

DELEGATED DECISION REPORT

HPK/2024/0423
Valid 09/01/2025

11A CENTRAL DRIVE
BUXTON

PART RETROSPECTIVE
APPLICATION FOR ERECTION
OF A FENCE AROUND THE
BOUNDARY OF THE
PROPERTY, RANGING FROM
1.25M TO 1.8M DEPENDING
ON PROXIMITY TO ROAD
TO USE A GREY COMPOSITE
PANEL, TO ENSURE NO
DEROGATION OF TIME AND
ENSURE THE FENCE
REMAINS IN GOOD REPAIR
TO INSERT 2 GREY
ALUMINUM GATES, 1 TO
FRONT OF PROPERTY @
1.25M AND 1 TO REAR @1.8M

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design, character and appearance
- Impact upon residential amenity
- Impact upon Highway and Pedestrian Safety
- Nutrient Neutrality

DESCRIPTION OF SITE

The application site refers to a semi-detached bungalow located on a corner plot where Central Drive meets Kelson Avenue. The front elevation faces onto Central Drive with the west facing side elevation overlooking Kelson Avenue. The site is fully within the established settlement boundary area of Buxton. The existing property comprises a pebbledash finish to the outer elevations and a dark tiled roof. The site benefits from a detached garage and is also afforded a medium sized front garden with the property set back from the highway.

PROPOSAL

The application seeks part retrospective planning consent for the erection of a composite fence around the boundary of the site varying in height from 1.25m to

1.8m. The proposed fence is made of a plastic and timber construction and is painted a dark slate grey colour.

The proposed fence panelling would be 1.25m in height along the boundary of the highway with a further section measuring 1.8m in height to the rear running perpendicular to the garage and replacing a pre-existing section of wooden timber fence.

The applicant contends that the proposed fence is to increase the privacy and security of the site.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
EQ 6 Design and Place Making
CF 6 Accessibility and Transport

Supplementary Planning Documents

Residential Design Guide SPD (2005)
Design Guide SPD (2018)

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 12 - Achieving Well Designed and Beautiful Places

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2024/0424 – Part retrospective – to remove old conservatory on rear of property and replace with a sunroom.

CONSULTATIONS

Publicity

Site Notice expiry date: 05/03/2025
Neighbour consultation period ends: 10/02/2025
Press Advert: N/A

Public Comments

Two objections and one neutral comment have been received.

The comments raised are summarised below:

- Impact upon safety and highway visibility of motorists and pedestrians
- Detrimental impact upon the character of the surrounding area
- Colour is inappropriate and does not blend in with the local environment
- Height of the fencing is overly dominant and causes overshadowing
- Lack of similar height fencing within the surrounding area.
- Exceeds boundary height for local planning regulations

Non-Material issues raised:

- Restrictive covenant in place prevents such development
- Fire risk associate with composite fencing material
- Does not increase security as proposed.
- Erection of the fence has damaged the public footpath causing a trip hazard.

Town / Parish Comments

N/A

Environmental Health

No comments received.

Derbyshire County Council Highways

The erected fence posts and panels in front of the access of Kelson Avenue which provides vehicle access to the garage for 11a Central Drive, as drawn, the fence obscures the pedestrian visibility splay which is an obvious safety concern.

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission for an alteration (erection of fence panelling) to an existing residential property that lies within the built-up area boundary for Buxton, which is identified as a Market Town under the High Peak Local Plan (2016). The proposed fencing is ancillary to the residential use of the site, is not constrained by any sensitive statutory designations and given the location of the proposed development is deemed to be acceptable in principle subject to an assessment of material considerations such as design and residential amenity which are discussed in greater detail below.

Design

Paragraph 135 of the NPPF states that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

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 5.2 of the High Peak Design Guide (2018) identifies that *"alterations need to be undertaken with care. Insensitive changes can easily spoil a building. The key to a sensitive approach is to take note of what is already there before preparing the design and to work with, and not against, the building's character (accurate survey drawings are essential in this respect). The aim should be to revitalise the building without altering its fundamental character."*

Paragraph 9.0 of the Residential Design Guide 2005 outlines that *"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 existing character of the immediate vicinity area comprises predominantly open grassed fronted gardens without boundary treatments and where there are fence panels, these are of a traditional picket timber fence appearance and offer opportunities for intervisibility between the fence panels. Within the wider surrounding area there are further stretches of timber fence panelling delineating boundary treatments, however once again these are either lower in height (sub 1m) or much smaller in their scale as well as being of a traditional timber appearance which is less visually prominent. This gives an open and soft landscape character to the existing street scene whereas the fence panelling erected in this instance is of a dark slate grey appearance and not of a traditional timber fence style.

Before development commenced



Post commencement of development



The in-part retrospective fence panelling measures 1.25m where it directly abuts the pavement along Central Drive with a section running perpendicular to the garage

measuring 1.8m in height. The height of the fencing appears as an overtly dominant and visually prominent feature within the street scene as a result of its size and scale running along the entire boundary of the corner plot site. This prominence results in fencing which does not harmonise with the surrounding area and harms its character.

Additionally, the fencing comprises a dark slate grey painted composite construction. The surrounding area does not comprise any such similar fences and the composite construction is not a common feature for fencing within the locality. As such in this instance the proposed composite material is considered to be inappropriate in this location. The colour of the fencing is at odds with the character of the surrounding area detracting from the existing visual amenity present. The dark slate grey colour further enhances the fencing's prominent appearance within the street scene and encloses a previously open green space of visual benefit to the local area.

With consideration to these factors the proposed fencing is judged to have a detrimental impact upon the character of the existing dwelling and the visual amenity of the street scene and surrounding area contrary to High Peak Local Plan policy EQ6, Supplementary Planning documents and 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.

The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

A section of the proposed fence panelling would be placed along the shared boundary with the adjoining property of no.15 central Drive which forms the other half of this semi-detached pair. This would result in fence panelling 1.25m in height being in clear view of the habitable room window to the front elevation of the neighbouring property. However, given that the fence panelling is level in height with the base of the window cill to no.15 Central Drive it is therefore judged that the height of the fencing is not significant as such to have any detrimental impacts with regards to overshadowing and would not be overbearing in its nature. Additionally given that this section of the fence does not run adjacent to the highway it is noted that a larger fence up to 2m in height would be comply with permitted development requirements set out by Schedule 1 Part 2 Class of the General Permitted Development Order (2015) England. Therefore this section of the proposed fence panelling is not judged to be contrary to Local Plan policy EQ6.

The proposed fence panelling and gate to the front facing Central Drive and Kelsons Avenue are not considered to have any adverse impacts upon the residential amenity of neighbouring occupiers.

With consideration to the above, the proposals would have an adverse impact upon residential amenity with regard to overbearing and overshadowing and therefore do not comply with High Peak Local Plan Policy EQ6, Supplementary Planning Documents and the NPPF.

Highway Safety

The NPPF at paragraph 115 states that *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code.”

Policy CF6 states *“The Council will seek to ensure that development can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan.”*

The proposals would erect fence panelling 1.25m in height directly adjacent to the highway. As a result of the height of the fencing, it would block the existing visibility splays in front of the access off Kelson Avenue which provides vehicle access to the garage which would have an unacceptable impact upon highway safety, particularly in respect of approaching pedestrians.

Derbyshire county Council have commented that *“To ensure that drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety, the County Council wish to see the highway issue addressed prior to determination”.*

Therefore, with consideration to the existing highway arrangement, which is unsuitable in its current form, the development would have a detrimental impact upon highway safety contrary to Local Plan Policy CF 6 and the NPPF.

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.

CONCLUSION / PLANNING BALANCE

With regards to the findings above, the in-part retrospective development for the erection of fence panelling and gates would have a detrimental impact upon the visual amenity of the surrounding area. In addition there would be an unacceptable impact upon highway safety and with its non-compliance with Policy CF-6 it is considered that the application be recommended for refusal.

OFFICER RECOMMENDATION : Refuse

Case Officer: Stuart Talbot

Recommendation Date: 05/03/2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council