

DELEGATED DECISION REPORT

HPK/2024/0450
Valid 26/11/2024

33 ST JOHNS ROAD
BUXTON

RETEROSPECTIVE
APPLICATION FOR
RETENTION OF SINGLE
GARAGE

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design and impact on Conservation Area
- Amenity
- Nutrient Neutrality Catchment Area

DESCRIPTION OF SITE

The application site lies to the south of St John's Road, within the Park Conservation Area. It comprises a recently built large, detached house, one of two dwellings, the other sitting immediately to the west. The long rectangular site slopes down towards the southern boundary, beyond which is the registered Grade II* Serpentine Historic Park and Garden. The plot and dwellinghouse are both generously sized, reflecting the characteristics of the surrounding Conservation Area.

The southern external boundary is marked by mature trees and shrubs, which are also present on the northeastern boundary.

Following a series of planning applications to demolish the original dwellinghouse and redevelop the site, permission was granted for two detached houses in March 2016.

PROPOSAL

The applicant seeks retrospective permission for a single attached garage. The land levels drop through the site and the driveway will be sloped down to the garage door on the front elevation. The external works at the time of the site visit were not complete.

The garage extends approx. 5m from the side elevation of the dwelling house, the front elevation sits at 4.5m high and 5.18m to the rear due to the change in ground level, wrapping around the rear elevation of the main dwelling house.

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
EQ7 Built and Historic Environment
CF 6 Accessibility and Transport

National Planning Policy Framework

Chapter 2: Achieving Sustainable Development
Chapter 12: Achieving Well-Designed Places
Chapter 16: Conserving and enhancing the natural environment

RELEVANT SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2015/0676 Proposed Demolition of Existing Dwelling & Erection of 2 Detached Dwellings together with Associated Car Parking, Landscaping & Ancillary Works
APPROVED 17/03/2016

HPK/2017/0209 Retrospective application for erection of 2 detached dwellings with associated landscaping and parking APPROVED 31/07/2017

HPK/2017/0579 Erection of 2 No Single Garages to existing dwellings APPROVED 12/04/2018

HPK/2019/0483 Amendment to plot 1 garage roof and change in position of plot 2 garage APPROVED 10/01/2020

HPK/2020/0433 New entrance gate and new garden levels APPROVED 01/04/2021

HPK/2020/0434 New Patio area and amended garden levels and garage. APPROVED 01/04/2021

CONSULTATIONS

Publicity

Site Notice expiry date: 20/12/2024
Neighbour consultation period ends: 11/02/2025
Press Advert: N/A

Public Comments

1x comment:

- Incorrect plans which do not reflect what has been built
- Concerns it will be used as accommodation

Town / Parish Comments

N/A

Conservation Officer

No objection – 33 St Johns Rd, Buxton The proposed garage is set back from the principle elevation, in a similar design to that of garages at the neighbouring dwellings (no.33a and 35) and as such will not be prominent within the street scene. The host dwelling is of modern construction in an arts and crafts style in response to the character of the conservation area. As such while the proposed garage will not harm the conservation area, as such there are no heritage objections to the application.

Derbyshire County Council Highways

No objection

OFFICER COMMENTS

Principle of Development

The application site is within the Built-up area of Buxton. Policies S2 and S7 make provision for householder development which is deemed to be acceptable in principle, subject to other relevant policies within the local plan. Other relevant policies include Policy EQ7 which seeks to conserve and enhance conservation areas and other heritage assets and Policy EQ6 which requires that development reflects local character and distinctiveness and is of a high quality.

Design

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act also requires special attention to be paid to the desirability of preserving listed buildings and their settings. Substantial harm to or loss of designated heritage assets, including Grade II* registered parks and gardens should be wholly exceptional. The site borders the Serpentine Grade II* historic park and gardens to the south.

Policy EQ 7 of the High Peak Local Plan requires development proposals in Conservation Areas to demonstrate how the proposal has taken account of the distinctive character and setting of individual Conservation Areas including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of traditional materials and detailing, in accordance with Character Appraisals where available.

Policy EQ6 refers to design and states that all development should be well designed and be of a high quality that responds positively to both its environment and the challenge of climate change, whilst contributing to local distinctiveness and sense of place. New development should be well designed to respect the character, identity and context of the high Peak's townscapes and landscapes. Development is expected to contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

The site lies within The Park Conservation Area and the Pavilion Gardens and Serpentine Walks character area. The character and appearance of this part of the

conservation area is one of detached properties set within generous plots, leaving gaps between buildings. Gardens are generally open.

During the consultation period amended plans were sought due to the submitted plans incorrectly reflecting the garage in situ. It has been noted a public comment has been received highlighting this issue. Amended plans have since been received, and Officers have been out on site and measured the garage to ensure the revised plans are accurate.

Officers have noted the garage is materially larger than those previously approved on this site, however, it remains largely subordinate to the host dwelling and well set back from the front building line. The pitched roof design is considered appropriate and there is no harm caused to the street scene as a result of the proposal, with the neighbouring no.33a and no.31 hosting garages of similar design.

The garage is highly visible from the Serpentine Grade II* historic park and gardens to the south. However, due to the residential nature of the area and open gardens, this is not an uncommon sight. The materials match those of the host dwelling and neighbouring garage, therefore no harm is caused to the setting of the Serpentine.

There has been no objection from the Conservation Officer, and therefore there is no adverse impact on heritage assets.

A patio is shown to the rear of the garage on the plans, this is less than 30cm and does not require planning permission.

The proposal is considered acceptable and in accordance with section 12 and 16 of the NPPF and local plan policies EQ6 and EQ7 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 inhabitable windows to provide an acceptable level of amenity.

Due to the garage adjoining the east elevation of the dwelling, there are no amenity concerns regarding overshadowing or loss of light to the neighbouring no.33a to the west. There are no side facing windows and therefore no loss of privacy to either neighbouring property. The first-floor rear window will outlook on to garden of the host property, with some outlook onto the rear end of the garden at no.31. However, this will serve a storage area and not a habitable room, and any outlook will be directed

towards the rear of the garden rather than the patio area, with mutual overlooking already existing between the garden areas.

The proposed garage will be set down from the finished ground level of the dwelling utilising natural site levels, a generous distance of some 6.3m remains between the garage and the neighbouring property to the east, and the dual pitched roof design means that the roof slopes upwards away from the side boundary to the east. Therefore, it is not considered to harm the amenity of the neighbouring no.31 by virtue of overbearing impact.

Regarding no.31, as highlighted under HPK/2020/0434 due to the existing spacing of the neighbouring property to the east within its plot, the garage is not considered to result in a loss of light with only the possibility of some shading from the late evening sun to the ground floor side facing window and patio. Despite this garage representing a larger proposal than that previously permitted, with its highest point sitting at 0.68m higher than that approved in in 2020, the impact of this garage is considered negligible compared to HPK/2020/0434 and the application could not be refused on this basis.

Officers consider the impact of the development to be marginal as the garage will block the late evening sun little more than the existing dwelling and existing mature trees along the boundary of the application site. As shown in the photo below (3pm), the afternoon sun is unaffected.



The garage does project beyond the rear elevation of the dwelling at no.31, and the 45-degree rule has been assessed, from the central point of their closest ground floor window in the rear elevation, which sits a comfortable distance from the shared boundary. It has been established that the 45-degree line would not be breached.

On balance, the proposal is therefore considered acceptable and will not result in the loss of amenity to the neighbouring properties to the east or west. The proposal is in accordance with Local Plan Policy EQ 6 in this regard.

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 and hardstanding, when compared to the plans already approved in 2020, and the fact that the area is already hard surfaced 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

The proposal does 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

The floorplans show the garage is to be used as a garage and upstairs storage area, which varies from the 2020 consent, with the inclusion of a first floor. The development represents a two storey garage, particular when viewed from the rear and it is considered prudent that a condition should be imposed restricting its use to solely as a garage and storage area and shall not be converted and used for separate and independent accommodation. The character of the area is one of large dwellings set in generous plots, and any conversion would result in a building which is at odds with the character of the area. Moreover the building is located close to the boundary with the neighbour and given the height increase and first floor accommodation, if used beyond its ancillary use would have the potential to cause disturbance.

CONCLUSION / PLANNING BALANCE

This application is considered to accord with the relevant policies contained in the High Peak Local Plan and the National Planning Policy Framework. As such a recommendation of approval is provided.

OFFICER RECOMMENDATION: APPROVE with conditions

Case Officer: Jennifer Robb

Recommendation Date: 24/03/2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council