

DELEGATED DECISION REPORT

HPK/2024/0399
Valid 27/09/2024

FERN HOUSE FERN ROAD
BUXTON

ADAPTATIONS TO EXISTING
DRIVEWAY TO ALLOW
ENHANCED ACCESS,
INSTALLATION OF NEW
GARDEN OUT BUILDING TO
PROVIDE NEW THERAPY
AREA.

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Countryside Location/ principle of development
- Design
- Amenity
- Nutrient Neutrality Catchment Area

DESCRIPTION OF SITE

The application site comprises a parcel of land in a semi-rural area south west of Buxton at the end of Fern Road; a long narrow single track which extends southwards from London Road within close proximity to the Buxton Riding School.

The site contains Fern House; a two storey detached dwelling constructed from a natural stone with tiled roof, currently in use as a healing centre and domestic residence which was granted in 2004 and sits within a cluster of buildings, some of which relate to the neighbouring Fern Farm, and some with the Riding School.

PROPOSAL

The application is seeking planning permission the installation of a new garden outbuilding to provide a physical therapy area for personal use. The proposed outbuilding is just over 8m in width, 5.5m in depth and 3.35m high.

The proposal includes adaptations to the existing driveway to allow for enhanced access, which consists of widening the driveway, and new kerb edging.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
EQ3 Rural 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

HPK/2004/1110 Proposed Change of Use to Healing Centre (Approved 18/02/2005)

HPK/2017/0025 Replacement of existing timber windows with new double glazed white UPVC sash windows (Approved 07/03/2017)

HPK/2020/0072 Single storey rear extension and associated external works (Approved 30/04/2020)

CONSULTATIONS

Publicity

Site Notice expiry date: 18/11/2024
Neighbour consultation period ends:24/10/2024
Press Advert: N/A

Public Comments

None

Derbyshire County Council Highways

No objection and recommend Informative

OFFICER COMMENTS

Principle of Development

The application site is located outside the defined settlement boundary of Buxton under policy S2 and therefore, it is considered a countryside location where policy EQ3 applies.

Policy EQ3 seeks to strictly control development in rural locations to protect the landscape's intrinsic character and distinctiveness and to ensure development occurs at the more sustainable locations (i.e. towns and villages). With regards to residential development, policy EQ3 sets out a strict criteria, ensuring all new development is of a high quality design and protects or enhances landscape character.

Policy EQ3 allows extensions to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

Whilst the outbuilding is not an extension to the property, it is in close proximity to the main dwelling house but appears to sit outside of what is considered to be the domestic curtilage.

Throughout the consultation period, amended plans have been sought to relocate the proposed outbuilding closer to the main dwelling house due to its siting outside what would be considered the domestic curtilage. The proposed outbuilding has been moved approx. 5.5m closer to the dwelling house and would now adjoin the boundary of the curtilage and be located adjacent to the existing hardstanding. This is still considered to sit outside the domestic curtilage, however, due to the fact the dwelling house has a very tight curtilage there is little opportunity to relocate the outbuilding within the curtilage. Following discussions with the agent, it became clear it would not be possible to site the outbuilding any closer to the dwellinghouse in order to maintain sufficient disabled access to the recreation area to the rear and impacts on existing parking. Positioning the outbuilding directly to the north of the dwelling, would cause unacceptable harm to the neighbouring amenity of The Frond.

The amended plans received by the Council represent an improved relationship with the main dwellinghouse, and the revised location of the outbuilding is considered to be the least damaging position it could be located, in terms of harm caused to the landscape.

Whilst personal circumstances are not a material planning consideration, the Council are sympathetic to the family's needs for a physical therapy area. Given the reasons above and the remote nature of the site, despite the proposal not strictly complying with policy EQ3 it is not judged that harm would be caused to the character of the landscape. Therefore, it would be considered unreasonable for the Council to refuse this application and in this particular instance, the principle of development is acceptable.

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.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

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 9.7 states that:

- *“Garages and outbuildings should relate to the main dwelling in terms of size, proportion and appearance. They should be subordinate in size and height and match the materials of the existing house”*

The proposed outbuilding is modest in size with an internal footprint of 41sq.m and a height of 3.3m, remaining subordinate to the main dwelling by way of its single storey nature. Notwithstanding the fact that the Residential Design SPD states flat roofs should be avoided, it is commonplace for garden structures to have a flat roof. Although lying just beyond the extent of the curtilage of the property it is considered the proposed development will not have an adverse impact on the appearance of the existing property, or in the context of the street scene. Due to the isolated location the development will remain well screened from vantage points, with very little impact on the character of the local area.

A Public Right of Way runs to the west of the application site, approx. 70m from the proposed outbuilding, the proposal will be obscured by the existing dwelling house, the neighbouring Fern Farm and the existing tree line.

The proposed materials for the construction of the outbuilding are timber effect composite cladding and a single ply flat roof. Timber cladding is by no means a traditional material used within the High Peak, however, such a material is commonplace for garden structures, such as sheds and summer houses. Given the remote location of the proposed therapy area, it will not be visible from any public vantage points. The site is accessed by a private track and bound by countryside and mature trees limiting visibility of the outbuilding in long distance views, as such it would not appear intrusive in the countryside landscape.

Accordingly, the siting, scale and proposed materials are considered appropriate and accord with requirements of policies S1 and EQ6, the Residential Design Guide SPD and the NPPF.

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 inhabitable windows to provide an acceptable level of amenity.

The application site lies within the Countryside within a largely isolated location, with only two neighbouring properties that have the potential to be adversely affected by the proposal, Fern Farm and the Frond, which lie immediately to the north. Due to the siting of the outbuilding which is significantly stepped back to the east of Fern House,

there are no concerns regarding overshadowing or loss of light to these neighbouring properties.

A site visit has confirmed that views from the outbuilding area are screened by Fern House itself, there are no direct intermittent views between the proposed outbuilding and the elevations of Fern Farm and as such there would be no harm relating to overlooking, overbearing impacts, or a loss of privacy.

Based on the above analysis, the application is considered to be compliant with Local Plan Policy EQ6, the Residential Design Guide SPD, and the NPPF, with regards 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. However, the proposal does involve additional hard surfacing and roof area and will therefore increase surface water run-off. However, given the very limited extent of the additional roof/ hardstanding it will not significantly increase run-off from the site and in turn 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

Adaptations to the existing driveway are proposed to allow for enhanced access. The parking area to the north of the main dwelling house ensures that the property is served with more than sufficient space for the parking three cars. An informative has been added to the application at the request of Derbyshire County Council.

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.

Other Matters

Given the size of the building and its proximity to the host dwelling, it is recommended that a condition be imposed securing its use solely as a therapy room, and for no other purposes including as a separate unit of accommodation or holiday let. Its location being well outside the settlement boundary of Buxton would not meet the sustainability considerations which apply to holiday lets and its proximity to the host dwelling would likely cause residential amenity concerns.

CONCLUSION / PLANNING BALANCE

The proposal is considered acceptable in terms of design and amenity and will not result in any adverse amenity impacts and is of acceptable design and is considered to be in accordance with the relevant policies put forward in the Local Plan and NPPF. Therefore, the application is recommended for approval.

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). 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 consent for adaptations to the existing driveway and the erection of a garden outbuilding to provide a therapy area ancillary to the existing domestic property that lies outside of the built-up area boundary in the countryside, set within a cluster of buildings, some of which are associated with Fern Farm and Buxton Riding School. An assessment of the application has found all aspects of development proposals to be of a satisfactory design that relates well to and respects the character and appearance of the existing dwelling and the immediate rural and wider landscape character. Moreover the development would not result in any adverse harm to residential amenity. It is therefore concluded that the proposal constitutes a sustainable form of development and in line with Policy S1a of the Local Plan and paragraph 11 of the NPPF is recommended for approval subject to conditions.

OFFICER RECOMMENDATION : Approve

Case Officer: Jennifer Robb

Recommendation Date: 07/01/2025

X *J Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council