

## DELEGATED DECISION REPORT

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**HPK/2023/0499**  
**Valid 22/11/2023**

**39 HOPTON WOOD WAY**  
**BUXTON**

**DEMOLITION OF EXISTING  
GARDEN WALL AND  
INCREASE IN HEIGHT OF  
EXISTING WALL TO SITE  
BOUNDARY**

**(FULL - HOUSEHOLDER)**

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### MAIN ISSUES

- Design, Character and Appearance
- Highway Safety

### DESCRIPTION OF SITE

The application relates to No.39 Hopton Wood Way, located within a relatively modern housing estate in the Harpur Hill area of Buxton. The dwellinghouse is contained within a corner plot at the junction of Hopton Wood Way and Ashford Drive.

The dwellinghouse is orientated with its principal elevation facing southwards. The southern boundary of the site is defined by low stone wall, which as well as running parallel with highway, extends northwards at right angles, defining the extent of the private driveway.

Behind the low stone boundary wall is a small area of garden, which appears somewhat of a 'dead' space, beyond which is a higher wall separating this space from the rear garden. The higher wall stands at a height of 2m, set some 2.1m back from the public highway.

### PROPOSAL

The application seeks to incorporate the small garden area that sits forward of the higher wall into the larger garden area, by demolishing the existing 2m high wall, and increasing the height of the lower stone wall that forms the boundary with the highway to a height of 2m.

In response to original comments made by the Highways Authority, an additional Visibility Splays Plan (PL-04 Rev B) has been submitted in support of the application.

### 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  
EQ6 Design and Place Making  
CF6 Accessibility and Transport

### **National Planning Policy Framework 2023**

|                                              |            |
|----------------------------------------------|------------|
| Achieving Sustainable Development            | Chapter 2  |
| Promoting Sustainable Transport              | Chapter 9  |
| Achieving Well Designed and Beautiful Places | Chapter 12 |

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

|               |                                                                                                                                                                                            |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HPK/2013/0533 | Application For Outline Permission For Residential Development Of Up To 275 Dwellings, Public Open Space, A Creche, Sports Pavilion, Access & Associated Infrastructure (Refused 20/01/14) |
| HPK/2014/0403 | Outline Planning Application For Residential Development For Up To 275 Dwellings, Public Open Space, Creche, Sports Pavilion, Access & Associated Infrastructure (Approved 11/11/14)       |
| HPK/2017/0613 | Application for the approval of reserved matters following outline approval relating to HPK/2014/0403 and the discharge of conditions 12, 14 and 15 of HPK/2014/0403 (Approved 20/07/18)   |
| HPK/2022/0281 | Variation of Condition 2 of HPK/2017/0613 to vary the approved plans in respect of approved plots 127 – 136 (Approved 11/11/22)                                                            |

### **CONSULTATIONS**

#### **Publicity**

Site Notice expiry date: 28<sup>th</sup> December 2023  
Neighbour consultation period ends: 20<sup>th</sup> December 2023  
Press Advert: N/A

#### **Public Comments**

1no. objection has been received from a nearby resident who states the following:

*We feel that the visual from the junction of Ashford drive onto Hopton wood way will be obstructed with the proposed application. It is the only entry/exit onto the estate and us a very busy junction most of the time. With other vehicles also parking on Ashford drive near to the proposed area. I'm very concerned about the traffic in the area*

## **Town / Parish Comments**

N/A

## **Derbyshire County Council Highways**

The Highways Authority's previous consultation response raised an issue in connection with the height of the proposed wall – in the intervening period a number of discussions have taken place to try and resolve highway issues, which has culminated in the recently submitted revised drawing PL04-Rev B, so from a highways aspect the drawing is considered acceptable and the Highways Authority recommends the following condition is appended to any consent granted:

- 1. The development hereby permitted shall provide pedestrian visibility splays of 2m x 2m measured perpendicularly back from the (back of the footway/edge of the carriageway) on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.*

## **OFFICER COMMENTS**

### **Principle of Development**

The application seeks permission for domestic alterations contained within the established curtilage of the existing residential property on a site which lies within the built-up area boundary of Buxton, not constrained by any sensitive statutory designation. As such, the principle of development is supported subject to consideration of all relevant planning issues.

### **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.

The High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) contains further design guidance for extending and altering domestic properties. Extensions and alterations should respect the scale and

height of the parent building reading as a subordinate and secondary addition and respecting the character and appearance of the building through an appropriate choice of materials.

Paragraph 135 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 existing property lies within a modern suburban estate, that has been carefully laid out with high quality boundary treatments. The boundary wall and higher wall behind subject of this application is prominent in the street scene and thus any amendments or alterations to it must be handled with care.

The proposal seeks to demolish the existing higher wall that sits behind the low boundary wall, and then subsequently build up the existing wall to a height of 2m, thereby resulting in a larger more practical garden, and removing the area of 'dead' space.

The applicant was offered informal verbal advice prior to this application being submitted, that subject to the stone used in the construction of the higher boundary wall matching the existing, there would be unlikely to be any harm to the character and appearance of the street scene and thus the Council would support the proposal with regards to design and appearance.

Whilst the latest plans submitted in support of the application do not specifically state the material to be used in the construction of the higher wall, it is considered that providing a compliance condition is applied to the decision which requires the stone to match the existing, the character and appearance of the street scene would be preserved. The height of the resultant wall is not considered to be overbearing or out of scale.

As such, the proposed alterations to the boundary associated with this domestic property is considered to be in accordance with design principles set out under LP Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 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.

Paragraph 114 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. Paragraph 115 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Neighbour concerns regarding highway safety are noted. In commenting on the plans submitted with the application, the Highways Authority stated that whilst Hopton Wood Way is yet to be formally adopted under a 'Section 38 Agreement', all access visibility splays must be provided as per the agreed Section 38 drawings.

As such, the applicant has submitted updated plans that include a revised Site Plan (PL04-Rev B) that shows visibility splays that, as stated by the Highways Authority, are acceptable and ensure that highway safety will be preserved.

In light of this revised plan and subject to an appropriately worded compliance condition as required by the Highways Authority stating that such splays should be retained for the lifetime of the development, there are not considered to be any adverse impacts upon highway safety resulting from the proposed development, in accordance with LP Policy CF6 and paragraph 114 of the NPPF.

## **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 alterations to existing boundary treatment associated with an existing residential dwellinghouse No.39 Hopton Wood Way, Buxton. The site lies within the built-up area boundary and is not constrained by any statutory designations. The principle of development is thus supported.

An assessment of the application has judged that in light of revised plans being submitted to the satisfaction of the Highways Authority, there would be no adverse impacts to the character and appearance of the site or wider street scene, or highway safety, and as such complies with all relevant Local Development Plan policies and other relevant material considerations.

The application thus constitutes a sustainable form of 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: 30<sup>th</sup> January 2024**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**