

## DELEGATED DECISION REPORT

---

HPK/2023/0172  
Valid 28/04/2023

184 TAXAL EDGE  
MACCLESFIELD ROAD  
WHALEY BRIDGE

ERECTION OF DOMESTIC  
GARAGE/ANCILLARY  
OUTBUILDING AND  
ASSOCIATED WORKS

(FULL - HOUSEHOLDER)

---

### MAIN ISSUES

- Design and Layout
- Landscape

### DESCRIPTION OF SITE

The application site is a former class room building previously associated with an adjacent former school building known as 184 Taxal Edge. The application site relates to a two and a half storey modern building of stone, with a series of large glazed windows and 3 dormer windows on the principle elevation. The dwelling is approached via a private track passing a number of neighbouring properties and 184 Taxal Edge.

The dwelling has a gravelled area to the front of the property, which slopes away from the dwelling beyond and is surrounded by trees and a variety of mature vegetation.

The application site is covered by an Area TPO. A public right of way/footpath runs adjacent to the application site to the southwest boundary of the wider planning unit.

### PROPOSAL

Planning permission is sought for a detached garage / study with patio above. The proposal will be located in front of the principal elevation of the property accessed via a proposed driveway branching off the existing hardstanding. The building will have a double garage in the northern half of the structure. The southern half of the structure will host a study, with bi-folding glazed doors. The garage roof will be flat to form an open patio area enclosed with a glazed balustrade and stone piers.

### RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

#### High Peak Local Plan 2016

S 1 Sustainable Development Principles  
S 1a Presumption in Favour of Sustainable Development  
S 2 Settlement Hierarchy

EQ 3 Rural Development  
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

## **Supplementary Design Documents(s)**

Adopted Residential Design Guide 2005  
Landscape Character Assessment 2006  
High Peak Design Guide 2018

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

HPK/0002/5081 – additional car parking provision adjacent to main driveway  
APPROVED 06/04/1987

HPK/2008/0069 – change use of taxal edge from boarding hostel and associated ancillary residential accommodation to use as single family dwelling APPROVED 28/03/2008

HPK/2009/0209 – change of use from single dwelling to ten apartments involving internal alterations only WITHDRAWN 26/06/2009

HPK/2009/0689 – conversion of single dwelling house to provide seven apartments and conversion of classroom block and disused garage into two detached houses APPROVED 29/03/2010

HPK/2013/0503 – proposed conversion of Taxal Edge 184 Macclesfield Road to form 5 apartments and to construct 2 new semi-detached houses in the area of the existing gymnasium APPROVED 25/11/2013

HPK/2020/0301 – demolition of the existing building known as taxal edge and the detached garage building and the erection of 7 no. dwellings. REFUSED 19/04/2021  
APPEAL APP/H1033/W/21/3272745 DISMISSED 3<sup>rd</sup> February 2023.

HPE/2019/00014 – The Classroom Block Appeal Ref: APP/H1033/C/22/3297854  
ALLOWED (Ground A) 3<sup>rd</sup> February 2023.

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 21/06/2023  
Neighbour consultation period ends: 13/06/2023  
Press Advert: N/A

## **Public Comments**

None received

## **Town / Parish Comments**

N/A

## **Environmental Health**

N/A

## **Derbyshire County Council Highways**

No highway objections provided that the garage remains ancillary to the main dwelling and that there shall be no business operations carried out from the premises.

## **OFFICER COMMENTS**

### **Principle of Development**

The site lies outside the built-up area boundary of Whaley Bridge, being located within the open countryside and therefore must be considered under the 'other rural areas category' which includes 'all other areas outside of the settlement boundary of settlements, including those villages, hamlets and isolated groups of buildings in the Green Belt and the Countryside which do not have a settlement boundary as defined on the Policies Maps, development will be strictly limited to that which has an essential need to be located in the countryside or comprises affordable housing in accordance with policies EQ3 and H5'.

The proposed garage made up part of a previously dismissed planning appeal (APP/H1033/W/21/3272745).

The Inspector's decision states:

*"6. The appellant and Council also agree that there is no longer a legal fallback position. A 'baseline' attributed to the development potential of the site, having regard to relevant planning policy, is however agreed. The 'baseline' includes the following 'in principle' forms of development:*

- Conversion of the main building into up to 7no apartments*
- The extension of the main building to provide further apartments, alternatively the erection of 2 semi-detached dwellings on the site of the former gymnasium;*
- Residential conversion of the remaining outbuilding (the garage);*
- A garage for the former classroom block;*
- The classroom block (whether as altered by the requirements of the enforcement notice or as existing)".*

As a consequence, there can be no lawful position with reference to HPK/2009/0689 (in relation to any previously proposed retaining walls) as per the above statement from the Inspector.

Therefore a “garage” for the classroom as an in principle matter is deemed to be acceptable and it falls to planning judgement to ascertain whether the scheme put forward is acceptable having regard to relevant planning policy.

*Figure 1 – image submitted as part of a previously refused application HPK/2020/0301 (APP/H1033/W/21/3272745) dismissed at appeal, which shows the currently proposed garage / study and patio at the far left of the image to the frontage of the host dwelling.*



## **Design and Layout**

The NPPF highlights that good design is a key aspect of sustainable development and should contribute positively to creating places which people wish to live and work. Paragraph 130 requires development to function well and add to the overall quality of the area for the lifetime of the development. It should respond to local character and history and be visually attractive as a result of good architecture, layout and appropriate landscaping. Paragraph 134 of the Framework advises that permission should be refused for development that is not well designed and where it fails to reflect local design policies and local design guidance, including supplementary planning documents.

LP Policy EQ 3 ‘Rural Development’ states that outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape’s intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.

LP Policy EQ 6 'Design and Place Making' states 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.

This will be achieved by:

- Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes
- Requiring that development on the edge of settlement is of high quality design that protects, enhances and / or restores landscape character, particularly in relation to the setting and character of the Peak District National Park
- Requiring that development contributes positively to an area's character, history and
- identity in terms of scale, height, density, layout, appearance, materials, and the
- relationship to adjacent buildings and landscape features

The Adopted Residential (SPD) (2005) chapter 9 states that "extensions and alterations to existing houses can have a significant impact on the appearance of a house, neighbouring property and the street scene. It is important, on all types of houses, that domestic development is carefully designed." Paragraph 9.4.1 continues that in view of their often squat and ungainly appearance, the prevailing climate and ongoing maintenance problems, flat roofs should be avoided.

The High Peak Design Guide (SPD) (2018) Paragraph 5.5 states that all extensions should harmonise with the parent building, it should be subordinate to it in terms of its size and massing.

Paragraph 5.10 continues that 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.

The High Peak Design Guide (SPD) (2018) paragraph 3.1 states that the setting of any building should be carefully considered. Attention should be paid to its impact on views into, over, and out of the site.

The proposed garage will have a footprint akin to the footprint of the host dwelling, as demonstrated in *existing and proposed site plans drawing no. 51 dated 22.03.23*. Local Plan Policy EQ 6 requires the scale of development to be appropriate to that of the host dwelling and surrounding area. In this instance the proposed garage will almost double the footprint of development within the curtilage. The size and scale of the proposed garage would therefore, constitute as an overdevelopment of the application site and the proposed garage will not be subordinate to the host dwelling in terms of size and massing.

Within the previously refused planning application HPK/2020/0301 consultee comments were received from the County Urban Design Consultee who stated that 'subterranean garages exaggerate the height of the houses showing the existing house with garages in front.' The garage proposed in this application is the same as that previously submitted and as such these comment still stand. The proposed

garage / study / patio will sit below and forward of the host dwelling creating the appearance of a lower ground floor level to the property. As a consequence, the dwelling may then appear to be a 3 and a half storey dwelling, creating the overall impression of a taller property of a more dominating scale and appearance.

When walking along the public right of way footpath, which runs adjacent to the application site, the host dwelling can be glimpsed through the trees and is visible at various points, however, visibility will be greater during the winter months when the trees are not in leaf. At present the host dwelling sits back from the footpath. The proposed garage, however, will bring the structure forward and lower towards the footpath therefore creating a more dominating visual impact, which would be visible from some aspects of the public right of way and would be emphasised by the raised patio area with its associated domestic activity.

The flat patio roof proposed for the garage / study structure goes against the recommendations of the Adopted Residential Design Guide (SPD) (2005) paragraph 9.4.1. whereby flat roof structures are not characteristic of the High Peak and as such are discouraged. The host dwelling has a distinctive pitched roof with 3 prominent pitched dormer windows, however, the proposed flat roofed garage would sit at odds with the host dwellings character to be visually incongruous. This would be exacerbated and emphasised by the glazed balustrade and brick pillars

Overall it is considered that the proposed garage / study building with patio above is dominating in scale and appearance to constitute an overdevelopment of the application site rather than a subordinate addition. Further to this, the proposed building is at odds with the overall character and appearance of the host dwelling and as such the proposed building is found to be unacceptable in terms of its design and layout. The development therefore fails to accord with guidance in the High Peak Design Guide, the Residential Design Guide.

## **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 Adopted Residential (SPD) (2005) paragraph 8.6.1 states that there should be 21 metres between adjacent inhabitable windows to provide an acceptable level of amenity.

The proposed outbuilding will have bi-folding doors on the front elevation serving the study. There will also be an amenity patio space occupying the flat roof of the outbuilding. Due to the location of the application site in relation to neighbouring properties, these matters will not lead to the overlooking or loss of amenity of any adjacent neighbours.

## **Trees**

LP Policy EQ 9 states that the Council will protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient pr species-rich hedgerows from loss or deterioration.

The application site is located within a TPO area, which covers all trees on the application site. The proposed building will come close to a mature tree which is sited in front of the host dwelling and proposed garage. The proposed garage may intrude upon the root protection zone of this tree, within the provided tree report this is referred to as beech (T27). The provided tree report recommends the retention and pruning of T27. It is further recommended to use pile foundation to reduce the impact upon T27. Provided that these recommendations are followed and secured by appropriate planning conditions the impact upon trees is considered acceptable.

## **Highway Safety**

LP Policy CF 6 states that all development should deliver sustainable patterns of development by ensuring that it does not lead to an increase in on street parking to the detriment of the free and safe flow of traffic.

The application proposes to introduce a double garage to the property. This will replace two of the existing car parking spaces, which would not be accessible following the proposed works and installation of the patio roof. The garage space and frontage driveway should allow adequate parking provision for the requirement of the host dwelling. As such there are no highways safety objections subject to a condition securing the garage for parking of domestic vehicles only.

## **Other matters**

The applicant submitted a red edge location plan with the application which portrays an incorrect representation of the curtilage. The application site was served an enforcement notice in 2022. An Appeal against the Notice was subsequently allowed. When the enforcement notice was issued, a red edge plan was included within this notice (see figure 1 below). When the enforcement notice appeal was allowed (APP/H1033/C/22/3297854), no alternative red edge was put forward by the Planning Inspectorate. As such it is considered that the enforcement red edge plan lawfully represents the curtilage to the host dwelling known as the former classroom. The proposed outbuilding is considered to be located within this curtilage. Therefore notwithstanding the incorrect curtilage identified by the applicant on the location plan submitted, there is no concern that the current scheme lies outside the curtilage of the host property as identified by the plan below, excepting the proposed frontage driveway.



*Figure 1 – red edge extract from enforcement notice dated March 2023*

## **CONCLUSION / PLANNING BALANCE**

In conclusion the proposed development is considered to be overly dominant in scale and appearance leading to an overdevelopment of the application site. Furthermore the proposed building features a flat roofed design which is at odds with the host dwelling and would be incongruous in appearance. As such the proposed development fails to meet the requirements of the relevant local plan policies and the NPPF.

**OFFICER RECOMMENDATION :     Refusal**

**Case Officer: Rachel Robinson**

**Recommendation Date: 22<sup>nd</sup> June 2023**

X *B.S. Haywood*

---

Signed by: Ben Haywood

**On behalf of High Peak Borough Council**