

DELEGATED DECISION REPORT

HPK/2023/0415 9 WEST ROAD
Valid 20/12/2023 BUXTON

REPLACE INSUFFICIENT OLD WALL, THAT WAS KNOCKED DOWN BY A TRACTOR AND TRAILER, WITH A MORE APPROPRIATE STRUCTURED LIME STONE WALL WITH GRITSTONE TOPPERS, GATE POSTS AND RAILINGS.

(FULL - MINOR)

MAIN ISSUES

- Design & Conservation

DESCRIPTION OF SITE

The application relates to No.9 West Road, Buxton, a semi-detached two storey property that lies south of West Road, Buxton, a short distance from a multi junction known as 'Five Ways'.

The Google Street View image (Fig 1) taken from 2016 shows the boundary wall that existed prior to this being recently demolished by accident (Fig 2).



Fig 1: Boundary Wall and access as existed in 2016



Fig 2: Site as existing in 2024 with wall demolished

The site lies within the built-up area boundary of Buxton and within the Buxton College Conservation Area which is constrained by an Article 4 Direction.

West Road is characterised by a linear form of development on both sides that extends westwards from the Five Ways junction, with an wide variety of architectural styles with no distinct uniform character.

One consistent feature however is the presence of low drystone walls that separate the frontage of properties from the public highway. Formal and traditional carved piers and or posts are often found at the larger, and older, Buxton villas and town houses.

PROPOSAL

The application seeks permission to resurrect the wall that was demolished by accident.

Further to comments made by the Conservation Officer having regard to the historic Google Street View image from 2016 set out above, the applicant has submitted revised plans (Ref: 05A and 06A) for consideration. These plans are subject of assessment within this report.

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
EQ7 Built and Historic Environment

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Achieving Well Designed and Beautiful Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 5th February 2024
Neighbour consultation period ends: 11th January 2024
Press Advert: 25th January 2024

Public Comments

1no. neutral comment has been received from a nearby resident who simply requests that the wall is replaced in line with what was in situ previously in the interests of heritage conservation.

Town / Parish Comments

N/A

HPBC Conservation Officer

Initial Response:

In looking at a series, or chronology of late google earth and internet satellite images, it appears the proposed features are not found at these post war later or contemporary dwellings.

Formal and traditional carved piers and or posts are often found at the larger, and older, Buxton villas and town houses. From preliminary investigation, the more particularly ornate ones are seen much further west and north heading back into the earlier core of the town. Consequently, despite the principle of a replacement – the

type and style has no relevance or harmony with the type and age of the modern properties concerned.

The images seen show no piers or posts and instead a very simple and unassuming low lying wall. That of which directly continues from the neighbouring property boundary. Both see this, with a simple coping stone on top throughout. Any other features such as the small thin gates are later items and at this stage appear to be cosmetic.

Other boundaries in the immediate vicinity consists of the features latterly described. Detached or stand alone larger dwelling may see concrete pillars, cast but very bland, mass produced and with no decoration. Other boundary walls have been later topped with the recognisable 1970s-esque (or again as above- post war) concrete flower screen wall stones.

In light of this appraisal I recommend the stone piers are omitted from the scheme, and the remainder of the wall to the neighbouring dwelling to be continued across to its former position, with dark gritstone material and coping stones to match. This is the working precedent and it will remain a quiet a neutral portion of this vicinity. I do not feel that perhaps a more obvious and flamboyant boundary is relevant for the type and build date of these particular dwellings. As a result they risk being uncomfortable in their siting and unable to harmonise well. The latter here would not be seen as an enhancement to the Conservation Area.

Further Response:

Revised plans acceptable

Derbyshire County Council Highways

No objections

OFFICER COMMENTS

Principle of Development

The application seeks permission to reinstate a boundary wall associated with and within the domestic curtilage of a residential property that lies within the built-up area boundary of Buxton and within the Buxton College Conservation Area, which is constrained by an Article 4 Direction that removes permitted development rights for various aspects of domestic development.

As such, in order to be supported in principle, the application must demonstrate compliance with Local Plan (LP) Policy EQ7 and restrictive planning policies relating to Heritage Conservation contained under Chapter 16 of the NPPF, underpinned by Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Design & Conservation

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

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.

LP Policy EQ7 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 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.

Chapter 16 of the NPPF contains the relevant restrictive national planning policies aimed at conserving and enhancing the Historic Environment. Paragraphs 200-202 set out how a local authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset.

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. 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. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The existing property together with its neighbour depicts an appearance that by virtue of its inter war architectural style and choice of materials, somewhat detracts and dilutes the sensitivity of its immediate surroundings.

Nevertheless, as referenced within the Buxton Conservation Areas Character Appraisal, the stone boundary walls along West Road form an important part of the heritage significance and as such, the replacement of the boundary wall must, as far as reasonably possible, replicate that which existed previously in the interests of

preserving the character and appearance of the Conservation Area by virtue of high quality design.

The 2016 image presented above does not show any piers or posts and presents a very simple low lying walls, which reads as a continuation of the neighbouring boundary, with simple coping stone on top throughout.

As submitted, the proposed wall shows the introduction of stone piers and taken as a whole was considered by the Conservation Officer to require amendments in order to preserve the character and appearance of the site and wider setting of the Conservation Area.

The applicant has subsequently responded with revised plans that show a simple gritstone wall of a height consistent with the neighbouring wall, approximately 0.5m in depth. A boundary wall with the neighbour is also shown to be reinstated in a similar manner. A vehicular access consistent with what existed prior to the unfortunate demolition is shown to be returned with a pedestrian gate adjacent.

Subject to a compliance condition that secures the material used in the wall to be a natural gritstone that matches the existing neighbouring wall, it is considered that the proposals in their revised form, found to be acceptable by the Conservation Officer, will, by virtue of its design, preserve the character and appearance of the site and wider Conservation Area, in accordance with LP Policies S1, EQ6 and EQ7, relevant paragraphs relating to Design under Chapter 12 of the NPPF, and relevant restrictive paragraphs relating to Heritage Conservation contained under Chapter 16 of the NPPF, the latter underpinned by Section 72(1) of the Act 1990.

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 full planning permission to reinstate a stone boundary wall associated with No.9 West Road, Buxton that was unfortunately demolished in accidental circumstances.

The site lies within the Buxton College Conservation Area covered by an Article 4 Direction. The principle of development is thus acceptable subject to any proposal demonstrating that the proposal will preserve or enhance the character and appearance of the site and wider Conservation Area.

Whilst minor issues were identified in relation to the plans originally submitted, the revised plans (05A and 06A) are found to be acceptable by the Conservation Officer, and therefore subject to a compliance condition requiring the wall and coping stones to be finished in a natural gritstone that matches the existing neighbouring boundary wall, it is judged that the proposed wall will indeed, by virtue of its design and appearance, preserve the character and appearance of the site and wider setting of the Conservation Area.

As such, in its revised form the application is considered to comply with all relevant Local Development Plan policies and other material considerations, including those restrictive policies under Chapter 16 of the NPPF relating to heritage conservation, and thus constitutes a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF the application is recommended subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 20th February 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council