



Appeal Decision

Site visit made on 11 January 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/H1033/D/21/3281285

17 Macclesfield Road, Buxton, SK17 9AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ben Whatley and Dr Bronwen Lay against the decision of High Peak Borough Council.
 - The application Ref HPK/2021/0186, dated 1 April 2021, was refused by notice dated 27 May 2021.
 - The development proposed is new detached garage and store.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. Macclesfield Road is characterised by large, mostly individually designed detached houses in good sized plots set back and elevated slightly from the road.
4. No 17 is unusual in its context in that there is a sizable, detached building at the rear of the plot and the garden extends behind the adjacent properties to either side. The garage would be sited on an area of the garden behind No 17a Macclesfield Road (No 17a) and No 32 Ecclesbourne Drive (No 32) and adjacent to a public footpath linking the two roads. There is an existing wooden shed on part of the site and the land level is above the adjacent footpath.
5. The rear gardens of properties facing Ecclesbourne Drive and Macclesfield Road with their mature landscaping are viewed from the footpath link. The gardens provide a spacious backdrop to the built development along the road frontages and contributes to the area's character and appearance. The existing structures in the garden of No 17 are visible but not prominent from the footpath link and do not detract from the generally open rear garden surroundings.
6. The proposed garage would be of a significant height and massing, it would be noticeably higher than the footpath and adjacent boundary treatment and would notably intrude into the attractive garden space at the rear of properties. Although the garage would not be highly visible from Macclesfield Road, it would be particularly conspicuous from the public footpath and from the rear facing windows of adjacent properties. Because of its size, siting and design the

garage would appear as a prominent and incongruous feature which would detract from the rear garden environment and from the character and appearance of the area.

7. In addition, the substantial mass of the garage would be sited near to the existing detached building in the rear garden, for which there is an extant permission to increase its size as part of its refurbishment. Because of its siting and design, the proposal would draw attention to the site and in combination the existing and proposed structures would be a significant bulk of development in the rear garden that would further detract from the mature open rear garden zone.
8. For these reasons, the proposal would harm the character and appearance of the area in conflict with Policies S1 and EQ6 of the High Peak Local Plan adopted April 2016 where these policies seek good design. It would also conflict with the High Peak Design Guide Supplementary Planning Document (SPD) February 2018 and the Residential design SPD December 2005 which require development to be guided by existing character and context. I consider the above policies and SPD are broadly consistent with the National Planning Policy Framework (the Framework) where it seeks to ensure good design.

Other Matters

9. The appellant has brought to my attention that the site benefits from permitted development rights and this is a fallback position. However, no detail of such a scheme is before me and without such information a full and detailed comparison with the appeal proposal cannot be made. Additionally, there is no evidence that the fallback position is a greater than theoretical possibility or that if the appeal is dismissed the fallback would be pursued. As a consequence, I find the suggested fallback position to have limited weight in the determination of the appeal.
10. The proposal would not result in the garden of No 17 being significantly different in size to its neighbours and I have no concerns about the size of the garage in this respect.
11. I appreciate that the appellant may have a storage issue, but this does not override my concern about the design and siting of the garage. Further, even if the garage is constructed as an energy efficient structure, I can see no reason for significant heating within a garage and storage area and this matter carries little weight.
12. The use of materials that are consistent with the main house does not negate the harm I have identified concerning the size, siting, and design of the structure.

Conclusion

13. Overall, for the reasons given above, I conclude the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg,

INSPECTOR