with potential highway safety impacts as result of the proposed use and during construction.

The site already contains an existing garage that benefits from access to the public highway and there is no reason to conclude that the new garage would have any greater highway safety impacts. Although the proposed garage would be sited marginally below the 6.5m standard required by the Highway Authority, this is not considered to cause a significant highway safety concern. The use of the site will generate a low amount of vehicular trips, and not significantly more when compared to the present situation. It is considered that any reason for refusal relating to highway safety could not be sustained at appeal. It is considered that the proposed development would not conflict with LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

Other Matters

Impact on Trees

LP Policy EQ9 relates specifically to trees, woodland and hedgerows, and requires that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss. Chapter 15 of the NPPF contains relevant national policies relating to the conservation and enhancement of the Natural Environment.

Concerns have been raised in relation to the potential impact and/or loss on trees within the site as a result of the proposed development. It is acknowledged that the site does contain a small number of young immature trees. However, these trees are not considered to make any material contribution to the setting of the conservation

area, and as such, there are not considered to be any conflict with LP Policy EQ9 and relevant paragraphs under Chapter 15 of the NPPF.

The County Archaeologist comments that the site lies within the Buxton Area of Archaeological Interest corresponding to the likely area of the Roman town, and within very close proximity to the known Roman settlement site at Holker Rd (Derbyshire HER MDR320). The proposed building footprint is proportionately much larger than the existing garage and will therefore involve significant areas of new dig foundations, which could impact buried archaeological remains. Consequently it is recommended that a condition be imposed securing a written scheme of investigation to ensure that if archaeological remains are found that they can be recorded.

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.

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 roof area and will therefore increase surface water run-off. However, given the very limited extent of the additional roof area that would replace an existing structure 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.

CONCLUSION / PLANNING BALANCE

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

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

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

The application seeks full planning permission to replace an existing single storey detached garage that lies adjacent to No.2 Sylvan Cliff, incidental to No.6 Sylvan Cliff, with a replacement slightly larger structure, that supports and facilitates the ongoing operations of the applicant's theatre puppet and props business which includes music production, that has operated from the site for the past 20 years.

An assessment of the application has found that in its revised form, the proposed development would be of a modest and proportionate scale and provides a visual betterment comparable to the appearance of the existing structure, and would respect the overall character and appearance of the site and its surroundings, including the setting of the Conservation Area, thus demonstrating compliance with LP Policies S1, EQ6 and EQ7, relevant Supplementary Design Guidance, relevant paragraphs relating to design under Chapter 12 of the NPPF, and relevant restrictive paragraphs relating to heritage conservation under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

Subject to strict conditions, requiring the proposed structure to remain in incidental use to the host property No.6 Sylvan Cliff, and preventing any commercial operations or the separate sub-letting or selling off of the building, there are not considered to be any adverse impacts to public or residential amenity or highway safety.

In light of the above, the application in its final revised form is considered to constitute 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.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 14th April 2023

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council