# APPEAL STATEMENT

(Amended version17/05/2024: sensitive information and weblinks removed)



Appellant name:

**Mr. Tom Pollock**

Site address:

**2 Lea Bank, St Mary's Road, New Mills SK22 3BW**

Description of proposed development:

**Proposed dropped kerb and formation of off-road parking facility**

Application reference number:

HPK/2023/0496

Date of decision: 21/02/2024

**Council's reasons for refusal:**

1. The site is located within the setting of the New Mills Conservation Area, which is a designated heritage asset. The existing stone boundary wall makes a positive contribution towards the character and appearance of the Conservation Area setting. The proposed removal of the boundary wall, creation of open frontage and off street parking, would result in an incongruous form of development that would be prominent within the streetscene and erode the prevailing character of the area. Therefore, the proposed development would cause demonstrable harm to the streetscene and setting of the New Mills Conservation Area. The proposals would cause less than substantial harm to the significance of the heritage asset, where no public benefits exist to outweigh the harm. The development proposals would therefore be contrary to Policies S1, S6, EQ6 and EQ7 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), the Design Guide (2018), and relevant paragraphs under Chapter 12 and 16 of the NPPF.
2. The proposed off street parking area is of insufficient depth to provide convenient parking arrangements. Therefore the development would have the potential to lead to vehicles overhanging the footway which would be a danger to other road users. No turning facilities are provided within the plot leading to vehicles reversing on or from the public highway. The creation of a new vehicular access to St Mary's Road, will introduce traffic movements to and from the public highway at a point where the exit visibility is severely restricted due to boundary walls and third party land and the proposed layout will thereby lead to a danger and inconvenience to other highway users. The development proposals would therefore be contrary to Policies S1, EQ6 and CF6 of the High Peak Local Plan 2016 and guidance contained within the NPPF.

**Site description & surrounding Area:**

1. The application site is located within the settlement boundary for New Mills as defined by the Local Plan policies map.
2. The site relates to a 2 storey semi-detached dwelling with basement amenity towards the front, which is located within a predominantly residential area.
3. The dwelling is elevated by approximately 2.5m above and set back from the ***unclassified*** St Mary's Road.
4. Double yellow lines run past the site on both sides of the road. The application site directly overlooks a densely wooded portion of High Lea Park to the southwest, which is bound by a continuous stonewall & perimeter footpath.
5. Footpaths exist on both sides of the St Mary's Road at an approximate gradient of 1:8.85
6. The front of the property comprises a front garden, set behind a coursed stone wall with dressed stone copings, in a style that matches the dwelling, both adjacent boundaries are built up to retain 3rd party land. Pedestrian access to the property is via a gated flight of stone steps.
7. To the northwest of Lea Bank is a row of recently constructed terraced properties at 1-5 Richmond Mews, (planning ref: HPK/2006/0259) which appear to be built astride the conservation area boundary, is fully occupied, while potentially in breech of planning condition 10 in respect of discharging the condition for vehicle parking facilities, which suggests a lack in planning compliance and enforcement.
8. To the southeast of Lea Bank is a stone built gable fronted detached dwelling named Lea House built immediately up to the back of the footpath and positioned at an apexed tangent to St Mary's Road, affording blind entry into a 2m high gated private driveway which received planning permission in 2004. This driveway does not achieve any of the Derbyshire County Council's driveway visibility requirements

despite planning approval for the gates being granted, again suggesting lack in planning compliance and enforcement.

**House types & sizes:**

- Lea Bank sits in the middle of an irregular row of stone built mainly period properties in a variety of sizes, that do not align with any formal building line.




**Outline of proposed development:**

1. The application sought to provide an essential, safe & convenient off-road parking facility.
2. The facility would require the formation of a dropped kerb and the relocation / reconstruction of the front stone boundary retaining wall and pedestrian steps, as practically close to the dwelling itself to enable re-grading and formation of a hardstanding for vehicle parking purposes at the front of the property.

**Planning history:**

- As stated on the case officer's report, an older application planning ref: HPK/0001/1134- For proposed pedestrian access to be widened to form vehicular access – Refused, it was not possible to examine any detail related to this application as there was nothing listed nor accessible on the council's planning website.

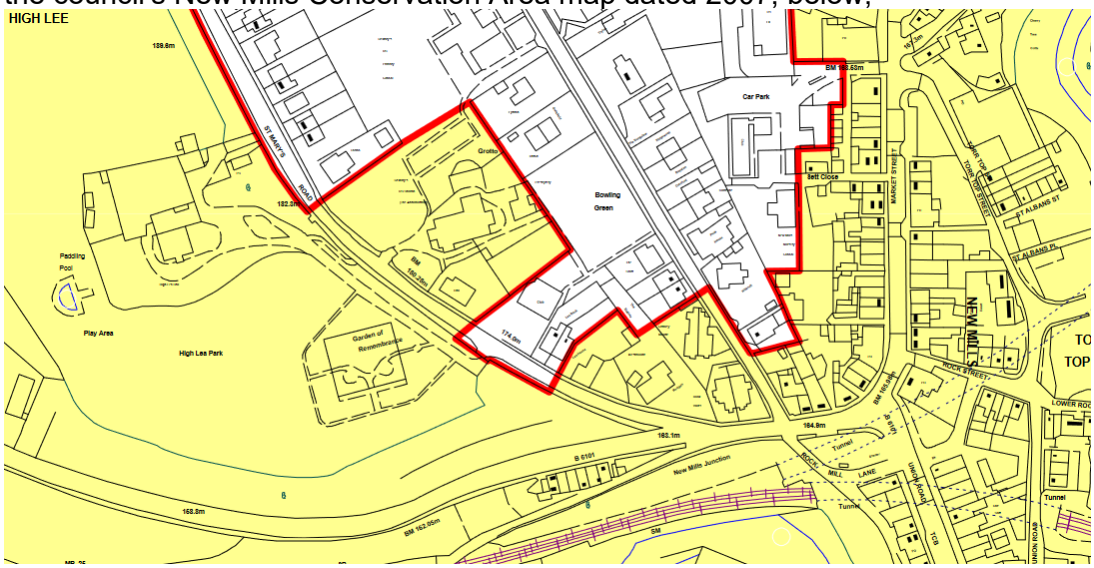
**Relevant planning policies: as stated by High Peak Borough council.**

- High Peak Local Plan (Adopted 2016)

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S6 Central Sub-area Strategy
- EQ1 Climate Change
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment
- CF6 Accessibility and Transport
- Supplementary Planning Guidance/Documents Residential Design (2005)
- High Peak Design Guide (2018)
- New Mills Character Appraisal (2008)
- NPPF Section 12: Achieving Well-designed and beautiful Places & Section 16: Conserving and enhancing the Historic Environment

**The case for the proposal:** *items in no particular order*

1. Contrary to the council's reason no.1 for refusal, the application site is not located within the setting of the New Mills Conservation Area, which can clearly be seen in the council's New Mills Conservation Area map dated 2007, below;




2. It is also clear that the planners paid no attention nor regard to the submitted plans ref; HOUSE NO.2, as per submission via the planning portal, nor was this set of existing & proposed plans, elevations and perspective views referred to in the case officer's report nor decision notice, as this plan set addresses the detailing and re-use of materials for the proposal, in a manner that is entirely sympathetic to the period styling of the property and for retention of the residential character of the application site and wider conservation area context and on this basis the council's claim that the development is contrary to the cited planning policies, is untrue and inaccurate.
3. It is fully understood that the required depth of a standard parking space cannot be achieved due to the distance from the back of the footpath and front of the dwelling, as access to the main entrance will still need to be provided, hence the skewed angle indicated for the parking arrangement.
4. It must be noted, that the council did not offer the possibility to amend the submitted proposals to address the short depth of site, by providing a parallel parking alternative, for which the appellant shall also be re-submitting an application on this basis.

5. Lea Bank previously enjoyed on-road parking prior to parking restrictions being imposed, by the presence of the double yellow lines.
6. Parking of the appellant's car significant distances away from their property, apart from being insecure, unsupervised, imposing upon the goodwill of other local residents by occupying parking that would usually be available for themselves on neighbouring unrestricted roads, is becoming increasing more difficult as mobility deteriorates to carry out normal everyday functions for what should be relatively easy activities such as unloading food shopping, pick-up or drop-off or even for other visitors with similar mobility issues.
7. The poor health of the appellant's wife means they rely upon the use of her Disabled Persons Parking disc, due to severe mobility issues and desperately needing essential off-road parking to aid daily living.
8. The development proposal provides the opportunity to modify the stepped access in line with guidance from Approved Document M4(2) paragraphs 2.11- 2.14
9. The proposal would also enable the installation of an Electric Vehicle Charging Point (EVCP), which would otherwise not be possible and would restrict potential for Motability car availability.
10. This development needs to be undertaken in tandem with the adjoining neighbour, so that a wider open frontage can be created to mutually aid the visibility into the site from a pedestrian safety point of view. It does not appear that this concept has been appreciated nor taken into consideration by the council when making their decision.
11. During the week, all the available free parking in St. Mary's Road is taken by "out of towners" who park their cars there while commuting to their jobs in Manchester by train from New Mills Central (at the bottom of the road). Visitors to High Lea Park mop up anything left over. If your parking 'slot' in St Mary's Road for any reason is vacated no matter how short the period you do so at your peril as it is taken up by someone else almost immediately. Previous attempts to engage the LCC in setting up a local residents parking scheme has not been supported by the LCC.
12. The fact there is not space for cars to turn within the driveway is entirely consistent with many properties in the area including those on St Mary's Road.
13. Visibility of neighbouring properties who have been given planning permission is significantly worse than our proposal.
14. There is a high frequency need to pull up outside the property with hazards lights on due to the vulnerability of my wife's poor health & mobility issues which is much more of a nuisance / hazard to other road users than the proposed off-road parking.
15. It is felt that the council's implementation of planning policy and decisions made for off-road vehicle parking provisions in the locality is inconsistent and therefore unreasonable in this instance.