

**8. FULL APPLICATION – PLACEMENT OF SHED AND MODIFICATION TO DRIVE ENTRANCE AT BEAUMARIS, TOWER HILL, RAINOW. NP/CEC/01120/1033. DH**

**APPLICANT: Mr Clive Burgess**

**1. Summary**

2. The application seeks planning permission for a garden shed and to regularise the modifications which have been made to the drive entrance.
3. The shed is typical of incidental buildings in domestic curtilages and in this domestic context raises no concerns.
4. The alterations to the driveway retaining wall comprise a minor increase in the corner radius giving a slight improvement to the small visibility splay. This has neutral impact on the appearance of the site and its setting and is considered acceptable in planning terms despite the fact that the emerging visibility overall from the access wholly fails to meet highway standards.
5. It must be noted that this access itself was created without permission in 2006, and appears to have been widened at some point between 2009 and 2012 by the previous owners of the property. These works are now lawful but have caused harm to the character and appearance of the Conservation Area as the retaining wall is very high and prominent. Furthermore the merging visibility is wholly constrained by the house and retaining wall.
6. The application is recommended for approval.

**7. Proposal**

8. The application seeks planning permission for the erection of a wooden shed in the raised side garden to the south of the dwellinghouse, and retrospective consent to regularise the minor modifications which have been undertaken to the driveway retaining wall.

**9. Site and Surroundings**

10. Beaumaris is a detached house which stands immediately on the roadside to the east of the B5470 (Hawkins Lane/ Tower Hill) to the southern end of Rainow. The site lies within the Rainow Conservation Area. There are open fields to the east and south.
11. The house has a two storey extension to the rear and a parking area to the side with the higher garden land retained by tall stone walls.
12. The nearest neighbouring properties to the application site are Lane Edge on the opposite side of the road and Tower Hill Fold which is listed Grade II, approximately 35m to the north.

**13. RECOMMENDATION:**

**14. That the application be APPROVED subject to the following conditions:**

1. **Statutory time limit for implementation.**
2. **Development to be carried out in accordance with the submitted plans and specifications.**

## **15. Key Issues**

16. The impact of the proposal upon the character and appearance of the site and its setting within the Conservation Area, the impact upon highway safety and whether the proposals would harm the amenities of nearby properties.

## **17. History**

18. 2006 – A two storey rear extension to the dwellinghouse was approved by NP/M/006/0877
19. 2020 - Enforcement case reference 20/0081 regarding the alteration of the vehicular access. This found the access was created without permission in 2006 and was substantially widened between 2009 and 2012. The access has therefore gained immunity from enforcement action.

## **20. Consultations**

21. Cheshire East Council as Highway Authority: Objection, the access has already been created without authorisation and is considered dangerous due to the lack of visibility along Tower Hill for drivers of vehicles both approaching and emerging from the access. The application should be refused on the grounds of highway safety for the reason outlined above and referred to enforcement to have it closed with a wall to prevent it being used unlawfully in the future.
22. *Officer comment: We have gone back to the CEC Highway officer and clarified the position with regard to the lawfulness of the access in planning terms. Whilst they recognise this point nevertheless the nature of the access with its wholly unacceptable visibility sightlines means they remain unable to provide any comment other than object due to the nature of the risk posed by its use in these circumstances.*
23. Rainow Parish Council: No objections subject to the shed being adequately secured so there is no risk of it being blown into the road.

## **24. Representations**

25. The Authority has not received any representations regarding the application.

## **26. Main Policies**

27. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, DS1, L1 & L3
28. Relevant Local Plan policies: DMC3, DMC8, DMH8, DMT3 & DMT8
29. The National Planning Policy Framework (NPPF), which was revised February 2019, is considered to be a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and development management policies in the Peak District National Park Local Plan (Part 2) 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

30. Paragraph 172 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*

31. Paragraph 108 of the NPPF states that when considering development proposals it should be ensured that safe and suitable access to the site can be achieved for all users.

### **32. Core Strategy Policies**

33. Core Strategy policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

34. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

35. Core Strategy policy CC1 states that all development must make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.

36. Policy DS1 sets out what types of development are acceptable within the National Park.

37. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics of the National Park. L3 relates to development in conservation areas.

### **38. Local Plan Development Management Policies**

39. Policy DMC3 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. Particular attention will be paid to siting, scale, form, mass, levels, height and orientation in relation to existing buildings, settlement form and character, and the degree to which buildings and their design, details, materials and finishes reflect or complement the style and traditions of the locality as well as other valued characteristics of the area.

40. DMC8 relates to development in conservation areas and development which affects its setting and important views into and out of conservation areas. It says that the following should be taken into account: (i) form and layout of the area including views and vistas into and out of it and the shape and character of spaces contributing to the character of the historic environment; (ii) street patterns, historical or traditional street furniture, traditional surfaces, uses, natural or man-made features, trees and landscapes; (iii) scale, height, form and massing of the development and existing buildings to which it relates; (iv) locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis; and (v) the nature and quality of materials.
41. DMH8 relates to new outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses. It states that new outbuildings will be permitted provided the scale, mass, form, and design of the new building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape.
42. DMT3 relates to access and design criteria. It states that where development includes a new or improved access onto a public highway it will only be permitted where a safe access is achievable and can be provided in a way which does not detract from the character and appearance of the locality. It goes on to say that particular attention should be given to the need for the retention of hedges, walls and roadside trees.
43. DMT8 relates to residential off-street parking. It states that the design and number of parking spaces associated with residential development must respect the valued characteristics of the area.

#### **44. Assessment**

#### **45. Principle**

46. Core Strategy policy DS1 states that, in principle, extensions and alterations to dwellings, including new outbuildings, in the National Park are supported by the Authority, provided that they are of a suitable design, scale, form and massing and do not raise any amenity issues upon the dwelling itself or any neighbouring properties. The principle of a domestic shed is therefore acceptable provided it causes no harm to its setting.
47. Improvements to domestic accesses are also acceptable in principle subject also to the design layout and landscape impact being acceptable and the proposal raising no issues of safety concern.

#### **48. The Shed**

49. The proposed siting for the shed is within the garden to the south side of the house which is at a higher level than that of the road and house. The development would be seen in the context of the domestic garden. The scale is modest and subservient to the dwelling with a design and use of timber cladding typical of ancillary buildings within domestic curtilages. Within this setting we conclude the building can be accommodated without harm to the setting of the house or the Conservation Area upon which it would have a neutral impact. As such, it is considered that the proposed building is in line with policies DS1, DMC3 and DMH8 and SPD guidance.

50. The works to the retaining wall.

51. As noted, the garden is at a higher level than that of the house, therefore a high retaining wall was built to retain the garden land when the driveway was widened. A metal stair was added to the rear wall to access the garden. Aerial photographs indicate that the widening of the access created in 2006 to allow for two vehicles was done between 2009 and 2012 by previous owners of the property and are now lawful.

52. The recent works which have been done by the present owner have been the re-building of the corner of this retaining wall to provide a small visibility splay to the south side of the vehicular access in an effort to try to make the site access safer. This alteration uses the same natural gritstone walling and simply provides a slightly increased radius to the wall corner giving a minor improvement to visibility. The alterations are therefore minimal, and although the visual impact of the works undertaken previously to create the drive have had an adverse impact on the area and therefore the significance of the Rainow Conservation Area, the works which the application seeks to regularise have a neutral impact.

53. Although in terms of highway safety the emerging visibility from the access remains far below acceptable standards this alteration has made a very minor improvement. Whilst we understand the Highway Authority's position in having to maintain their objection, refusal is not warranted for the current application.

54. Amenity Impacts

55. Due to the nature of the development and the domestic context, it will not have any detrimental effect upon the character and appearance of the property and its setting, or the conservation area and wider landscape area within which it sits. Neither would there be any adverse effect on the amenities of the nearest neighbouring properties. There is minor public benefit to highway safety. It is therefore considered that the proposal complies with the requirements of GSP3, L3, DMC3, DMC8 and national planning policy.

56. Conclusion

57. The incidental building is considered to be compliant with policies. The alterations to the driveway, which has gained immunity from enforcement action due to the passage of time (four years for operational development and ten years regarding change of use) are minimal and have a neutral and acceptable impact on the visual amenities of the site and the area and hence approval is recommended.

58. Human Rights

59. Any human rights issues have been considered and addressed in the preparation of this report.

60. List of Background Papers (not previously published)

61. Nil

62. Report author: Denise Hunt. Planning Assistant