

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date: 6<sup>th</sup> June 2022**

<b>Application No:</b>	HPK/2022/0056	
<b>Location</b>	157 Ashleigh, Park Road, Buxton, Derbyshire, SK17 6SW	
<b>Proposal</b>	<i>Proposed detached garage building with habitable accommodation at first floor.</i>	
<b>Applicant</b>	Mr G Lester	
<b>Agent</b>	Mr Andrew Gerken	
<b>Parish/ward</b>	Corbar Ward	<b>Date registered</b> 16/02/2022
<b>If you have a question about this report please contact:</b> Owen Gore <a href="mailto:owen.gore@highpeak.gov.uk">owen.gore@highpeak.gov.uk</a> Tel: 01538 395400 Ext: 4133		

### 1. REFERRAL

1.1 This application has been brought before the Development Control Committee through the councillor 'call-in' procedure by Cllr Kemp.

### 2. SUMMARY OF RECOMMENDATION

<b>APPROVE</b> , subject to recommended conditions.
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### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The application property is a large, semi-detached, 4 storey, Victorian villa constructed from stone and a natural slate roof. The property sits within a generous plot, set back from the public highway between 19m and 12m as the road curves; the depth of the site is approx. 60m on the western boundary and 50m on the eastern.

3.2 For the purpose of the Local Development Plan, the application site falls within the Built-up Area boundary, as well as the Buxton 'The Park Conservation Area' and the accompanying Article 4 designation.

### 4. DESCRIPTION OF THE PROPOSAL

4.1 The application seeks consent for a proposed detached garage building with habitable accommodation at first floor.

4.2 The plans show that the proposed garage will be 9.7m long and 6.4m wide, excluding the front gable which measures approx. 3.7m long by 900mm wide. The garage will be approx. 6.3m tall to the ridge (excluding roof decorations) and 2.7m to the eaves level; the proposed front gable will be approx. 5.7m to the ridge and 3.5m to the eaves level.

4.3 The building will be constructed from a mixture of stonework to match the existing dwelling, and render, which will match the colour of the stonework on the existing dwelling. Natural slate is proposed for the roof, which will also match the existing.

4.4 The proposal features 3 garage doors on the front (south) elevation, as well as 2 rooflights and a window on the front gable; to the side (west) elevation is the access door at first floor level, which is served by an external staircase; to the side (east) elevation is a small window; and to the rear (north) elevation there will be 3 rooflights.

## **5. RELEVANT PLANNING HISTORY**

5.1 No recent or relevant site history observed.

## **6. PLANNING POLICIES RELEVANT TO THE DECISION**

6.1 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.

6.2 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**

Policy S 1 Sustainable Development Principles  
Policy S 1a Presumption in Favour of Sustainable Development  
Policy S 7 Buxton Sub-area Strategy  
Policy EQ 6 Design and Place Making  
Policy EQ 7 Built and Historic Environment  
Policy EQ 9 Trees, woodland and hedgerows  
Policy CF 6 Accessibility and Transport

### **National Planning Policy Framework**

Section 2 - Achieving sustainable development  
Section 12 -Achieving well-designed places  
Section 15 -Conserving and enhancing the natural environment  
Section 16 -Conserving and enhancing the historic environment

### **Supplementary Planning Documents and Guidance**

Residential Design SPD (2005)

High Peak Borough Council Design Guide SPD (2018)

## **Adopted Conservation Area Character Appraisals**

Buxton area character appraisal (adopted April 2007)

### **7. CONSULTATIONS CARRIED OUT**

The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council's website.

<b>Site notice</b>	Expiry date: 31/03/2022
<b>Neighbour letters</b>	Neighbour consultation period ends: 21/03/2022
<b>Press Notice</b>	31/03/2022

#### **Public Comments**

Three consultation responses have been received, one requesting additional information, which as subsequently responded to be the case officer. The other response made general comments regarding the removal of a tree, which is understood to not be linked to the current proposal, which was clarified by the applicant.

The third response from the John C Millican, the owner of Woodside and Managing Director of Lee Wood Hotel. The following relevant points were made: -

- Heritage statement inaccurate in reference to the driveway and Right of Way between Manchester Road and The Park; disagreement over the historic presence of a garage on the site;
- Proposed bathroom window overlooking neighbouring patio area;
- Loss of light in afternoons and evenings;
- Materials are out of keeping with property/area.

#### **Town / Parish Comments**

No comments at the time of writing.

## **8. POLICY, MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

### **Principle of Development**

8.1 The proposal is for the erection of a garage/outbuilding within the curtilage of a dwelling, located within the built-up boundary. The principal is acceptable, subject to the considerations below.

8.2 The proposal includes ancillary accommodation on the first floor, which is understood to be office accommodation with a w/c/shower room. Each planning application must be considered on its own merits and therefore as the application has indicated that this would be linked to the main dwelling on the site, there is no reason to presume that it will eventually be converted into a new dwelling; however, in this instance it is considered appropriate to include a condition to confirm that it will remain ancillary to the main property and not occupied, sold off or let as independent from the main dwelling onsite.

8.3 The only unsympathetic feature in this case is considered to be the external staircase, which is not typical of domestic properties; however, it is considered this will serve to maintain a separation of the two storeys and avoid temptation to convert garage accommodation to expand the ancillary living accommodation.

### **Design & Impact on Conservation Area**

8.4 Policy EQ 6 'Design and Place Making' states that 'All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place'. This policy continues 'Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes' and 'Requiring that development contributes 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'.

8.5 Policy EQ 7 'Built and Historic Environment', states that 'The Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment in accordance with sub area strategies S5, S6 and S7. Particular protection will be given to designated and non-designated heritage assets and their settings including: ...Conservation Areas'.

8.6 It continues 'This will be achieved by: ...Requiring 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'.

8.7 It also states that 'This will be achieved by: ...Preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area through preservation or appropriate reuse and

sensitive development, including enabling development, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or other relevant provisions of the NPPF apply.

- 8.8 The council's Residential Design SPD, paragraph 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. Double garages should have two openings wherever possible, to maintain proportion, and with the roof ridge parallel to the doors. Flat roofs should be avoided. Doors with vertical emphasis are usually preferred and timber side hung door may be required in sensitive locations'.
- 8.9 The High Peak Borough Council Design Guide SPD, chapter 5, paragraph 5.10 states that 'These need to be designed and built in sympathy with the properties they serve. Materials and roof pitch should generally match those of the parent building. If attached to the building, the new garage should be clearly subordinate. A separate garage building is however often the better solution particularly where more than one garage is needed'.
- 8.10 The application property is of a traditional design. The location of the proposed garage is to the rear of the building, approx. 45m from the entrance to the driveway where it meets the public highway, and approx. 34m behind the front elevation of the main dwelling. To the eastern boundary there are a number of trees, protected by the broader Conservation Area designation and three trees benefitting from a Tree Preservation Order. (T8, T9 and T10) on the site for No.17 Manchester Road and Lee Wood Hotel at No.13 Manchester Road.
- 8.11 The proposal includes stonework on the principal (south) elevation, for the front facing gable and with the large separate doors and low eaves, the small amount of render around these elements are considered not to be overly prominent, considering the location to the rear of the site. The only other rendered part that may be visible outside of the site is the very top of the side (east) gable, which will possibly be visible when viewed from in front of the Leewood Hotel approx. 50m away. This will otherwise be obstructed considering the setting down of the building, below the height of the retaining wall and by the prominent boundary features, such as the trees noted above.
- 8.12 With the overall size of the visible part of this gable being quite small, the distance from the public domain, the changes in ground levels and the proposed use of render to match the colour of the stone, it is felt that the choice of materials is acceptable in this instance. The most prominent features of the building are likely to be the large slate roof and detailing for the fascia, ridge tiles and finials. The applicant has also avoided the temptation of further domestication, such as dormer windows. The only unsympathetic feature in this case is considered to be the external

staircase, which is not typical of domestic properties; however, considering the location behind the rear outrigger of the existing dwelling, the overall impact is considered to be low.

8.13 The overall scale is a fine balance, as it is a large Victorian villa style property, it can tolerate a larger scale outbuilding. In this instance the application have somewhat reduced the scale by keeping the eaves level down and the proposal is considered to be subordinate in size and height. The proposal utilises multiple openings rather and the roof materials and pitch generally match those of the parent building.

8.14 In this case, considering the location of the proposal, pushed back into the site and despite the increase in ground level, it will appear bedded down against the hillside, with the neighbouring property to the rear (No. 19 Manchester Road) as a backdrop.

8.15 For the reasons set out above the proposal is considered not to have a significant, harmful impact on the character and appearance of the property or the surrounding area including the significance of the Conservation Area. The development is therefore considered to be in accordance with Policies S1, EQ7 and EQ6 of the High Peak Local Plan, the guidance contained within the Residential Design SPD, High Peak Design Guide, and Section 12 of the National Planning Policy Framework.

### **Amenity**

8.16 Policy EQ 6 'Design and Place Making' requires that '...development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

8.17 The application dwelling is semi-detached with its neighbour No.155, which sits to the west of the application site. To the north is the property No.19 Manchester Road and to the north east is No.17, which is understood to be linked with the Leewood Hotel.

8.18 In this case, the rear elevation of No.155 is approx. 21m away from the side (west) elevation of the proposed garage. Although the proposed external staircase provides a vantage point, it is considered that the separation distance and the likely low use of the office accommodation means the overall overlooking and overbearing impact is unlikely to be significant.

8.19 The ground level falls significantly to the south, from Manchester Road down to Park Road and the ground level of the properties No.19 and No.17 appear to be approx. 2.5m to 3m above the driveway/garden area of the application site closest to the boundary. No.17 sits to the north east of the application site approx. 7m away from the proposed side elevation, with no part located directly to the south of the neighbouring property.

Considering the separation and the lower ground level, any impact on this neighbouring property in terms of overshadowing is unlikely to be significant. The impact in terms of overlooking are noted; however the closest, proposed window serves a bathroom and is likely to be obscure glazed for this reason. A condition is considered to be appropriate in this case to confirm obscure glazing.

8.20 The rear elevation of the neighbouring property No.19 is approx. 7m from the shared boundary with the application site to the south. The rear elevation of the proposal is located approx. 2.2m from the shared boundary to the north and the ridge approx. 5.8m.

8.21 On balance, the ridge height of the proposed garage will be at the ground floor level of No.19, but will be located nearly 12m away, the closest elevation will be at eaves level (2.7m tall), which will be below the ground level of this neighbouring dwelling. Any impact in terms of loss of light is unlikely to be significant.

8.22 The proposal is therefore considered unlikely to have a significant, harmful impact on the amenity of the neighbouring properties. The development is therefore considered to be in accordance with Policies S1, and EQ6, the guidance contained within the Residential Design SPD, High Peak Design Guide, and Section 12 of the National Planning Policy Framework.

### **Highway Safety, Parking and Access**

8.23 Policy EQ 6 'Design and Place Making' requires that '...developments are easy to move through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities'. Policy CF 6 'Accessibility and Transport' states that development should not 'lead to an increase in on street parking to the detriment of the free and safe flow of traffic'.

8.24 The proposal does not include the creation of any additional bedroom accommodation and there will be no loss of off-street parking as a result of this development. In this case parking is ample on the site and the proposal will create sheltered parking spaces that can be conditioned to remain for this purpose. Therefore the proposal is considered to comply with local plan policy CF6 in this regard.

### **Other Matters**

8.25 It has been noted in the objections that trees have been removed onsite; however, it is understood that these are not linked to the current application and are the subject of a separate enforcement investigation. In this case the locations of the trees above the height of the retaining wall means that excavation for the proposed extension is unlikely to impact root systems at this lower level.

8.26 The concerns raised regarding access arrangements and public rights of way are noted; however, no formal public right of way is shown on the Council's electronic system.

## **CONCLUSION / PLANNING BALANCE**

8.27 For the reasons outlined above, the development is considered to accord with the relevant policies contained in the High Peak Local Plan and the NPPF. As such the application is recommended for approval.

## **9. RECOMMENDATIONS**

**9.1 It is recommended that the Committee APPROVE the application subject to the conditions outlined below:**

- 1. Standard Time Limit**
- 2. Schedule of Drawings**
- 3. Matching stoneworks to match existing property, slate roof to match existing property and colour of render to match colour of existing stonework**
- 4. Timber sliding sash windows**
- 5. Conservation rooflights**
- 6. Obscure glazing on window to side (eastern) elevation**
- 7. Building to remain ancillary to main dwelling – no occupation as a separate dwelling.**

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager – Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

