

DELEGATED DECISION REPORT

HPK/2024/0220
Valid 21/05/2024

TEASDALE COTTAGE
SIMMONDLEY LANE
SIMMONDLEY
GLOSSOP

RETROSPECTIVE
APPLICATION FOR A
DETACHED GARAGE

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design, Character and Appearance
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application relates to a narrow parcel of land characterised by hard standing, that is situated to the south of a detached two storey property known as Teasdale Cottage, Simmondley Lane, Glossop. Whilst being situated immediately adjacent to the property, it is debatable as to whether the site forms part of the domestic curtilage.

The site benefits from direct access from Simmondley Lane and contains a modest single storey double garage, orientated to front the highway access, positioned towards the rear of the plot. This structure has been erected without the necessary planning permission.

The site lies within the built-up area boundary and is not constrained by any statutory designation.

PROPOSAL

The application seeks to regularise the unauthorised works by applying for retrospective planning permission for the double garage in situ. The application has been submitted as a Householder application however from a site inspection there is doubt as to whether the site forms part of the domestic curtilage of the property.

A site inspection also appears to show a double garage, with the vast majority of construction having been completed.

This garage has been constructed without the necessary planning permission and thus the applicant is seeking retrospective planning permission.

The garage has a simple rectangular form, characterised by two garage doors in the principal elevation which fronts the highway, with a shallow dual pitched roof. The main material used in the external walls is a form of peddle-dash render, with elements of timber boarding above the doors.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
EQ6 Design and Place Making
CF6 Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed and Beautiful Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 27th June 2024
Neighbour consultation period ends: 18th June 2024
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Derbyshire County Council Highways

No Objections

OFFICER COMMENTS

Principle of Development

The application seeks part retrospective domestic garage on land adjacent to a residential property. Further to a site visit, there is doubt as to whether the land subject to this application falls within the curtilage of this property. Nevertheless, the site lies within the built-up area boundary of Glossop and is not considered by any statutory designation. As such the principle of development is acceptable subject to all relevant planning considerations.

Design Character and Appearance

LP Policy S1 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.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

The High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) contains further design guidance for extending and altering domestic properties. Extensions and alterations should respect the scale and height of the parent building reading as a subordinate and secondary addition and respecting the character and appearance of the building through an appropriate choice of materials.

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

The site comprises a narrow parcel of land that has an urban character dominated by hard standing, which sits immediately adjacent to, but not necessarily within the domestic curtilage of the existing dwellinghouse. Notwithstanding, the site has an urban character and a low visual sensitivity.

The proposed garage is set back a considerable distance from the public highway. The siting of the structure, together with its very modest scale and height, allows the garage to be read as a subordinate and secondary structure in accordance with supplementary guidance.

With regards to materials, supplementary guidance is resistant to the introduction of timber cladding, given that this is not traditional to the High Peak. However, in this case, given the fact that the garage is modest in scale and set a significant distance back from the public highway, the introduction of such a small element of timber cladding would not be detrimental to the character and appearance of the site or

wider street scene. Similarly, whilst peddle-dash render is not considered to be a material of high quality that enhances the character and appearance of the site, it does not, given the low sensitivity of the site and positioning of the garage, give rise to any degree of harm to the street scene by virtue of the choice of render that warrants a credible reason for refusal.

As such, it is considered that the proposed development, whilst not amounting to a high quality design, does not give rise to any degree of harm that amounts to conflict with LP Policies S1 and EQ6, relevant Supplementary Design Guidance and relevant paragraphs under Chapter 12 of the NPPF.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The site borders No.47 Simmondley Lane to the east beyond the rear of the plot. Due to the modest scale and height of the building, and substantial tree coverage that exists on the boundary, the proposed development would not give rise to any adverse impacts to the amenity of this neighbouring property.

To the south, the site shares its boundary with a row of single storey garages serving property further south adjoining Simmondley Grove. Similarly, the amenity of these or indeed any other properties within the vicinity of the site would be adversely affected by the proposed development.

Given the fact that the garage lies outside of the domestic curtilage of the property, it is considered prudent to impose a condition limiting the use to domestic parking and storage and to prevent use for business purposes (e.g. car repairs), which may adversely affect the amenity of neighbours.

As such, the application is considered to be in accordance with LP Policy EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network.

Paragraph 114 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 goes on to state that development should only be prevented or

refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed double garage serves the existing property, albeit situated on land that may or may not as a matter of planning judgement be situated within the domestic curtilage of the existing property.

The garage benefits from direct access from the public highway and has not attracted any objections from the Highways Authority. As such, it is considered that the proposed development would not give rise to any harm to highway safety, in accordance with LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks retrospective planning permission for a single storey double garage on land that lies adjacent to but not necessarily within the domestic curtilage of an existing residential property. In any event the site is located within the built-up area boundary of a larger town not constrained by any sensitive statutory designation.

An assessment of the application has concluded that whilst not making a positive contribution to the character and appearance of the site and wider street scene with regards to the choice of materials, conversely, it has been judged that the degree of harm to the character of the street scene by virtue of choice of materials is limited, and does not amount to a reason for refusal that could be reasonable substantiated at appeal. As such, there is not considered to be any conflict with relevant local and national design policies and guidance.

For the above reasons, the application is considered to amount to a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 16th July 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council