

DELEGATED DECISION REPORT

HPK/2024/0329
Valid 16/09/2024

35 HORSE FAIR AVENUE
CHAPEL-EN-LE-FRITH

NEW PROPOSED RAISED
DECKING TO THE REAR OF
THE PROPERTY.

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design
- Amenity

DESCRIPTION OF SITE

The application site of 35 Horse Fair Avenue, is located on a cul-de-sac in Chapel-en-le-Frith. The property is a bungalow with a rear dormer of white cladding. The property has a generous driveway and small front garden. To the rear the house has a large patio area and shares a garden boundary with No. 37 to the west and No.33 to the east.

PROPOSAL

The application proposes a raised decking area to the rear of the property to level the garden to create an accessible outdoor space, as the garden is currently accessed via the rear porch and a series of steps.

The proposed decking is to be constructed out of composite clad, with the inclusion of a glass balustrade to the sides and a high level privacy screen to the west.

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

Chapel-en-le-Frith Neighbourhood Plan

No relevant policies

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: 25/10/2024

Neighbour consultation period ends:08/10/2024

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Chapel-en-le-Firth Parish Council: Not object

Derbyshire County Council Highways

No objection

OFFICER COMMENTS

Principle of Development

The property lies within the built up area boundary of Chapel-en-le-Frith and Neighbourhood Plan area, which is identified as a Market Town in the settlement hierarchy under Local Plan Policy S2 in recognition of it being a moderately sustainable location with access to services and facilities. Therefore, the principle of development is acceptable subject to a detailed assessment of 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 is modest in size, extending 3m from the rear elevation of the dwelling 0.7m from ground level. It 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.

Decking is a common garden feature and does not present an uncharacteristic form of development within a residential setting. Furthermore, it is not unusual to require privacy screens for raised decking areas such as this, to secure an acceptable level of privacy. The proposal would be located within the rear garden and are not visible from public vantage points.

As such the proposals are considered to comply with local plan policy EQ6 in this regard.

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.

Throughout the consultation period, revised plans have been sought to amend the proposed glass balustrade and gate on the south-west side of the decking to be a 1.8m high frosted glazed privacy screen.

No.37 Horse Fair Avenue is the adjoining neighbour to the west, which shares a boundary with the application site. Whilst it is acknowledged there is no current boundary treatment between the two properties and mutual overlooking, due to the decking area being significantly raised and extending into the garden, this could lead to direct overlooking back into the rear window of this neighbouring dwelling.

Despite initial plans proposing a high level timber gate of 2.7m, this was considered too narrow in depth to retain privacy for No.37, as direct overlooking would still occur when using the raised decking area. Moreover, a 2.7m high timber gate would also be considered an over bearing addition for this neighbour.

As such, amended plans were sought, replacing the timber gate and obscure clear glass balustrade with a 1.8m high (from deck level) frosted privacy screen, this is considered to be enough to maintain privacy for no.37, whilst not being too

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

Whilst high privacy screens such as this can certainly be considered 'un-neighbourly' and sometimes overbearing for neighbouring properties, in this instance it is considered that 1.8m would be a sufficient height to maintain privacy for No.37 whilst not being detrimentally overbearing. The frosted privacy screen is considered to be a relatively lightweight structure, and therefore will not overpower the neighbour when using their rear windows. Moreover, with its location to the east of the this neighbour, any loss of light would be minimal given the use of materials and its orientation. It is noted general noise activity will be associated with the proposed decking area but in this case, given the close proximity of the two neighbouring rear gardens, and the noise already associated with using the garden space, on this basis the decking is found to be acceptable.

Regarding No.33 The Haven, to the east of the site, the decking area is screened by the existing single storey porch. As such, it is not considered that the raised decking results in significant injury to the amenity of this neighbouring property.

There are no privacy concerns regarding No.55 The Bungalows to the rear which is approx. 29m from the proposed decking, well over the Council's privacy standards, further mitigated by a high stone boundary wall and intermittent trees.

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.

Highway Safety

The proposal will not affect the safety of highway users, nor do they create demand for additional on-site parking. As such the proposals comply with local plan policy CF6 in this regard.

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

Case Officer: Jennifer Robb

Recommendation Date: 02/12/2024

X *J Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council