

DELEGATED DECISION REPORT

HPK/2023/0186
Valid 07/06/2023

19 GRANGE ROAD
BUXTON

DEMOLITION OF EXISTING
SINGLE GARAGE AND SHED
TO THE SIDE AND REAR OF
PROPERTY. ERECTION OF
NEW DOUBLE GARAGE TO
THE REAR OF THE
PROPERTY WITH GRAVEL
DRIVEWAY.

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design, Character and Appearance
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to No.19 Grange Road; a split level semi-detached dwelling that reads as a two storey property to the front and three storey from the rear. The domestic curtilage, made up of the main house and rear garden, spans a length of some 41m, and a width of 10m.

The site benefits from a private driveway which leads to a rather unsympathetic flat roof garage which has a length of approximately 4.7m and width of 2.7m, with a large garden to the side, and beyond. There is a sudden drop in levels between the finished floor level of the existing garage and the adjacent garden.

The garden contains an existing single storey shed in its far corner, and 4no. trees within the plot, which are labelled on the Existing Site Plan:

- T1 – Rowan Tree
- T2 – Sour Cherry Tree
- T3 – Willow Tree
- T4 – Crab Apple Tree

The site is bounded to the north by No.17 Grange Road (the other part of the semi-detached block). The southern boundary is shared with the rear garden boundaries associated with properties on Dale Road (Nos. 65, 67, 69 and 71) whilst the eastern rear boundary of the site is shared with the rear boundary of No.38 Darwin Avenue.

For the purposes of the Local Development Plan, the site lies within the built-up area boundary of Buxton and is not constrained by any statutory designations.

PROPOSAL

Following positive pre-application advice, the application seeks full planning permission for the demolition of the existing flat roof garage and garden side, and the erection of a double garage, accessed via an extended private driveway.

The garage is shown to be located towards the rear of the site, facing the rear elevation of the main house, with the rear elevation sited some 0.5m from the rear boundary.

The proposed double garage has a simple rectangular form spanning a width of approximately 7 m and length of 10, reaching an eaves height of 2.5m, with a dual pitched roof reaching a height of 3.85m. The Elevation Plans show the garage to be finished in a white render, with the principal elevation characterised by two symmetrical wooden garage doors.

The Application Form confirms that the Rowan Tree (T1) and Sour Cherry Tree (T2) are to be removed to accommodate the proposed development.

The internal layout of the garage shows provision for two vehicles to be securely parked with a workbench located towards the rear.

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
- 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 |

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 27th July 2023

Neighbour consultation period ends: 30th June 2023

Press Advert: N/A

Public Comments

1no. neutral comment has been received which makes the following points:

- Footprint of garage greater than house and outbuildings in the area
- Size of garage is excessive for 2no. vehicles
- Potential impact on trees, some not shown on plan
- Potential for building to be used for other purposes, what restrictions can be put in place to prevent this?

1no. objection has been received that raises the following concerns:

- Structure would be imposing on neighbouring garden affecting outlook and natural light
- Noise generated from garage would affect our enjoyment of our garden
- Removal of two trees would impact on wildlife and habitat
- Opportunities to re-site garage away from boundary as per Class E PD Rights with flatter lower roof, which would have less of an impact.

Town / Parish Comments

N/A

Derbyshire County Council Highways

No objections

OFFICER COMMENTS

Principle of Development

The application seeks permission for domestic development within the curtilage of an existing residential dwellinghouse that lies within the built-up area boundary of Buxton, identified as one of the larger Market Towns that sit at the top of the settlement hierarchy under Local Plan (LP) Policy S2, which are the focus for new housing and economic growth. The site is not constrained by any statutory designation.

Given the nature of the proposed development and the planning policy context set out above, the principle of development is accepted subject to a full assessment of all relevant planning considerations.

Design Character and Appearance

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.

Chapter 9 of the Residential Design Guide SPD (2005) provides guidance on domestic garages, as follows:

9.7 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. Double garages should have two openings whether possible, to maintain proportion, and with the roof ridge parallel to the doors. Flat roofs should be avoided. Doors with vertical emphasis are usually preferred and timber hung side door may be required in sensitive locations.

The more recently adopted Design Guide SPD (2018) provides further guidance on domestic garages:

5.10 These 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.

The site lies in an urban area which has little in the way of architectural merit or aesthetic value. The existing flat roof garage is unsympathetic and contributes negatively to the character of the site and wider street scene, being visible from the public highway. Any opportunities to enhance the visual aesthetics of the site should therefore be encouraged.

The applicant had approached the Council for pre-application advice, where the following written advice was given:

"The proposed garage is sited in an appropriate location to the rear of the house, thereby being subordinate with regards to its siting. It is also shown to be of a modest scale and height that reads as an ancillary and subordinate outbuilding, in accordance with supplementary guidance. I would advise that the garage would

benefit in design terms to read as a simple rectangular structure, rather than an 'L' shape, as in my view this reads as neither one thing or another (i.e. it is not clear whether this garage is designed to be a single or a double garage). If it is a double garage, then the garage should be a simple rectangle with two equal symmetrical garage doors. If it is a single garage, the width of the garage should be recessed accordingly. The proposed garage is shown to be render, which based on a review of Google Street View, would match the existing house, again in line with supplementary guidance. In summary, I would advise that subject to minor changes to the footprint and possibly the front elevation of the garage, this would likely be supported in design terms."

This application has responded positively to this advice by designing a garage that has a far simpler rectangular form, which has a modest height, with dual pitched roof. Whilst being quite large with regards to this footprint, the garage nevertheless continues to read as a subordinate and secondary structure, given the significantly large size of the residential plot, having a length equivalent to approximately a quarter of the plots total length.

Officers consider that the dual pitched roof with a slightly higher pitched is more desirable than a lower flat roof that could be implemented under Permitted Development rights (Schedule 2, Part 1, Class E), and enhances the visual aesthetics of the site, compared to the existing unsympathetic flat roof garage. The use of materials that is consistent with those used in the main house is welcomed and considered to be acceptable.

The extension of the private driveway does not require planning permission having regard to Schedule 2, Part 1, Class F of the GPDO, but in any event would not materially impact the character and appearance of the site and wider area.

In light of the above, it is considered that the proposed development has responded positively to pre-application advice and is of an appropriate scale, height, massing and visual appearance that contributes positively to the overall character and appearance of the site and wider street scene, amounting to a modest visual enhancement. The application is therefore compliant with LP Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

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 is bounded on three sides by neighbouring residential development and their associated gardens, bounded by a timber fence.

Objections have been received having regard to the potentially adverse impacts of the proposed garage on the amenity of neighbouring properties, specifically with regards to restricting outlook and natural light, and noise generated from uses within. One objector has suggested that the garage should be re-designed in a manner that aligns with the parameters under Schedule 2, Part 1, Class E of the GPDO.

In light of these objections, Officers invited the applicant to submit revised plans that showed the garage to be reduced in size and further away from the curtilage boundary.

Revised plans have indeed been submitted, and is the subject of assessment within this report. The proposal in its revised form, shows the rear elevation to be situated 2m from the rear boundary, and approximately 9m from the rear elevation of No.38 Darwin Avenue. At this distance it is considered that the garage, which has a modest height of 3.85m, would not result in any overbearing impacts, or would adversely affect outlook, or the amount of sunlight to habitable windows in this property.

Turning to properties to the south, the proposed garage would sit immediately adjacent and parallel to the boundary with No.71 Dale Road. The boundary is defined by a low boundary wall, 2no. trees that are scheduled for removal, and domestic paraphernalia within the neighbours curtilage. The proposed garage would have a height of 3.85m being situated some 13m from the rear elevation of this neighbouring property, and 1m from the boundary.

Permitted Development rights allow for an outbuilding to be situated to the rear of a residential property provided that if situated within 2m of the boundary, it has a flat roof and maximum height of 2.5m. If situated further than 2m from the boundary, a building could have a dual pitched roof with a maximum height of 4m.

At a height of 3.8m and 1m from the boundary, it is considered that the proposal would not give rise to any degree of overbearing impacts to the neighbour which amount to a sustainable reason for refusal. Moreover, there is sufficient distance to the rear elevation of No.71 Dale Road to avoid any potential issues relating to outlook or loss of sunlight.

No other neighbouring properties on Dale Road are considered to be affected, given the size and scale of the proposed garage, its siting, and relationship with the existing pattern of development.

Lastly with regards to noise and disturbance issues caused by workings within the garage, the workshop would be ancillary to the main dwellinghouse and not used for any commercial purposes. A condition is recommended to ensure that sufficient controls are applied to this ancillary use. Noise is a public amenity issue which is

covered by other legislation outside of the planning system, with complaints being handled by the Environmental Health department.

In conclusion, the proposed garage in its final revised form is not considered to result in any degree of harm to neighbouring residential amenity that warrants a credible or sustainable reason for refusal that could be defended appeal. As such there is not considered to be any conflict 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.

The site benefits from an existing access to the public highway which would not be altered as a result of the proposed development. The level of off-street parking provision required to serve the property would be retained in line with the Council's parking guidance, and in light of there being no objections from the Highways Authority, the proposed development is not considered to give rise to any adverse harm to highway safety, in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Other Matters

Trees

The application includes the removal of 2no. trees that are situated within the rear garden. These trees are not protected by any Tree Preservation Order (TPO) and could be removed without planning permission at any time. They are not considered to have any significant value and as such the removal of these trees is not considered to adversely affect the character and appearance of the site or wider area, and does not prevent the application from being positively determined.

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 roof area and will therefore increase surface water run-off. However, given the very limited extent of the additional roof 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 contained within the National Planning Policy Framework. 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 ancillary domestic development to an existing residential dwellinghouse on a site that lies within the built-up area boundary of Buxton and not constrained by any statutory designation. The principle of development is therefore supported.

A detailed assessment of the scheme in its revised form has concluded that the proposed garage is acceptable with regards to its siting, scale, height, massing and visual appearance, and results in a modest visual enhancement of the site when considering the nature of the existing garage. This report has also concluded that there would be no conflict with local and national policy considerations in relation to residential amenity, or highway safety.

As such, the application is considered to constitute a sustainable 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: 3rd August 2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council