

DELEGATED DECISION REPORT

HPK/2023/0263
Valid 06/07/2023

9 STONERIDGE, PARK
ROAD, BUXTON,
DERBYSHIRE, SK17 6SG

PROPOSED DEMOLITION AND
REBUILD OF GARAGE ON
EXISTING FOOTPRINT WITH
AN EXTRA 1M GARAGE
HEADROOM

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design and visual impact on the streetscene and Conservation Area
- Neighbour privacy & amenity
- Nutrient neutrality

DESCRIPTION OF SITE

The application site is recorded as 9 Stoneridge, Park Road, Buxton however the site is correctly described as land adjacent to 7 Park Road, Buxton. Originally this was the garage associated to number 7, previous owners sold it to number 9.



The occupants of number 9 can use the garage and have pedestrian access to the side in order to gain access to or maintain the garage (denoted in brown – but this land is owned by number 7).

The garage is in poor condition and is structurally unsound. The garage is constructed from blockwork and slate. There is a garage door to the front, pedestrian door to the side and a bricked up door and covered window on the rear elevation.

There is parking space to the front of the garage and pedestrian path down the side. The garage abuts the rear garden and patio area serving number 7. The east boundary is adjacent to the garden associated to Park Hall.





For the purposes of planning policy consideration, the application site is located within the Buxton Development Boundary. The site is within the Conservation Area and there are protected trees which need to be considered. The site is not far from the Devonshire Dome which has direct line of sight down this portion of Park Road toward this open corner.

PROPOSAL

To demolish the existing garage and replace it with a larger one (additional 1 metre height). In addition it is proposed that two roof lights be added. A pedestrian door will give access into the garage from the footpath between the house and the garage. It is proposed to reinstate the back door on the rear elevation and window (both to be obscure glazed).

The proposed palette of material finishes will be stone and slate.

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
S7 Buxton Sub-Area Strategy
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment
CF 6 Accessibility and Transport

Supplementary Planning Document

Residential Design SPD2 Adopted December 2005
High Peak Design Guide Adopted February 2018

National Planning Policy Framework

Including sections -

12: Achieving well-designed places
16: Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2023/0252 To demolish existing garage and rebuild the garage on the existing footprint - Application Withdrawn

HPK/2021/0038 Demolition of existing UPVC lean-to conservatory and timber decking in rear garden and erection of new single storey painted timber and glazed orangery style rear extension. Replacement of existing windows and replacement of existing roof covering with roof lights - Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 11 August 2023

Neighbour re-consultation period ends: 17 August 2023

Public Comments

Three representations received during the determination period, stating the following:

- Loss of privacy from roof lights
- Visual impact on streetscene
- Ground level difference will be imposing
- Fear of collapse as it is leaning
- Justification questioned as they have never put a vehicle in the garage
- Aim is to put a mezzanine in and create an Air B&B
- The ownership issue and relationship to site needs consideration.
- No justification for increased height or window/door on rear elevation
- Encroachment into neighbouring land
- Ecology survey required as there is demolition proposed
- Arboriculture report needed and it is under the canopy of a tree

Exterior finish not acceptable

Town / Parish Comments

N/A.

DCC Conservation Officer

Objection - The existing structure is in an exposed location within The Park Conservation Area, the site located on one of the prominent corners on entry into Park Road. Further, the site is not far from the Devonshire Dome which has direct line of sight down this portion of Park Road toward this open corner. The Heritage Statement goes into little analysis of the setting of the Conservation Area and I am not confident visual harm has been justified or mitigated.

The scheme proposes a larger structure than the existing, though with new exterior materials to be generic render. I fear that cumulatively, this new scale and design will

cause visual conflict. Under the trees, the modern render will weather quickly and pose risk of visually depreciating this area.

It is also not clear on how this project will be tackled, as I am aware there is some substantial earth movement beneath the existing. There is no information to explain the method or mitigate any boundary issues.

DCC Highways

No highways safety issues arise from this proposal.

OFFICER COMMENTS

Principle of Development

Within the Buxton town development boundary there is support in principle for a range of developments including housing and employment related proposals. Whilst there are no 'in principle' objections to the application, all other material planning considerations must be satisfied for the scheme to be supported. In this instance the considerations include design, visual impact, neighbour amenity, and parking provision.

Design & Visual Impact

Policy EQ6 within the High Peak Local Plan requires 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 Policy requires development to contribute positively to an area's character, history, and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings.

Alongside, policy EQ7 seeks to conserve heritage assets in a manner appropriate to their significance, such as Buxton Conservation Area, and states that 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. Policy EQ7 requires proposed developments that affect a heritage asset and / or its setting, including alterations and extensions to existing buildings, to demonstrate how the proposal has taken account of design, form, scale, mass, use of traditional materials and detailing, siting and views away from and towards the heritage asset in order to ensure that the design is sympathetic and minimises harm to the asset.

Paragraph 5.10 in the High Peak Design Guide specifically reference garages and says "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.

The local Plan policies and supplementary documents are up to date and accord with the National Planning Policy Framework document policies within Section 16 of the NPPF.

Para 195 of the NPPF states that “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

In assessing this proposal, it is considered that the proposed increased height to the garage would, whilst set back from the principal elevation be highly visible from the street. In this way, it is considered that by virtue of its height and scale, the extended garage would increase its visual prominence within the streetscene.

The extended garage would have a relatively narrow width compared with the dwellinghouse and the proposed additional height would accentuate the visually awkward relationship between the garage and the existing dwelling. The plans state that the eaves levels are not changing, but it is, it has to if the pitch of the roof is unchanged, and the overall height of the building is increased by 1 metre – the plans are misleading. Overall, the proportions of the garage is unacceptable, it appears elongated, with doors that are too tall.

The overall effect would be to introduce a prominent, visually intrusive, and incongruous building into the street scene. The development would be harmful to the character of the surrounding Conservation Area in this regard.

The application form states that the garage will be finished in either stone and slate materials or render. Although the use of natural stone with a slate roof would be acceptable, any use of render would be wholly unacceptable, notwithstanding matters of material finish can be controlled by condition.

The harm to the significance of the Conservation Area that would result from the proposed replacement garage adjacent to number 7 would be localised and therefore the effect on the Conservation Area as a whole is less than substantial. It would nonetheless represent an erosion of the Conservation Area’s distinctive character. In circumstances where there is less than substantial harm to the significance of a designated heritage asset, in this case the Conservation Area, Paragraph 202 of the National Planning Policy Framework (the Framework) identifies that harm should be weighed against the public benefits of the proposal.

It is recognised that the proposed replacement garage could be said to make more efficient use of the existing building by accommodating additional height. However, the historic single storey garage has served its purpose and Section 11 of the Framework makes clear that making efficient use of land should include taking into account the desirability of maintaining an area’s prevailing character and the importance of securing well-designed, attractive, and healthy places.

There would be limited economic benefit through a new build garage in the Borough (employment and procurement of materials during the construction period) such that these benefits would be limited in scale and kind, and consequently carry only limited weight. Ultimately the garage will be used for private benefit by the applicant.

The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposed replacement garage would have a negative effect on the significance of a designated heritage asset and would result in less than substantial harm. There are no public benefits put forward to outweigh this harm.

In light of the above, it is considered that the design and form of the replacement garage would have an unacceptably harmful effect on the character and appearance of the Conservation Area. Consequently, in that regard, it would not therefore accord with Policies EQ6 and EQ7.

Together Local and National planning policies and guidance seek development that is of a high quality and respects the development pattern, scale, height, massing, appearance and built features of the surrounding area.

The overall design of the proposed development is considered detrimental to the character and appearance of the conservation area – failing to accord to policies EQ6 and EQ7 of the Adopted High Peak Local Plan, Design Guide Supplementary Planning Documents.

Amenity

Policy EQ6 requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The footprint of the existing garage demarks the boundary of the site area. The foundations of any replacement garage will in all probability err over into the land owned by the adjacent landowner. However this would be a civil matter for both parties to resolve.

The proposed replacement garage proposes the reinstatement of the blocked doorway and screened window on the rear elevation. On the sale of the garage to property number 9, both the window and door were blacked out to protect the amenity and privacy of the occupants of number 7, especially as the patio area of number 7 is to the rear of the garage, but also the conservatory at the rear of number 7 would be directly overlooked should persons be in the garage.

With this perceived loss of privacy mitigated against, it is inappropriate to introduce fenestration that although obscure glazed, will give the perception of overlooking. As there is a side door into the garage, the necessity for a door on the rear elevation is not justified, especially as it will step out onto the neighbouring property 's patio.

The variation in land levels between the site and Park Hall will raise the prominence in terms of visual prominence to the occupants of nearby apartments. It is inevitable the visual prominence will be accentuated but no to a harmful degree.

The adverse impact on amenity and privacy lost to the neighbouring property fails to accord with Local Plan policy EQ6, National Planning (NPPF) policy and specific reference can be given to paragraph 9.2 of the Residential Design Guide 2005 which says “Domestic extensions should be of a scale and be designed and positioned to avoid undue harm to the amenity of neighbouring properties. They must have regard to the orientation of adjacent homes, the number and position of windows and land levels. Excessive overshadowing of neighbouring habitable rooms windows, glazed doors and private garden/amenity areas should be avoided. “

The amenity of occupant of number 7, the neighbouring property, is considered to be significantly affected by this proposed development in terms of loss of privacy and perceived overlooking. As such there is unacceptable conflict with policy EQ6 of the Adopted High Peak Local Plan and adopted Residential Design Guide 2005 and the National Planning Policy Framework, due to the un-neighbourly form of development.

Highway Safety

None, access to the proposed garage would remain as existing.

Highway Parking

Approval of this application would not result in the intensification of use of the property. No part of the application will reduce the on-site parking space.

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. The extent of the footprint of the garage and its surface water run off would be the same as the existing situation. 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.

CONCLUSION / PLANNING BALANCE

The standard of plans submitted is poor and insufficient information has been submitted with regards to land levels, construction, ecology, or arboricultural assessment notwithstanding. However these matters in their own right would not result in an unacceptable form of development given that the proposals involve a replacement garage. The existing trees at the site, have matured despite the presence of the existing garage, and it is not considered that there would be any further damage as a result on the new garage. Conditions could be imposed, if necessary, to ensure that fencing was installed to protect the roots, and that no materials area stored within this protection area. The principle of a replacement garage of similar proportions could be accepted, but it is the proposed design under consideration that cannot, resulting in harm to the character of the conservation area and un-neighbourly form of development.

Taking into account the provisions of the development plan and all other material planning considerations, it is recommended that planning permission be refused.

OFFICER RECOMMENDATION: REFUSE

Case Officer: P. Twigg

Recommendation Date: 22.8.2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council