



Appeal Decision

Site visit made on 29 October 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2024

Appeal Ref: APP/H1033/D/24/3344236

Taxal Edge, 184 Macclesfield Road, Whaley Bridge, Derbyshire SK23 7DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Cullen against the decision of High Peak Borough Council.
 - The application Ref is HPK/2024/0005.
 - The development proposed is the erection of domestic garage/ancillary outbuilding and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the area.

Reasons

3. This appeal concerns the land to the front of a detached dwelling, which was previously a classroom block associated with the adjacent former children's home. It is accessed along a lengthy access track which leads through the adjacent site. The significant numbers of mature trees gives the site and immediate locality a strong woodland character. The appeal dwelling occupies a raised positioning above its front garden, which slopes away considerably towards a public footpath.
4. The proposed development comprises a detached double garage and home office space, which would be sited forward of the front elevation of the host dwelling. It would be partially subterranean due to the sloping topography of this part of the appeal site.
5. The proposal would have a flat roof design. I note the guidance set out in The Residential Design Supplementary Planning Document (December 2005) and The High Peak Borough Council Design Guide (February 2018) on this matter. Nevertheless, these documents provide guidance rather than policy, thus there may be instances when flexibility can be applied and alternative design approaches considered. An appreciation of the site and proposal specific context in this instance is therefore necessary and I note that the flat roof design of the proposal seeks to respond to the contours of the land on which it would be sited.
6. Very limited views of the host dwelling can be achieved from the adjacent public footpath due to the generous height of the boundary wall, tree coverage

and the topography of the land. Due to this and the positioning and design of the proposed garage, it would not be discernible from the footpath.

7. The host dwelling is a large family home and I appreciate that ancillary domestic space such as a garage and home office may be proportionate in this instance. Furthermore, in terms of its use, height and floorspace comparable to the host dwelling, the proposal would be subsidiary to it.
8. The proposed building would nevertheless have a substantial footprint and extensive excavation and alteration of the land would be required to accommodate and access it. A large stretch of retaining wall, which would be of a significant height, would result and flank either side of the proposed building. This hard edge, which would be noticeably at odds with the natural slope of the front garden, along with the elevations of the proposed building, would draw attention to the development, its forward positioning and the resultant differences in land levels. These factors would visually exacerbate the proposal's dominance.
9. The flat roof design of the building would also facilitate the introduction of an expansive area of hardstanding to the front of the host dwelling. This large area and projection of hardstanding elevated above the front garden would be a prominent and incongruous feature to the front of the property. Along with the enlarged driveway leading up to the garage, this area would allow for parking of numerous vehicles and/or the siting of a considerable amount of domestic paraphernalia, all of which would detract from the host dwelling and natural features of the site. Rather than minimising the visual mass of the development, the glazed balustrade would draw attention to the increased expanse of hardstanding, differences in land levels and presence of the building below.
10. Overall, the proposed development would appear overly engineered due to the land alterations, vast expanse of hardstanding, stark retaining walls with balustrade above and additional access route to the garage. It would be an incongruous and dominant building and contrived alteration to the appeal site.
11. The appellant states that sensitive landscaping, which could be controlled by conditions, would obscure the stretches of wall. However, there are no details provided which convince me that such measures would address all of the above concerns. Similarly, the use of materials to match the host dwelling does not justify the proposal.
12. It has been suggested that the glass balustrade could be erected under permitted development (PD) rights however there is no conclusive evidence to confirm such a fallback exists. Even if it did, it seems to me that it would not encompass the proposed area of hardstanding with building below, but rather the existing, smaller driveway area. As such, there would not be a more than theoretical prospect that the same extent of balustrade would result following dismissal of this appeal.
13. I acknowledge the previous approval at the appeal property¹ in which an area of car parking to the front of the property atop a retaining wall was approved. I have only been provided with the decision notice and extracts of plans from that permission. Based on this information, even if the height of the extended

¹ Council ref: HPK/2009/0689

parcel of land and its projection forward of the host building may have been reflective of that proposed through this appeal, it appears that the overall extent of hardstanding within the site would have been considerably less. There is also no information on the elevations of the retaining wall and how the varying land levels would have been treated.

14. Furthermore, there is no certainty that the hardstanding in this appeal would be kept free for amenity purposes. The extensive area of hardstanding to the front of the property may provide space for vehicle parking in a similar arrangement to the 2009 approval. It may also provide for the introduction of other domestic features. I am not therefore persuaded that this appeal proposal offers betterment to the 2009 approval.
15. Moreover, the evidence suggests that the 2009 permission can no longer be considered a fallback as a result of the incompatibilities of the differing permissions concerning the appeal site and doubt around which permission could be said to have been lawfully implemented. This matter can therefore be afforded no more than very limited weight.
16. The Inspector noted in the previous appeal² concerning the appeal site and the surrounding development and land, that the appellant and Council agreed a baseline attributed to the development potential of the site. I note that this included in principle acceptance of a garage to the former classroom. The appellant suggests that the location of the garage shown in the context of those discussions reflected that of the appeal proposal before me. I do not have any plans which confirm this. Nonetheless, this was only agreed in principle. Detailed plans are before me for this appeal and it is those plans which I have based my decision on.
17. In terms of PD rights, whilst not allowing for built form to the front of dwellinghouses I accept that, in principle, they do allow for very considerable alterations and additions, some of which may be larger than the appeal proposal. Nevertheless, it has not been demonstrated in this instance that such PD allowances would provide for a similar or more harmful development than the appeal proposal.
18. I acknowledge the examples of garages and outbuildings forward of principle elevations which the appellant has provided, including an appeal decision³ in which the Inspector noted that the garage sited forward of the host dwelling was considered a reasonable response to the specific conditions of the appeal site.
19. These examples serve to confirm that there is a degree of variation in domestic plot layouts and that there may be instances where outbuildings sited forward of a main dwellinghouse may be appropriate. It is important that each case is considered on its own merits, based on the particular context of the site and that the development responds to its individual and unique surroundings. I have considered the specific aspects of the appeal site and the proposal above and have found that it would be harmful development.
20. Taking all the above into consideration, the appeal proposal would result in harm to character and appearance and thus it conflicts with policies EQ3 and EQ6 of the High Peak Local Plan (April 2016) which, whilst varying slightly in

² Appeal Ref: APP/H1033/W/21/3272745

³ Appeal Ref: APP/H1033/D/21/3269689

their wording, together seek to ensure that new development contributes and responds positively to its environment and protects the character, identity and context of its locality. It would also fail to accord with the guidance set out in paragraph 135 of the National Planning Policy Framework.

Other Matter

21. I note the appellant's concerns relating to the statements the Council made within its officer report regarding the curtilage of the appeal property. It is not helpful nor necessary for me to consider or reach a finding on what constitutes the curtilage of the host dwelling in this case.

Conclusion

22. The proposal conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan. Therefore, the appeal should be dismissed.

H Ellison

INSPECTOR