

DELEGATED DECISION REPORT

HPK/2023/0425
Valid 02/10/2023

3 KINNAIRD GARDENS
BUXTON

REPLACE BALCONY AT THE
REAR, REPLACE EXISTING
WINDOW AND FRENCH
DOORS WITH FULL LENGTH
SLIDING DOORS, INSERT
ROOF LIGHTS

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Amenity
- Design

DESCRIPTION OF SITE

3 Kinnaird Gardens is a large detached dwellinghouse built as part of a small development approved in 2010. The dwellinghouse benefits from a large rear curtilage with low boundary fencing to the sides. There is no rear boundary, with the River Wye running directly to the rear of the curtilage. A large wooden balcony is located to the rear of the dwelling, with stairs leading down to the garden.

No. 3 is finished in render, with stone window details, characteristics of the street scene along Kinnaird Gardens. This dwellinghouse is located on a private road, and has a driveway which can accommodate 2 vehicles, with space for a further 2 vehicles in an attached double garage.

PROPOSAL

Planning permission is sought for a replacement balcony to the rear. The existing wooden balcony will be removed and replaced with a steel framed balcony with glass balustrade. The new stairs will be placed 950mm to the side of the existing stairs, extending the balcony by less than 1M.

It is also proposed to remove the existing rear window and French doors. this will be replaced with a larger sliding doors.

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 6 Design and Place Making

CF 6 Accessibility and Transport

National Planning Policy Framework

Section 4

Section 14

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2008/0781 - 5 No. Detached Dwellings With Garages And Associated Landscaping WITHDRAWN

HPK/2009/0734 - Resubmission Of Hpk/2008/0781 For Construction Of Four Detached Dwellings With Associated Garages APPROVED

HPK/2016/0348 - Retention of rear raised decking and steps, rear garage door & access door to underbuild for storage. Proposed additional car parking space to front of property APPROVED

CONSULTATIONS

Publicity

Site Notice expiry date: 17/11/2023

Neighbour consultation period ends: 24/10/2023

Press Advert: N/A

Public Comments

None Received

Town / Parish Comments

N/A

Environmental Health

N/A

Derbyshire County Council Highways

N/A

The Canal & River Trust

No comment

OFFICER COMMENTS

Principle of Development

LP Policy S 2, which states that development should be directed towards sustainable locations, including Market Towns such as Buxton. The site is situated within this built-up area boundary. Therefore the principle of the development is acceptable subject to consideration of the following policy.

Design

Section 12 Paragraph 130(c) of the NPPF states that development should be sympathetic to the character and history of the area, while not restricting change.

LP Policy EQ 6 states that all development should be well designed, of a high quality and respond to the areas character, history and scale.

The proposed new balcony will be constructed of steel and glass, replacing the existing timber balcony. Timber is not a material characteristic of the high peak. The proposed balcony will not be visible from the street scene, or surrounding area. The contemporary design is sympathetic to the contemporary character of the host dwelling.

The proposed sliding doors will maintain the sympatric contemporary appearance of the dwellinghouse. Stone door features will also be added to either side of the proposed doors in keeping with the host dwelling.

As such there are no design concerns.

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 proposed balcony larger portion of the balcony, which allows for outdoor seating will be extended by 950MM from the existing balcony. The However, the dwelling adjacent to the host dwelling (no. 4) is situated significantly further forward than the application dwelling and as such there will be no additional impact on the amenity of the neighbour. Thus the angle of viewing will mean that there will be no overlooking of the rear of this property. The impact on other neighbours will be as existing. Furthermore, due to the very low boundary treatments of these dwellings the overlooking into the neighbouring garden will not be increased, as there is already a very open arrangement and mutual overlooking between properties.

Overall there are no amenity concerns.

Highway Safety

The proposal will not impact upon the need for parking at the application site, nor will it impact upon existing parking provisions. As such there are no highway safety concerns.

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. 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 development is considered acceptable in terms of design, amenity and highway safety. It is considered to be in accord with the relevant policies put forward in the Local Plan and the NPPF. Therefore this application is recommended for approval.

OFFICER RECOMMENDATION : Approve

Case Officer: Rachel Robinson

Recommendation Date: 27th November 2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council