



Appeal Decision

Site visit made on 26 July 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st August 2024

Appeal Ref: APP/H1033/D/24/3344358

1 Lea Bank, St Marys Road, New Mills, Derbyshire SK22 3BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rob Hewson against the decision of High Peak Borough Council.
 - The application Ref: HPK/2023/0495 dated 15 November 2023 was refused by notice dated 21 February 2024.
 - The application is for proposed dropped kerb and formation of off-road parking facility.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the character and appearance of the area and upon the safe and efficient use of the highway.

Reasons

3. The appeal property forms one half of a pair of semi detached houses that appear to date to around the late Victorian period. The houses are both stone built and present an attractive frontage onto St Mary's Road with stone bay windows and front gardens that are set above the street frontage. This garden is retained by a distinctive and attractive stone wall that echoes the predominance of such boundary treatments along much of the length of St Mary's Road.
4. Opposite the site is a public park and the general appearance of the streetscene is one of some historic integrity whereby Victorian buildings, the park and the nearby church all contribute to what I consider is a strong and attractive character. Much of the area is located within Area 5: High Lea Park of the adopted New Mills Conservation Area. The conservation area itself obtains much of its significance through being a typical South Pennine mill town sat within a dramatic landscape setting and topography. Much of the character of the area is also obtained through the area's built form, distinctiveness, and use of traditional materials and high quality details and finishes, both to its buildings and ancillary features such as boundary walls.
5. The proposal seeks permission to remove the front raised garden area and stone boundary wall, effectively lowering the property frontage to that of the level of St Mary's Road. The reason for this would be to create off street

- parking for residents to use. The proposal would therefore open up the frontage, remove any boundary treatment and landscaping and it would clad the parking area in tarmac. A new retaining wall would then be constructed to withhold the houses themselves which would remain at a higher level.
6. For whatever reason this site is located outside the boundary of the conservation area whose jurisdiction effectively boxes around much of this site. Nevertheless, the National Planning Policy Framework (The Framework) places some emphasis upon the importance of assessing an application with regards the impact a proposal may have upon the setting of a heritage asset. In this case I consider that the site is fundamentally related to the character of the conservation area through both its proximity to the boundary of the area and through its contribution to the historic environment, especially that high quality historic character along St Mary's Road. The site also makes a positive contribution through the architectural style of the buildings here, the boundary treatments and the distinctive materials used to the design of the area as a whole.
 7. Both the Conservation Area Appraisal¹ (CAA), the Residential Design Guide Supplementary Planning Document² (SPD) and the High Peak Design Guide³ place considerable emphasis upon the need of proposals to preserve or enhance the character of the area and respond well to the distinctive character and quality of the existing built environment. With regards proposals for parking, the guidance requires such proposals to be treated with care so as to avoid harm caused by poorly designed or dominant highway layouts.
 8. In assessing this appeal, I give some weight to the needs of those living in these houses to create a space for car parking within their curtilage. This situation appears to have been made worse through the application of restricted parking along much of the length of St Mary's Road. This effectively leaves the occupants no option but to park their own vehicle some considerable distance uphill from their house. Although such a restriction would allow for loading and unloading I do have sympathy with the Appellant's predicament here.
 9. In essence the main issue is therefore concerned with the balancing of this private benefit of the homeowners to park nearer to their home against the effect of the proposal upon the special and irreplaceable character of the historic environment here. In this regard I am not only obliged to take into account the design guidance as noted above, but I am also required by the Planning (Listed Buildings and Conservation Areas) Act 1990 to give great weight to the effect of the proposal upon the character and appearance of the conservation area.
 10. As mentioned above, the site currently contributes in a positive manner to the character of the area. Its distinctive materials, frontage landscape and the way the stone walls run with the level of the land using curved coping stones all represent a quality that is positive.

¹ New Mills Conservation Area Character Appraisal adopted as part of the Local Development Framework July 2008.

² High Peak Borough Council Residential Design SPD 2 Adopted December 2005.

³ High Peak Borough Council Design Guide, SPD 20 February 2018.

11. Through the removal of such features and the creation of open, tarmacked parking areas here, the tightly enclosed nature of the streetscene would be eroded and there would be a significant loss of historic boundary treatments. The result would see further poor quality materials and vehicles clearly visible and dominating the frontage of the property. This would, in turn, erode the distinctive character and appearance of the area and, as a result, would have a similarly harmful effect upon the setting of the New Mills Conservation Area.
12. Coming to the practical usage of the frontage area for car parking, I acknowledge that there are several houses nearby who would be unable to effectively turn a vehicle around within their property curtilage. However, these are seemingly historic instances and would not meet the requirements of the Council as they currently stand. I also have no information as to how practical these spaces are or the cross visibility between those moving a vehicle and those using the highway already.
13. In terms of visibility in this case however, I consider there could be a risk to pedestrians walking past this site or through vehicles reversing onto or off of the driveway here. Due to the presence of third party land and the strong boundary treatments along St Mary's Road, I consider that those using the drive would potentially not have the visibility to see others. As such the proposal would run the real risk of causing the harm to users of the highway.
14. In summary I consider that it could be prudent for the Council to seek to avoid harm to the historic environment through a compromise, perhaps through allowing on street resident parking bays to serve number 1 and its neighbour. However, this is without my remit and, ultimately, the proposal before me would cause significant harm to the character and appearance of the area and would have a detrimental impact upon highway safety. As such the proposal would be contrary to Policies S1, S6, EQ6 and EQ7 of the High Peak Local Plan and the guidance contained within the High Peak Residential Design SPD and the High Peak Design Guide. As such the appeal must fail.

Conclusion

15. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR