



Appeal Decision

Site visit made on 20 June 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd August 2023

Appeal Ref: APP/H1033/D/23/3318541

1 Park Road, Buxton, Derbyshire SK17 6SG

- 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 Mr Kenneth Pritchard against the decision of High Peak Borough Council.
 - The application Ref HPK/2022/0240, dated 21 June 2022, was refused by notice dated 28 December 2022.
 - The development proposed is described as 'new detached double garage.'
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Decision

1. The appeal is allowed and planning permission is granted for a new detached double garage, at 1 Park Road, Buxton, Derbyshire SK17 6SG in accordance with the terms of the application, Ref HPK/2022/0240, dated 21 June 2022 and the plans submitted with it, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Location Plan
 - Amended Site Plan
 - Amended Front Elevation
 - Amended Side Elevation
 - Amended Floor Plan, Rear and End Elevation
 - 3) No works shall take place above slab level until a detailed schedule of all facing materials to be used in the construction of the development hereby permitted, has been submitted to and approved in writing, by the local planning authority. The materials shall match those of the existing dwelling. Thereafter the development shall be carried out in accordance with the approved materials.

Procedural Matter and Main Issues

2. Although not specified within the Council's reason for refusal, the officer report indicated that the proposal may affect the setting of a Grade II* listed building, St John's Church. During the course of the appeal, Historic England (HE) were consulted by the Council as this exercise had not been carried out at the time of the application. No response was received from HE. In the interests of

thoroughness, I have proceeded to determine the appeal on the evidence before me, including an assessment as to whether the proposal is considered to affect the setting of St John's Church. For this reason, the main issues of this appeal are whether the proposed development would i) preserve or enhance the character or appearance of the Buxton Central Conservation Area (CA) and ii) preserve the setting of the Grade II* St John's Church.

Reasons

Character or Appearance of the Buxton Central CA

3. The appeal site is located within the Buxton Central CA which encompasses the historic core of the town. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), special attention is to be paid to the desirability of preserving or enhancing the character or appearance of the CA.
4. The CA is characterised by well-preserved predominantly Victorian but also Georgian architecture, arising from the growth of the town due to the popularity of its thermal waters. It has a high density of architecturally impressive historic buildings set within generously proportioned streets with a consistent palette of local gritstone and blue slates or tiles. Trees are a significant element of the CA providing a verdant and spacious foreground to the large buildings. It is this architectural quality of the built form and spatial composition in a sylvan setting, that shapes the historical and aesthetic value and therefore, the significance of the CA.
5. The appeal site lies within Area 1 of the CA; The Crescent, The Slopes and The Devonshire Royal Campus. The Buxton Conservation Areas Character Appraisal 2007 (BCACA) indicates that this was a deliberately planned area of richly detailed detached villas and lodging houses, with symmetrical elevations of high-quality materials set back from the road in a lush foreground.
6. The contribution of the appeal building is one such large, detached villa set in a prominent corner plot. Set back from the street on a raised platform, it has a typically symmetrical front elevation with a large front porch of bespoke joinery along with arched sash windows, and large overhanging eaves with scalloped barge boards. I can find no evidence that the BCACA specifically identifies the host building as making a positive contribution to the character of the CA due to its siting within a large garden adjacent the Grade II* listed St John's Church. Nevertheless, it is clear to me that due to its age and architectural quality, the appeal building does make an important and positive contribution to the character and appearance of the CA.
7. Although occupying a large footprint, the proposed garage would be located to the side of the host dwelling, behind the front elevation. Being deeply recessed it would respect the original intentions of the planned design of Park Road to have buildings set back away from the road. As a single storey building at the same level as the basement, it would clearly read as a subservient and ancillary structure to the much taller and larger-scale dwelling. The amended roof design would ensure consistency with the roof form of the host dwelling.
8. There is no evidence before me including within the BCACA, that the setting of the house and garden was designed to provide a visual separation between the listed church and the southerly aspect of the rear gardens. The BCACA advises

that houses were laid out with the garden aspect reserved for the south, south-east or south-west. However, the host dwelling is somewhat of an anomaly given that its principal elevation faces east towards Manchester Road rather than Park Road, and there is no real useable rear garden due to the proximity to the western boundary. Even if it were designed to provide a visual separation, the proposed development being single storey and deeply recessed into the site would not significantly erode the visual separation between the church and the host dwelling. The large front garden and open space surrounding the site frontage would remain, as would the tall trees within the churchyard. Moreover, I note the adjacent building on Park Road to the west has benefitted from a 2-storey rear extension, that whilst not as wide as the proposed development, nevertheless encroaches southwards towards St John's.

9. The BCACA identifies significant view and viewpoints for Area 1 of the CA towards St John's Church, one of which is from the side of the Old Hall Hotel on The Square. This view predominantly takes in the Buxton Opera House a significant landmark building in the town, with the bell tower of St John's behind. Any view of the appeal site from this vantage point would be upwards at a medium distance and occluded by the presence of mature trees on both the rising land adjacent to the Old Club House and the green verge between The Square and Water Street. Even in winter when the trees offer less screening, the development would not be overtly visible. This significant view would not therefore be unduly harmed.
10. The gap where the garage would be sited is not itself identified as a significant view within the BCACA. Rather it forms part of a wider significant view towards the focal point of St John's Church in south-westerly views from the A53, a small but no less important distinction. The appeal site cannot be readily seen in views close to Devonshire Road due to the presence of the stone wall and mature hedgerow to the boundary of the Devonshire Royal Campus. Closer views from the junction with Water Street would reveal the proposed garage but it would clearly be read in connection with the domestic use of the host building and the extended rear elevation of the neighbouring building behind, visually and physically distinct from St John's.
11. The proposal represents an appropriate design and scale of development that would not harm the significance of the CA as a whole, nor significant views. It would therefore preserve its character, according with Policy EQ7 of the High Peak Local Plan (2016) which seeks amongst other things for development proposals to demonstrate that account has been taken of the distinctive character and setting of a CA. It would further accord with paragraph 196 of the Framework which promotes the desirability of sustaining and enhancing the significance of heritage assets.

Setting of Listed Building

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon me to have special regard to the desirability of preserving the setting of a listed building, defined by the Framework as the surroundings in which it is experienced.
13. The significance of the Grade II* listed St John's Church stems from its 18th century origins built in a classical style with an inscribed pediment supported by columns to the eastern elevation. It is constructed of ashlar gritstone with a tower rising from the western pediment with a cupola above. The BCACA

advises that the church once stood at the edge of the road until it was realigned, and it now stands at the back of a gravelled forecourt with the entrance re-sited to face St John's Road. When in use for car parking, it presents visual clutter which detracts significantly from the refined proportions and detailing of the church and its setting in views from the east. In contrast, the richly planted churchyard creates a soft, verdant frame to St John's Church, emphasising its architectural quality which in combination with its position, identifies the building as an important and prominent landmark within the street scene. The mature planting therefore contributes to the aesthetic value and setting of the listed building.

14. The proposed garage would be sited between the appeal property and St John's churchyard. Whilst there is some visual connection between the appeal site and the church, this is limited by the distinctive and lush green canopy formed by the mature churchyard trees that provide a visual separation of St John's from the appeal site. This is emphasised by the physical demarcation between the two, and by the presence of the recently constructed railings and stone piers. The limited scale, recessed position and clear association with the host dwelling would ensure that the proposed garage does not interfere with or result in a loss of those features identified above, as contributing to the setting of the listed building.
15. The proposal would preserve the setting of the Grade II* listed building of St John's Church. It therefore complies with Policy EQ7 of the LP which requires proposed developments affecting the setting of a heritage asset, to ensure that the design is sympathetic and minimises harm to the asset in views away from and towards the heritage asset. It would also accord with paragraph 196 of the Framework which promotes the desirability of sustaining and enhancing the significance of heritage assets in accordance with the requirements of s72(1) of the Act.

Other Matters

16. The Council considered the conclusions of Officers made in connection with the refusal of a previous application, to inform its assessment of the appeal proposal, but they are not before me¹. Nevertheless, I note that the previous application was determined in 2013, prior to the adoption of both the LP and the 2021 Framework.² I see no reason based on the evidence before me, why there should be a presumption against a small scale and simple form of development within this area of the appeal site. The proposal has been assessed in accordance with the Act, the provisions of the development plan and the Framework and with which I have not found harm for the reasons given above.
17. The appeal site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council suggests that planning permission for new development cannot be granted unless it can rule out likely significant effects on the SAC. However, Natural England's (NE) advice in its letter of the 16 March 2023 focusses on wastewater from overnight accommodation as the main concern. The proposed garage would not result in a net increase in population served by a wastewater system which

¹ Planning application HPK/2013/0502 for a proposed two storey rear extension to provide a double garage with kitchen & living area above. 5 new roof lights to existing house, reconfiguration of existing access.

² Site history section of the Council's officer report.

could result in phosphorus entering the SAC, the main cause for concern regarding nutrient neutrality within the Peak District Dales. As such, there is no requirement for a Habitats Regulations Assessment to be carried out.

Conditions

18. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance (PPG) and paragraph 56 of the National Planning Policy Framework. Along with the standard time limit, a condition is imposed to list the plans in the interests of certainty.
19. A pre-commencement condition regarding the submission of a schedule of materials was suggested by the Council. However, the PPG is unambiguous that such conditions should only be used where there is a clear justification. Having sought and taken into account the parties' comments where received, a condition is attached requiring the development to be carried out in matching materials to the existing dwelling, further to the provision of a material schedule prior to any works above slab level. This will enable works to progress in a timely manner and ensure preciseness of the materials to be used.

Conclusion

20. For the reasons given above, there are no conflicts with the development plan when taken as a whole or the approach within the Framework. Accordingly, the appeal is allowed.

M Clowes

INSPECTOR