

DELEGATED DECISION REPORT

HPK/2024/0005
Valid 04/01/2024

184 TAXAL EDGE
MACCLESFIELD ROAD
WHALEY BRIDGE

ERECTION OF DOMESTIC
GARAGE/ANCILLARY
OUTBUILDING AND
ASSOCIATED WORKS

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Character and Appearance
- Neighbour Amenity
- Trees / Woodland
- Highway Safety & Parking Standards

DESCRIPTION OF SITE

The application site relates to a former classroom building previously associated with an adjacent former school building known as 184 Taxal Edge. The former classroom has been converted and extended to form a two and a half storey building of a contemporary appearance faced in stone, with a series of large glazed windows and 3 dormer windows on the principle elevation beneath a slate tiled roof. The dwelling is approached via a private track passing a number of neighbouring properties and 184 Taxal Edge itself.

The dwelling has a gravelled area to its frontage, which slopes away from the property beyond and is surrounded by trees and a variety of mature vegetation.

The application site is covered by a County Area TPO (Tree Preservation Order). A public right of way/footpath runs adjacent to the application site to the southwest boundary of the wider planning unit.

PROPOSAL

Full planning permission is sought for a partial subterranean, detached garage/study with patio above. The proposal would be located in front of, but set away and down from the principle elevation of the host property. Ground levels would be raised to the front of the proposed garage/study to partially conceal its principal elevation.

The proposal would have a footprint of 7.4M by 12.0M and be 2.9M in height with an additional balustrade above.

A 1.1M glass balustrade would enclose the perimeter of the open patio area, which is sited upon the building's flat roof. The glass balustrade would continue along the proposed curved stone faced retaining wall, which would flank either side of the proposal with an overall indicative height of 3.44M.

The northern elevation would appear as a double garage door with pedestrian door beside it. Whereas, the southern elevation would have a glazed bi-folding door, reached by a series of steps.

The existing driveway would be widened to provide further parking in front of the proposed garage doors and a turning area. Furthermore, a pedestrian path would be added adjacent to the proposed widened driveway. An area of hardstanding is also proposed to the north 'side' of the existing dwelling.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan Adopted April 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S 2 Settlement Hierarchy
S 6 Central Sub-area Strategy
EQ 2 Landscape Character
EQ 3 Rural Development
EQ 6 Design and Place Making
EQ 9 Trees, woodland and hedgerows
CF 6 Accessibility and Transport

National Planning Policy Framework

Section 4 – Decision-making
Section 12 – Achieving well-designed places

Supplementary Design Documents(s)

Residential Design Guide 2005
Landscape Character Assessment 2006
High Peak Design Guide 2018

SITE HISTORY / RELEVANT PREVIOUS APPLICATION

HPK/0002/5081 – additional car parking provision adjacent to main driveway
APPROVED 06/04/1987

HPK/2008/0069 – change use of taxal edge from boarding hostel and associated ancillary residential accommodation to use as single family dwelling APPROVED 28/03/2008

HPK/2009/0209 – change of use from single dwelling to ten apartments involving internal alterations only WITHDRAWN 26/06/2009

HPK/2009/0689 – conversion of single dwelling house to provide seven apartments and conversion of classroom block and disused garage into two detached houses APPROVED 29/03/2010 HPK/2013/0503 – proposed conversion of Taxal Edge 184

Macclesfield Road to form 5 apartments and to construct 2 new semi-detached houses in the area of the existing gymnasium APPROVED 25/11/2013

HPK/2020/0301 – demolition of the existing building known as taxal edge and the detached garage building and the erection of 7 no. dwellings. REFUSED 19/04/2021
APPEAL APP/H1033/W/21/3272745 DISMISSED 3rd February 2023.

HPE/2019/00014 – The Classroom Block Appeal Ref: APP/H1033/C/22/3297854
ALLOWED (Ground A) 3rd February 2023.

HPK/2023/0172 – Erection of domestic garage/ancillary outbuilding and associated works REFUSED 23/06/2024

CONSULTATIONS

Publicity

Site Notice expiry date: 08/02/2024
Neighbour consultation period ends: 29/01/2024
Press Advert: N/A

Public Comments

Support (0)
Neither (0)
Objection (1)

- Proposed garage to be related to car cleaning business reported to be operating on the land.
- Unacceptable to build garages and offices in designated countryside, breach of EQ3
- Greater than the footprint of the dwellinghouse
- Breach of privacy for people who live on Beech Rise.
- Concerns regarding light pollution
- Removal of healthy trees
- Design not reflective of other properties in the area.
- Construction of an office would change the residential nature of the property

Town / Parish Comments

N/A

Environmental Health

N/A

Derbyshire County Council Highways

No highway safety objection.

Derbyshire County Council Trees

15/02/2024 objection withdrawn.

22/01/2024 objection.

OFFICER COMMENTS

Principle of Development

The site lies outside the built-up area boundary of Whaley Bridge, being located within the open countryside and therefore must be considered under the 'other rural areas category' which includes 'all other areas outside of the settlement boundary of settlements, including those villages, hamlets and isolated groups of buildings in the Green Belt and the countryside which do not have a settlement boundary as defined on the Adopted Local Plan Policies Maps, whereby development will be strictly limited to that which has an essential need to be located in the countryside or comprises affordable housing in accordance with policies EQ3 and H5'.

Of relevance, previously dismissed planning appeal ref. (APP/H1033/W/21/3272745) dated 3rd February 2023 included a similar garage proposal for the former classroom building forming the host dwelling for the application scheme sought.

For this appeal, the Inspector's decision states:

"6. The appellant and Council also agree that there is no longer a legal fallback position. A 'baseline' attributed to the development potential of the site, having regard to relevant planning policy, is however agreed. The 'baseline' includes the following 'in principle' forms of development:

- *Conversion of the main building into up to 7no apartments*
- *The extension of the main building to provide further apartments, alternatively the erection of 2 semi-detached dwellings on the site of the former gymnasium;*
- *Residential conversion of the remaining outbuilding (the garage);*
- *A garage for the former classroom block;*
- *The classroom block (whether as altered by the requirements of the enforcement notice or as existing)".*

Accordingly, there can be no lawful position concerning ref. HPK/2009/0689 (including in relation to any previously proposed retaining walls) as per the above statement from the Planning Inspector.

Consequently a "garage" for the classroom as an in principle matter is deemed to be acceptable and therefore it falls to a planning judgement to ascertain whether the scheme put forward is acceptable having regard to relevant planning policy and other material considerations as will be discussed below.

Character and Appearance

The NPPF highlights that good design is a key aspect of sustainable development and should contribute positively to creating places which people wish to live and work. Paragraph 135 requires development to function well and add to the overall quality of the area for the lifetime of the development. It should respond to local character and history and be visually attractive as a result of good architecture, layout and appropriate landscaping. In particular, Paragraph 139 of the Framework advises that permission should be refused for development that is not well designed and where it fails to reflect local design policies and local design guidance, including supplementary planning documents.

LP (Local Plan) Policy EQ 3 'Rural Development' states that outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.

LP EQ 6 'Design and Place Making' states that: 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 will be achieved by:

- Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes
- Requiring that development on the edge of settlement is of high quality design that protects, enhances and / or restores landscape character, particularly in relation to the setting and character of the Peak District National Park
- Requiring that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features

The Adopted Residential Design (SPD) (2005) chapter 9 states that "extensions and alterations to existing houses can have a significant impact on the appearance of a house, neighbouring property and the street scene. It is important, on all types of houses, that domestic development is carefully designed." Paragraph 9.4.1 continues that in view of their often squat and ungainly appearance, the prevailing climate and ongoing maintenance problems, flat roofs should be avoided.

In addition, the High Peak Design Guide (SPD) (2018) Paragraph 5.5 states that all extensions should harmonise with the parent building, it should be subordinate to it in terms of its size and massing. Paragraph 5.10 continues stating garages should be designed and built in sympathy with the properties they serve and materials and roof pitch should generally match those of the parent building.

Furthermore, the High Peak Design Guide SPD (2018) at paragraph 3.1 states that the setting of any building should be carefully considered whereby attention should be paid to its impact on views into, over, and out of the site.

Of note, the dismissed planning appeal (APP/H1033/W/21/3272745) included a garage/study with patio above in relation to the former classroom building. It is similar to the scheme, which is currently under assessment and discussed the inappropriateness of the wider development scheme as follows:

“16. Upon entering the development by road, when viewed from the adjacent public right of way or from elsewhere within the valley, the proposed development would appear a single built mass. While this would be broken to a degree by the stepped design, the buildings’ height and prominent architectural features would maintain its significant visual prominence.

17. While the redevelopment of PDL is encouraged, it should not be assumed that the whole of the curtilage could be developed. Given the site’s peripheral location, it provides a transition between the defined built-up area and the countryside. The scale, massing and spread of the proposed development across the site would therefore be out of keeping with the established pattern of development in this location. It would also be visually incongruous, resulting in significant harm to the intrinsic character and appearance of the landscape.”

Such observations apply to the current scheme which is considered to be overly large in scale, massing and would be prominent in some viewpoints.

The proposed garage/study with patio above would have a footprint akin to the footprint of the host dwelling, as clearly demonstrated in existing and proposed site plans drawing no. 51 dated 06.02.2024.

LP Policy EQ 6 requires the scale of development to be appropriate to that of the host dwelling and surrounding area. In this instance, the proposed garage would broadly replicate the footprint of the host dwelling within the defined, red edge curtilage ref. HPE/2019/00014 (see figure 1). Consequently, the size and scale of the proposal would therefore constitute an overdevelopment of the host dwelling’s lawful curtilage. Neither would the scheme be subordinate to the host dwelling in terms of its excessive scale and massing and in turn the proposal would create a single and prominent built form when viewed as part of the host dwelling. Accordingly, such a large scale outbuilding would appear contrived and out of keeping within its rural setting.

When walking along the public right of way footpath, which runs adjacent to the application site and further beyond, the host dwelling can be viewed through the trees and is visible at various points. However, visibility would be much greater during the winter months when the trees are not in leaf. At present the host dwelling sits further back from the footpath. However, the scheme’s forward positioning would bring the structure much closer towards the public footpath. The proposed raising of levels attempting to minimise the impact of the solid principal wall, together with flanking curved retaining walls would give the scheme an engineered appearance, which is out of keeping within its location. Whilst the raised patio area, with glazed

balustrade and domestic paraphernalia and activity would appear notably elevated above the footpath and appearing therefore visually incongruous within this rural setting.

The flat patio roof proposed for the garage / study structure would be contrary to the recommendations of the Adopted Residential Design Guide (SPD) (2005) paragraph 9.4.1 whereby flat roof structures are not considered to be characteristic of the High Peak and as such are discouraged. The host dwelling has a distinctive pitched roof with 3 prominent pitched dormer windows. However, the proposed flat roofed structure with glazed balustrade would appear visually incongruous with the host dwelling.

Attention has been drawn to the principle of permitted development in regards to outbuildings. The scheme's frontage positioning and significant engineering works, however, would not present any realistic fallback position for the applicant to comfortably rely on. As such the scheme must be assessed on its own merits and a planning judgement applied whereby the proposal is considered to be overly large in scale, massing and spread in relation to the host dwelling.

Whilst the applicant has suggested an alternative proposal, no such scheme has been submitted for assessment. In addition, the current application is similar in nature to the previous refusal ref. HPK/2022/0172 and does not appear to have sought to address previous objections raised.

In addition, officer advice to the applicant has suggested a more suitable positioning for a garage would be adjoining the north 'side' of the host dwelling. In these regards, the applicant has argued that relocating the proposal would lead to an increase in the built form. In response, officers consider providing a garage to the north side of the host building would amount to a more sustainable form of development and could be designed so as to appear subordinate and in character through the incorporation of a pitched roof.

Notwithstanding this, such an amendment would equate to a fundamental change in the nature of the application and considerably beyond that of an acceptable amendment. In these circumstances, a fresh application would be required to address such significant objections raised.

Furthermore, the applicant has presented some examples of garages only (and without rooftop patios) positioned forward of their host dwellings within the wider Whaley Bridge area. These examples, however, demonstrate garages, which are distinctly subordinate to and reference the host dwelling so as not to detract from the character and appearance of their setting. The proposed scheme, however, does not appear subordinate in scale and massing to the host dwelling, nor is considered to be well designed and therefore would conflict with the character and appearance of its rural setting. Notwithstanding this, each case must be determined on its own merits.

The scheme, amongst other matters, proposes to introduce a double garage to the property. This would replace two of the existing car parking spaces, which would not be accessible following the proposed works and installation of the roof patio.

The applicant claims there is a significant car parking requirement to meet the needs of the host dwelling, which is stated as a 5-bedroom property, but, has not given any further information to support this argument. Guidance on car parking requirements for dwellings is given in Local Plan Appendix 1, which states 4+ bedroom dwellings require 3 spaces per unit and ordinarily this would include garaging.

The proposed substantial driveway leading to the garage doors and curved flanking retaining walls would require substantial engineering works and by cutting into the current hillside topography would exaggerate the unacceptable scale and appearance of the proposal. Together with the additional hardstanding to the north of the host dwelling, the scheme would erode the verdant nature of the wider planning unit, particularly for those elements, which fall beyond the scheme's lawful red edge.

Overall it is considered that the proposed garage/study building with patio above is dominating in scale/footprint constituting overdevelopment of the lawful red edge ref. HPE/2019/00014 rather than presenting as a subordinate outbuilding to the host dwelling. Further to this, the scheme, including significant engineering works would be at odds with the overall character and appearance of the host dwelling and as such is found to be unacceptable in terms of its design, scale and layout within this rural setting.

The development therefore fails to accord with LP Policies EQ 3 and EQ 6 and guidance contained within the High Peak Design Guide and Residential Design Guide SPDs and the National Planning Policy Framework.

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 should not 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 Adopted Residential design (SPD) (2005) paragraph 8.6.1 states that there should be 21 metres between adjacent inhabitable windows to provide an acceptable level of amenity.

Bi-folding doors are proposed for the southern elevation, with garage doors to the north. There would also be an amenity patio space occupying the flat roof of the outbuilding. Due to the location of the application site in relation to neighbouring properties, these matters would not lead to overlooking or loss of amenity of any adjacent neighbours. The proposed scheme is therefore acceptable in regards to LP Policy EQ 6.

Trees

LP Policy EQ 9 states that the Council will protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient species-rich hedgerows from loss or deterioration.

The application site is located within a HPTPO 294 TPO area, which covers all trees on the application site. Objections were received from DCC County Arboricultural Officer concerning outdated information and were subsequently withdrawn following further information received from the applicant outlining their reasoning for the reuse of the Arboricultural Report from a previous planning application. The proposed building would be located in close proximity to a mature tree, which is sited in front of the host dwelling and proposal. The proposed garage/study may intrude upon the root protection zone of this tree referred to as beech (T27) within the submitted tree report, which recommends the retention and pruning of T27 and the use of pile foundations in construction to reduce the impact upon T27. Provided these recommendations are followed and secured by appropriate planning conditions, the impact upon protected trees is now considered to be acceptable by the County Arboricultural Officer. The proposal is therefore in accordance with LP Policy EQ 9.

Highway Safety

LP Policy CF 6 states that all development should deliver sustainable patterns of development by ensuring that it does not lead to an increase in on street parking to the detriment of the free and safe flow of traffic. Policy CF6 further requires applicants to submit details of parking which includes the proposed parking provision based on an assessment of the parking needs of the development.

Notwithstanding character and appearance concerns as raised above, both the garage space and frontage driveway provides for adequate car parking provision for the requirements of the host dwelling.

As such there are no highways safety objections in accordance with LP Policy CF 6 subject to a condition securing the garage for parking of domestic vehicles only.

Other matters

Neighbour objection comments have been received alleging a proposed commercial use of the study and garage. The applicant, however, does not claim to use the study and garage for commercial purposes. Provided the use remains as ancillary to host dwelling and subject to an appropriately worded planning condition, no objections are raised.

Concerning other matters, the applicant has submitted a red edge location plan with the application which portrays an incorrect representation of the scheme's lawful curtilage as it includes the wider planning unit. The application site was served an enforcement notice in 2022. When the enforcement notice was issued, a red edge plan was included within this notice (see figure 1 below). When the enforcement notice appeal was allowed (APP/H1033/C/22/3297854), no alternative red edge was put forward to the Planning Inspectorate. As such it is considered that the

enforcement red edge plan lawfully represents the curtilage to the host dwelling known as the former classroom.

Only the proposed outbuilding is considered to be located within the lawful curtilage of the host dwelling, the other elements including retaining walls and additional hardstanding areas, including driveway and footpath are located outside of the lawful curtilage area.



Figure 1 – red edge extract from enforcement notice HPE/2019/00014 dated March 2023

CONCLUSION / PLANNING BALANCE

In conclusion, the proposed development is considered to be overly dominant in scale and appearance in relation to host dwelling, as well as leading to an overdevelopment of the scheme's lawful curtilage. The scheme's location forward of the host dwelling's principle elevation is also considered to be a contrived and

incongruous form of development. Similarly, the proposed building featuring a flat roofed design is at odds with the host dwelling and would be incongruous in appearance. As such the proposed development fails to meet the requirements of the relevant local plan policies, particularly including EQ 3 and EQ 6, supplementary design guidance and the National Planning Policy Framework.

OFFICER RECOMMENDATION : Refusal

Case Officer: Rachel Robinson

Recommendation Date: 7th March 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council