

DELEGATED DECISION REPORT

HPK/2024/0419
Valid 03/10/2024

18 LEEK ROAD
BUXTON

PROPOSED RAISED DECKING
AREA TO REAR ELEVATION

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design
- Residential Amenity
- Nutrient Neutrality Catchment Area

DESCRIPTION OF SITE

The application site relates to a semi-detached plot along Leek Road, sharing a boundary with No.16 to the North and No.20 Moorivew to the South. The property is rendered, typical of houses along Leek Road, with a drive to the front and generous garden to the rear.

PROPOSAL

The application proposes a raised decking area to the rear of the property, with steps leading down the lawned garden area, with the inclusion of a 1.1m frame glass balustrade to the perimeter of the decking and a privacy screen of 1.7m high frosted glazing proposed adjacent to the neighbour of No. 20 Leek road.

The proposed materials are timber decking, timber cladding to raised decking walls, and a glass balustrade.

The raised decking platform would be 3m in depth, 5.5m in width and 1.9m in height from ground level.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

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

National Planning Policy Framework

Chapter 2: Achieving Sustainable Development
Chapter 12: Achieving Well-designed Places

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 18/11/2024

Neighbour consultation period ends: 24/10/2024

Press Advert: N/A

Public Comments

None

Town / Parish Comments

None

Derbyshire County Council Highways

No highway authority objections.

OFFICER COMMENTS

Principle of Development

The property lies within the built up area boundary of Buxton, which is identified as a Market Town in the settlement hierarchy under Local Plan Policy S2 in recognition of it being a sustainable location with access to services and facilities. Therefore, the principle of development is acceptable subject to a detailed assessment of all other relevant planning considerations.

Design

Policy S1 of the Local Plan 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.

Section 12 Paragraph 135(c) of the NPPF states that development should be sympathetic to the character and history of the area, while not restricting change. Policy EQ6 of the Local Plan states all development should be well designed and of a high quality that respects local distinctiveness and sense of place.

The Adopted Residential (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.”

The proposed raised decking will not have an impact on the character of the host dwelling or the wider street scene as it cannot be seen from the front of the property and will not result in a significant addition to the dwelling or appear incongruous when viewed from the rear.

Timber decking is a common patio material and does not present an uncharacteristic form of development within a residential setting. It is noted that both numbers 20 and 22 to the south already have a raised patio areas, with the raised patio to number 22 also having timber balustrade. Therefore, a raised decked area is not uncommon in the immediate area. Furthermore, it is not unusual to require privacy screens for raised decking areas such as this, to secure an acceptable level of privacy. For this reason, it is considered to accord with policy EQ6.

Amenity

Section 12 Paragraph 135(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 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 Adopted Residential (SPD) (2005) paragraph 8.6.1 states that there should be 21 metres between adjacent habitable windows to provide an acceptable level of amenity

No.20 Leek Road, is the adjoining neighbour to the south-west which shares a common boundary with the application site, this neighbour has an existing raised patio area, so a precedent has already been set. The raised decking area could cause concerns regarding the privacy of the residents at No.20 Leek Road, due to the decking area being significantly raised and extending into the garden. This could therefore lead to direct overlooking back into the rear window of this neighbouring dwelling, and directly on to their patio area, therefore affecting their privacy. This has been mitigated by the introduction of a 1.7m frosted glazing privacy screen which is stepped away from the common boundary.

However, it is recommended this privacy screen should be 1.8m, to protect the privacy of No.20, a sufficient height to maintain appropriate screening between the proposed decking and the neighbouring property. Therefore, a condition will be imposed to ensure the frosted privacy screen is a height 1.8m, to be maintained for the life of the development to ensure that this privacy is retained.

This will ensure that it is not possible to stand at the boundary and cause direct overlooking to the neighbours dwelling.

The privacy screen, would in fact improve privacy for the neighbour at No.20 Leek Road, as the current kitchen/diner double window overlooks on to this neighbouring

garden and raised patio area, as such the privacy screen would also prevent overlooking from the kitchen diner on to the raised patio area of No.20.

Whilst high privacy screens such as this can certainly be considered 'un-neighbourly' and sometimes over bearing for neighbouring properties in this instance it is considered that 1.8m would be a sufficient height to maintain privacy for No.20 whilst not being detrimentally overbearing. It is noted general noise activity will be associated with the proposed decking area but exceptionally, in this case, given the existing raised patio area at No.20 and the noise already associated with using the garden, on this basis the decking is found to be acceptable.

There is approx. 10.8m between the proposed decking area and the adjoining boundary at No.16 Leek Road to the north east. Due to the staggered siting of both the application site and adjacent neighbour at number 16 any views from the decking area will be directed towards the side of the garden between their house and boundary fence, and existing outbuilding, as opposed to their rear patio/seating area. Overlooking is not considered to be anymore significant than the mutual overlooking between No.18 and No.20 from first floor rear windows into neighbouring rear gardens.

As such, it is not considered that the raised decking results in significant injury to the amenity of this neighbouring property.

Regarding No.13 Macclesfield Old Road which sits to the rear of the application site, there is some 20m between the proposed decking area and the rear elevation of this property. Whilst very marginally below the Councils privacy standard this is considered a sufficient distance to maintain privacy, especially considering the presence of raised patio areas along other properties along Leek Road, including the neighbouring No.20 Leek Road.

The application is considered to be compliant with Local Plan Policy EQ6, the Residential Design Guide SPD, and the NPPF, with regard to potential impacts on neighbouring residential amenity.

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.

Highway Safety

The proposal will not lead to an increase in bedrooms at the application site, therefore will not increase demand for off-street parking. Furthermore, the existing provision for off-street parking will not be impacted by the proposal. As such there are no highway safety concerns and the proposal complies with local plan policy CF 6.

CONCLUSION / PLANNING BALANCE

The proposal is considered acceptable in terms of design and amenity and is considered to be in accordance with the relevant policies in the Local Plan and NPPF. Therefore, the application is recommended for approval.

OFFICER RECOMMENDATION : **Approve with conditions**

Case Officer: Jennifer Robb

Recommendation Date: 28/11/2024

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council