

DELEGATED DECISION REPORT

HPK/2024/0179
Valid 29/04/2024

2 KINDER WAY
FAIRFIELD
BUXTON

A CONTINUATION OF AN
EXISTING PERIMETER FENCE
AROUND THE SIDE AND
FRONT AND BOUNDARY TO
ENCLOSE THE FRONT
GARDEN WITH A FRONT
GATE.

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Highway Safety
- Design

DESCRIPTION OF SITE

2 Kinder Way is a corner property on 1990s housing development located in the Fairfield area of Buxton. The dwelling is located within the built-up area boundary.

The dwelling is of yellow brick construction, and benefits from a large corner curtilage. An area to the front and side of the dwelling is an open lawn area. to the rear and side is an enclosed garden and driveway area. this is enclosed with a low level, brown picket fence area.

PROPOSAL

Planning permission is sought to enclose an area of lawn to the front of the dwelling. the land will be enclosed in fencing to match the existing rear/side fencing.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S 2 Settlement Hierarchy
EQ 6 Design and Place Making
CF 6 Accessibility and Transport

National Planning Policy Framework

Section 4
Section 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0003/2108 – Refurbishment of Trustee Houses Provisions of New Housing
Revision to Road Layout at Fairfield Estate APPROVED

HPK/2023/0393 Lawful Development Certificate for a proposed perimeter fence no
greater in height than 1M WITHDRAWN

CONSULTATIONS

Publicity

Site Notice expiry date: 19/06/2024
Neighbour consultation period ends: 30/05/2024
Press Advert: N/A

Public Comments

None Received

Town / Parish Comments

N/A

Environmental Health

N/A

Derbyshire County Council Highways

No comments to make

OFFICER COMMENTS

Principle of Development

LP Policy S 2, which states that development should be directed towards sustainable locations, including Market Towns such as Buxton. The site is situated within this built-up area boundary. Therefore the principle of the development is acceptable subject to consideration of the following policy.

Design

LP Policy EQ 6 states that all development should be well designed, of a high quality and respond to the areas character, history and scale.

The proposed new fencing will enclose an area of land to the front and side of the dwelling. This land is currently an open area of lawn. The fence will adjoin an

existing area of fencing to the rear of the property. The new fencing will match the existing fencing and the fencing which is seen elsewhere in the street scene. This is considered to be in character with the street scene which features much of this fencing in front gardens. Therefore there are no design concerns.

Amenity

LP Policy EQ 6 states that all development should achieve a satisfactory relationship to adjacent development and doesn't 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 proposed fencing will enclose an area of land to the front of the dwelling house, but the existing fence separating the front and rear gardens will be maintained. Enclosing the garden may facilitate greater use of the area as an amenity space, however, the garden may currently be used as such lawfully. This will not lead to any overlooking or privacy concerns.

Gardens with low boundary fencing are characteristic of Kinder Way and as such the travel of noise is likely to be similar to that of the existing rear garden. Overall the proposal is considered acceptable in terms of amenity.

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.

The proposed fencing is 1M I height to match the existing fencing, and as such should not impede vehicle views. The proposal will not result in a higher demand for parking at the site, nor will it result in a loss of existing parking provision. DCC Highways have stated that the proposal will not make a material change to highway safety. Overall the proposal is considered acceptable on highway safety grounds.

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out "likely significant effects" on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if "likely significant effects" (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an "Appropriate Assessment" where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays or surface water run-off from the site. Therefore it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

CONCLUSION / PLANNING BALANCE

The development is considered acceptable in terms of design, amenity, nutrient neutrality and highway safety. It is considered to be in accord with the relevant policies put forward in the Local Plan and the NPPF. Therefore this application is recommended for approval.

OFFICER RECOMMENDATION : Approval

Case Officer: Rachel Robinson

Recommendation Date: 19th June 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council