



Appeal Decision

Site visit made on 1 March 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/H1033/D/22/3291555

Tynecroft, Carlisle Road, Buxton SK17 6XE

- 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 Mrs Nina Johnson-Perry against the decision of High Peak Borough Council.
 - The application Ref HPK/2021/0547, dated 27 September 2021, was refused by notice dated 22 November 2021.
 - The development proposed is described as 'creation of new vehicular and pedestrian access from property to road'.
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Decision

1. The appeal is allowed, and planning permission is granted for creation of new vehicular and pedestrian access from property to road at Tynecroft, Carlisle Road, Buxton SK17 6XE in accordance with the terms of application ref HPK/2021/0547 dated 27 September 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PD101, PD102, PD103, PD104.
 - 3) No above ground works shall commence until samples of the materials to be used in the construction of the walls and gate piers hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
 - 4) No above ground works shall commence until large scale details of the pedestrian and vehicle access gates and the associated gate piers shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the vehicle access is brought into use.
 - 5) Before the vehicle access hereby approved is brought into use the vehicle turning and parking area shown on drawing PD104 shall be provided. The parking and turning areas shall thereafter be retained and maintained for that use.

Preliminary Matters

2. I have considered the proposal having regard to the requirement under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of Buxton Conservation Area (BCA).

Reasons

4. Tynecroft is a two-storey detached property facing St John's Road, with vehicular and pedestrian access via a shared drive to the rear from Carlisle Road. The front boundary of the property where it abuts St John's Road is defined by a gritstone wall consisting of three courses with gritstone coping. Above the wall there is mature boundary hedging. The wall and hedge extend across the front of the neighbouring property to the west and around the corner on to the Carlisle Road frontage.
5. The appeal site is located within character area No 5 (The Park & Corbar Woods Walk) of the Buxton Conservation Area Appraisal. In terms of boundary treatment, the appraisal identifies the significance of the BCA as including soft planted boundaries as well as gritstone walls with gate piers built from carved gritstone of a scale related to the size and status of the villa or house to which they belong.
6. St John's Road near to the appeal site is characterised by mostly large properties set back from the road in heavily landscaped gardens. Most buildings are enclosed by relatively high boundary treatment which is generally a mix of gritstone walls, trees, and hedging, although there are also fenced boundaries visible. Most properties have vehicle and pedestrian entrances from the St John's Road frontage, some of the entrances are gated and many have gate piers.
7. The proposed vehicle and pedestrian accesses would be appropriately detailed with gate piers and low stone walling and planting along the visibility splays. Therefore, the continuity of the walled frontage and the sense of enclosure characteristic of St John's Road would be maintained. In addition, the interface of the property with the road frontage would be improved. The proposal would be a sympathetic addition to the street scene. Accordingly, there would be no harm to the significance of the BCA, and the development would meet the statutory test of preserving the character of this part of the BCA.
8. Overall, I conclude that the proposal would preserve the character and appearance of the BCA and would accord with Policies S1, EQ6 and EQ7 of the High Peak Local Plan April 2016, where these policies seek to ensure that development responds positively to its environment and has taken into account the distinctive character of individual conservation areas. It would also accord with the High Peak Design Guide Supplementary Planning Document where it seeks to ensure that boundary walls are not omitted from development and are appropriately designed.

9. The BCA is a designated heritage asset as defined in the National Planning Policy Framework (The Framework). Paragraph 199 states that great weight should be given to the asset's conservation. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. For the reasons set out above, the design of the proposal would preserve the character of the conservation area. There would be no harm to its character or appearance, even when attaching great weight to the importance of the heritage asset. Consequently, the scheme complies with the requirements of the Framework.

Other Matters

10. The Council is satisfied that the parking and turning arrangements are acceptable and the vehicular and pedestrian accesses would not prejudice highway safety. Following my site visit I see no reason to disagree.

Conditions

11. In addition to the standard time limit condition, in the interests of clarity, a condition is necessary to ensure that the proposed development is carried out in accordance with the approved plans. I have also imposed conditions relating to materials and detailed design, in the interests of safeguarding the character and appearance of the BCA.
12. A condition is required to ensure that the parking and turning area is provided and maintained in the interests of highway safety. The approved plans condition will ensure that the details of the access are implemented in accordance with the plans, and no separate condition is required in this respect.

Conclusion

13. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed subject to conditions

Diane Cragg

INSPECTOR