

## DELEGATED DECISION REPORT

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HPK/2026/0073  
Valid 13/02/2026

18 LEEK ROAD  
BUXTON

APPLICATION FOR THE  
VARIATION OF CONDITION 2  
AND CONDITION 4 IN  
RELATION TO HPK/2024/0419  
(RETENTION)

(FULL - HOUSEHOLDER)

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### MAIN ISSUES

- Design
- Residential Amenity
- Nutrient Neutrality

### DESCRIPTION OF SITE

The application site relates to a semi-detached plot along Leek Road, sharing a boundary with No.16 to the North and No.20 Moorivew to the South. The property is rendered, typical of houses along Leek Road, with a drive to the front and generous garden to the rear.

### PROPOSAL

The application seeks to Vary Condition 2 (Approved Plans) and Condition 4 (Privacy Screen) of the previously approved planning application (ref. HPK/2024/0419) via Section 73 of the Town and Country Planning Act 1990.

The application proposes to alter the proposed material from the balustrading and privacy screen from the previous approved raised deck. The approved screening consists of a 1.7m high frosted glazing balustrade.

This application seeks to replace the high frosted glazing arrangement and replace with a 1.8m high privacy screen utilising Eurocell composite Eco Fence Boarding and posts.

#### **The approved wording of Condition 2 is as follows:**

*The development hereby permitted shall be carried out in accordance with the following approved plans: 02 Plans and Elevations as proposed 24/1503 & 00A SLPSBP - Sit Location and Block Plan.*

**The proposed wording of Condition 2 is to be amended to reflect the changes identified above as follows:**

*The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Plans & Elevations as Existing, 02B Plans and Elevations as proposed 24/1503 Rev A, Site Location Plan & site Block Plan as Proposed (Drawing no. 00-SLP/SBP).*

**The approved wording of condition 4 is as follows:**

*Notwithstanding the approved plans the frosted glass privacy screen shall be 1.8m in height and shall be maintained for the lifetime of the development.*

**The proposed wording of Condition 4 is to be amended to the following:**

*“The Composite fence shall be 1.8m in height and shall be maintained for the lifetime of the development.”*

It is noted that the works have already been carried out.

## **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 Guidance/Documents**

Residential Design (2005)  
High Peak Design Guide (2018)

### **National Planning Policy Framework**

Chapter 2: Achieving Sustainable Development  
Chapter 12: Achieving Well-designed Places

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

HPK/2024/0419: Proposed Raised Decking area to Rear Elevation (Approved 28/11/2024)

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 09/04/2026  
Neighbour consultation period ends: 11/03/2026  
Press Advert: N/A

### **Public Comments**

One public comment has been received on behalf of the Buxton Civic Association "No Objection".

### **Town / Parish Comments**

No comments received.

### **Derbyshire County Council Highways**

The Local Highway Authority (LHA) have no objection to the variation of condition 2 of HPK/2024/0419.

### **OFFICER COMMENTS**

#### **Principle of Development**

The application proposes a Section 73 material amendment application pursuant to extant planning permission reference HPK/2024/0419. Therefore, the principle of the development has already been established and therefore, this application does not provide the opportunities to review or re-assess the principle of development. The extant permission has already been deemed to be acceptable in principle.

The main considerations in this application relate to whether the design is appropriate, and whether any amenity issues would arise as a result of the proposed changes.

#### **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.”

As identified in the previously approved application (Ref. HPK/2024/0419) the proposed raised decking 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.

The proposals would retain the timber decked appearance of the original consent with the alterations instead relating solely to the balustrading and screening arrangements. The composite fencing would match that used for the raised decked area and is therefore judged to be in keeping with the design of the approved consent.

The alteration of a 1.8 composite timber fence as opposed to the frosted glazing arrangement is not judged to result in any harm upon the character of the existing dwelling nor would it have any unacceptable impacts upon the character of the surrounding area.

The alterations are not deemed to have any unacceptable impacts with regards to design, character or appearance and are in accordance with Local Plan Policy EQ6, the Design Guide SPD, further to national policy contained in 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 habitable windows to provide an acceptable level of Amenity.

No.20 Leek Road, is the adjoining neighbour to the south-west which shares a common boundary with the application site, this neighbour has an existing raised patio area, so a precedent has already been set. It was raised during the course of the original application that *“The raised decking area could cause concerns regarding the privacy of the residents at No.20 Leek Road, due to the decking area being significantly raised and extending into the garden. This could therefore lead to direct overlooking back into the rear window of this neighbouring dwelling, and directly on to their patio area, therefore affecting their privacy. This has been mitigated by the introduction of a 1.7m frosted glazing privacy screen which is stepped away from the common boundary.”*

The proposals in this instance seek to remove the frosted privacy screen and replace with a new timber composite fence matching that of the now built raised decked area. As the fence is to be of the same height and would prevent overlooking into the neighbouring garden area the proposed alteration is not judged to have any adverse impacts with regards to overlooking or a loss of privacy.

It was identified previously that *“high privacy screens such as this can certainly be considered ‘un-neighbourly’ and sometimes over bearing for neighbouring properties in this instance it is considered that 1.8m would be a sufficient height to maintain privacy for No.20 whilst not being detrimentally overbearing.”*

As the proposed replacement of the screen would see its replacement with a 1.8m composite of the same height as the conditioned screen, the proposed replacement privacy screen is not deemed to have any greater impact with regard to overbearing compared to the approved arrangement. It is also noted that the boundary treatment has now be installed and no objections have been received from the adjoining neighbouring property.

As such the revised privacy screen is not considered to have an unacceptable impact upon neighbouring amenity and therefore accords with Local Plan Policy EQ6, the Residential Design Guide SPD and national policy detailed within 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**

The development is considered acceptable principle and would be of an acceptable design and will not result in any adverse impacts upon visual or residential amenity. The proposals are in accordance with the relevant policies of the High Peak Local Plan, Supplementary Planning Documents and the National Planning Policy Framework.

Therefore the application is recommended for approval subject to conditions

**OFFICER RECOMMENDATION :    Approve**

**Case Officer: Stuart Talbot**

**Recommendation Date: 14/04/2026**

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Signed by: Jane Colley Signature

**On behalf of High Peak Borough Council**