



## Appeal Decision

Site visit made on 1 August 2023

**by N Kempton BA(Hons) PGDip MA IHBC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 September 2023**

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**Appeal Ref: APP/H1033/D/23/3322458**

**17 Macclesfield Road, Buxton, Derbyshire 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 Dr Bronwen Lay against the decision of High Peak Borough Council.
  - The application Ref HPK/2022/0302, dated 27 June 2022, was refused by notice dated 24 February 2023.
  - The development proposed is new detached garage and store.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. There is a discrepancy in the spelling of the appellant's surname- specifically the spelling on the planning application form differs from that on the appeal form. The spelling in this decision corresponds with that stated on the planning application form.

### Main Issue

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

### Reasons

4. The site for the proposed garage is in the rear garden associated with a detached dwellinghouse located on Macclesfield Road, Buxton, which is within a residential area. Properties along Macclesfield Road are characterised by large dwellings set in spacious plots. The dwellings are set back and elevated slightly from the road. The appeal property has a sizeable, detached building situated at the rear of the plot. The garden extends behind the adjacent gardens on either side. The proposed garage would be sited on the area of garden that extends behind No 17a Macclesfield Road and No 32 Ecclesbourne Drive and adjacent to a public footpath linking these two roads.
5. Whilst the appeal site is not located within a designated conservation area, front gardens in this locality are integral to the streetscape and rear gardens provide an attractive, spacious and mature landscape setting to the built development, positively contributing to the character and appearance of the area.

6. Garages in the vicinity of the appeal site are typically modest single garages with pitched roofs and gables orientated to the road. These garages are set back from the building line of the host dwelling. As such, garages are generally not prominent in the streetscene. The proposed garage and store would not be highly visible from the Macclesfield Road, it would however be particularly conspicuous from the public footpath. Sited perpendicular to the footpath with the gable end presented towards the footpath, the proposed garage and store would have an enclosing effect upon the narrow walkway. Notwithstanding the proposal to lower the ground level, the upper part of the gable end extending to the apex of the garage roof would be visible above the height of the boundary wall. The orientation of the garage would result in the length of its mass extending almost the full width of the shared boundaries with 17a Macclesfield Road and 32 Ecclesbourne Drive. The pitched roof would slope away from these neighbouring properties, however this roof form is insufficient to adequately mitigate the impact of the buildings' scale, height and massing.
7. The garage would therefore be dominant in direct views from rear facing windows serving principal rooms of 17a Macclesfield Road and 32 Ecclesbourne Drive. By reason of the size and siting of the garage, it 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.
8. Furthermore, the substantial mass of the garage is to be sited in close proximity to the rebuilt Golf Cottage, which is currently under construction. As approved, this cottage is to be larger than its predecessor. The combined built form of this cottage and the substantial garage proposed would be significant and would occupy a large part of the rear garden. These structures would detract from the spacious character of the rear garden, intruding into the otherwise generally open garden space at the rear of properties.
9. The ridge and eaves height of the proposed garage would be lower compared with the previous appeal scheme. Whilst this height reduction, and the consistent material palette, are noted, these factors do not negate the harm identified. Rather, the proposed garage would be of a significant height and massing, which exceeds that of garages typical in the area. The substantial size of the garage and store would appear incongruous thereby detracting from the character and appearance of the area.
10. 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. The proposal would also conflict with the High Peak Design Guide February 2018 and the Residential Design Guide Supplementary Planning Document (SPD) December 2005, which require development to be guided by existing character and context. The above policies and SPD are broadly consistent with the National Planning Policy Framework where it seeks to ensure good design. This is a planning harm to which I attach considerable weight.

## **Other Matters**

11. The appellant has secured a Certificate of Lawfulness for a detached garage that could be constructed under permitted development rights- this is in effect a fallback position. However, the fallback would not provide the storage space, which the appellant is seeking with the current appeal scheme and therefore, the likelihood of this being a realistic fallback position is reduced. The fallback

position would be set at the current ground level, not the lowered ground level as proposed in the appeal scheme. Notwithstanding this, the flat roof would serve to limit the height of the structure. The Council's design guidance<sup>1</sup> specifically states that flat roofs should be avoided. A flat roof would be atypical in this area but not wholly absent- an example being the flat roofed integral garage and porch at No 21. Whilst the flat roof form is not favoured, in this context it would be less conspicuous when viewed from outside the site. The proposed pitched roof garage and store would be considerably higher than the fallback position. The proposal would be visually dominant and incongruous by reason of its size, which would be accentuated by the pitched roof. For these reasons, the proposed garage and store would be significantly more harmful than the fallback position. I therefore attribute limited weight to the fallback position which is not sufficient to outweigh the harm I have identified.

### **Conclusion**

12. The development is contrary to the relevant policies of the development plan when read as a whole and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.

13. I conclude that the appeal should be dismissed.

*N Kempton*

INSPECTOR

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<sup>1</sup> High Peak Design Guide 2008 and Residential Design Guide Supplementary Planning Document 2005