

DELEGATED DECISION REPORT

HPK/2023/0381
Valid 05/10/2023

**27, HEATHFIELD
GARDENS, PARK ROAD,
BUXTON, DERBYSHIRE,
SK17 6TN**

**RETROSPECTIVE
PERMISSION FOR THE
ERECTION OF A WOODEN
GARDEN SHED 8 FEET BY 4
FEET SITED AT THE GABLE
END OF 27 HEATHFIELD
GARDENS. PERMISSION IS
ALSO REQUESTED FOR A
RAISED WALK WAY GIVING
ACCESS TO THE FRONT
WINDOW, PORCH WINDOW
AND THE SIDE OF THE
HOUSE.**

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Principle of development
- Design/impact on the character & appearance of the Conservation Area and nearby listed building
- Impact on residential amenity

DESCRIPTION OF SITE

The application site forms part of wider group of three blocks within the Heathfield Gardens development; that sits within large grounds and car parking at the end of a private cul-de-sac north of Park Road.

The site lies within the built-up area boundary of Buxton and within The Park Conservation Area.

PROPOSAL

Retrospective planning permission is sought for an 8 feet by 4 feet wooden flat roof garden shed sited against the gable end of the residential block and the decking walkway that connects with the path that runs along the gable side and returns, with steps down on the building's frontage, to allow easy access to and from the front door.

The necessity of the shed is brought about by the need for storage and the decking serves to account for the level change at the front of the site and creates a useable access around the building and across the frontage.

All works will be contained within the site boundary and no element overhangs the boundary.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S7 Buxton Sub-area Strategy
EQ6 Design and Place Making
EQ 7 Built and Historic Environment

National Planning Policy Framework (2021)

Including sections –
2: Achieving Sustainable Development
12: Achieving well-designed places

Supplementary Planning Documents and Guidance

Residential Design SPD (2005)
High Peak Borough Council Design Guide SPD (2018)

Adopted Conservation Area Character Appraisals

Buxton area character appraisal (adopted April 2007)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The property has not been subject to any relevant planning applications.

CONSULTATIONS

Publicity

Site Notice expiry date: 02/11/2023
Neighbour consultation period ends: 02/11/2023

Conservation Officer

Objection –

The supporting information does not satisfy NPPF paragraphs 194. As such I cannot see clear and convincing justification for the scheme. I do not believe the scheme actively looks to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF, paragraph 202 is at conflict and the harm would be less than substantial. It is not considered there are public

benefits to outweigh this harm and as such I cannot provide full support.

Parish Council No comments received.

Public Comment

Comments from an objecting representation has been received stating that:

- The applicant does not own the land where they have built the decking and shed, which is owned by the freeholder, Heathfield (Buxton) Management Limited. Consent has not been provided and is in breach of their lease covenants.
- This is a conservation area and the structures are also not in keeping with the locality and restrict access around the side of the cottages.

OFFICER COMMENTS

Principle of Development

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to any building or other land in a conservation area, special attention shall be paid to the desirability or preserving or enhancing the character and appearance of that area.

Impact on Heritage Assets

Policy EQ7 of the adopted local plan 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 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the most important the asset, the greater the weight should be.

Paragraph 201 states that 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.

Paragraph 202 states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.

It has been established that a retrospective development has been carried out to the side and front of the site; erection of timber shed and length of decking and paved walkway, in order to store domestic clutter and improve access around the building.

The Conservation Officer has commented objecting to the lack of assessment by the applicant on the character of the conservation area, impact on nearby listed buildings and the believe that the development does not actively looks to preserve or

enhance the character and appearance of the Conservation Area. Harm is less than substantial but the public benefits are required to outweigh this harm. No direct comment on scale, materials or design are made.

Notwithstanding the sparse assessment, following a site inspection it is considered that whilst it is generally desirable for buildings to reflect the material finish of the host building, in this case the timber material finish of the decking and shed are appropriate to its setting, hard up against the backdrop of large residential housing blocks and their patios, driveways and domestic paraphernalia. The works undertaken have the appearance of a traditional ancillary storage building located to the side of a residential property. Other similar sheds are seen in the rear gardens of nearby properties off Park Road.

The NPPF requires the balancing of visual change to the conservation area and the public benefit of the proposal, especially to secure the optimum enjoyment and use of this residential property.

Granted the structure is within the conservation area and there is a nearby Grade 2 listed building (Longford Lodge) but there is no visual detriment to either heritage asset caused viewing from within or from outside the conservation area or the curtilage of the listed building, nor from the public realm. It should be noted that there is a modern residential block and a garage that fall between the site and Longford Lodge. The social benefit is the improvement of appropriate use of space around the building and safer/easier access for all who require to gain access around this building. It also provides an opportunity to store domestic clutter out of sight which would otherwise itself detract from the appearance of the conservation area. That improvement outweighs any perceived harm to the character and appearance of the wider conservation area or the nearby listed building.

In light of the above, it is considered that the application would not result in any significant harm to the character and appearance of nearby listed building, or wider conservation area, and any minor harm would be outweighed by the benefits of the scheme thereby demonstrating accordance with Policy EQ7 of the High Peak Local Plan and relevant restrictive paragraphs contained within Chapter 16 of the NPPF.

Design & Visual Impact

There are no design objections to the proposal. Policy EQ6 refers to design and states that all development should be well designed and be of a high quality that responds positively to both its environment and the challenge of climate change, whilst contributing to local distinctiveness and sense of place.

The NPPF requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

The proposed shed tucked to the side of a residential building is of modest scale and does not appear visually prominent.

Whilst it is acknowledged that there is a material change to the appearance of the side elevation, these changes do not be out of keeping with the residential character of the building or wider site, and therefore it is considered that the proposed development would not result in any harm to the character of the property or Heathfield Gardens in accordance with LP Policies EQ6, EQ7 and paragraph 130 of the NPPF.

Amenity

It is not considered that the retrospective development has given rise to any harm to public or residential amenity, as they are located to the side of the house, where they are screened from the attached dwellings and are a significant distance away from neighbouring properties to the other side. The proposals are in accordance with LP Policies EQ6 and EQ7 and relevant paragraphs of the NPPF.

Land Ownership Dispute

The letter of representation objecting states that the freeholder to the land developed upon is Heathfield (Buxton) Management Limited. The applicant has served notice.

Note: This decision is independent of ownership of the land (anyone can apply for planning permission irrespective of land ownership). The granting of planning permission does not give the applicant the rights to retain the works without permission from the landowners.

PLANNING BALANCE

An assessment of the application has found that the proposed use would not result in any significant change to the character and appearance of the conservation area/listed building, nor would it impact on public or residential amenity. Any minor level of harm to heritage assets would be outweighed by the benefits

As such, the application is considered to constitute a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION: APPROVE

Case Officer: P. Twigg

Recommendation Date: 1.12.2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council

