
Appeal Decision

Site visit made on 10 October 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd November 2016

Appeal Ref: APP/H1033/W/16/3154532

Former Thorn Heyes House, London Road, Buxton, Derbyshire, SK17 9NW

- 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 Melvin Hadfield against the decision of High Peak Borough Council.
 - The application Ref HPK/2016/0118, dated 19 February 2016, was refused by notice dated 25 April 2016.
 - The development is proposed extension to letting apartments at Thorn Heyes House to provide small function room and managers apartment.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's Decision Notice makes reference to Policy EQ5 of the High Peak Local Plan 2016 (LP), however it is confirmed that this was quoted in error as the numbering of the policies was changed during the process of adoption of the LP. The correct reference is Policy EQ6. Parties are aware of this issue and therefore would not be prejudiced by my determination of the appeal against LP Policy EQ6.
3. As part of the application, the appellant has submitted a drawing (reference Temp Store 01, dated January 2016) which relates to a large temporary timber framed material store within the front parking area. It is understood that this has been erected to allow for the secure storage of site materials. No other information regarding this structure is given on the application form or in the appellant's submitted appeal documentation.
4. While I have no specific details, I understand that discussions have taken place with the Council's enforcement team and that an informal agreement has been reached in respect of the retention of the store during current construction of a separate extension, as well as for use as part of works for the proposed extension, if allowed. The Council have, however, made reference to this structure in their Decision Notice in respect of there being insufficient information regarding highway safety. For the avoidance of doubt, I have considered this structure only on that basis. Any future application or action relating to this structure would be unaffected by my determination of this appeal.

Main Issues

5. The main issues are the effect of the proposal upon:
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- (a) The character and appearance of the host building and surrounding area;
- (b) living conditions of neighbouring occupants at No 1 Highlands Close and No 3 Thorn Heyes Cottages in respect of outlook, light and privacy; and,
- (c) highway safety.

Reasons

Character and appearance

- 6. The appeal property is a substantial detached 3-storey building set within large grounds which has been converted into letting apartments. It is a traditional dwelling constructed out of stone with a slate roof. At the time of my visit, I saw that the building is currently being extended to its northern elevation.
- 7. The wider area contains traditional stone built detached properties set in large grounds located on the opposite side of Buxton Road. To the south of the site is a later development along Highland Close comprising of smaller properties of brick and rendered construction. To the north of the site is the Haddon Hall Care Home, a modern development which has incorporated both traditional and modern architectural elements. While these later developments provide variety to the street scene, the general character of the area relates to the traditional stone built dwellings on Buxton Road, to which I consider the appeal property makes a positive contribution.
- 8. The extension has been designed to be a subservient addition using materials to match the existing house. However, the roof would be set down from the ridge of the main dwelling in a hipped design in a part-pitched and part flat roof "mansard style" construction. This would be in stark contrast with the simple pitched and gabled roof design of the main dwelling, drawing the eye.
- 9. Furthermore, the relationship of the proposed roof with the existing dormer window to the flank elevation of the dwelling with a lightwell area created, would be awkward and clumsy particularly when viewed from the south.
- 10. Although the fenestration would have a vertical emphasis to compliment the window style to the rest of the building, this would be unbalanced as they would not be in alignment with existing windows. The full length windows at first floor level would also compound this impact further, and would contrast and detract in comparison to the smaller height windows at ground floor and attic level.
- 11. I also consider that the cantilevered glass balcony which would wrap around the front and side elevation would also form a highly conspicuous feature due to its projection, and use of modern materials. The raised privacy screen to the rear would compound this effect.
- 12. I note that Haddon Hall Care Home has incorporated a balcony area to the front elevation. However, I saw that this was a recessive part of this property as located atop of a 2-storey part of the building, rather than as a projecting structure. The design of this is therefore materially different to the proposals before me and I do not consider that this should be seen as setting a precedent.
- 13. The proposals, in combination with the extension under construction to the north elevation, would transform the character of the building. This would be

at odds with the scale and design of the traditional properties nearby which, in general, retain well-proportioned frontages, and as such would cause harm to not only the host building, but to the wider street scene along Buxton Road.

14. Overall I consider that the proposed extension would form an incongruous addition which would undermine the architectural composition and form of Thorn Heyes House. The proposals would also be detrimental to the character and appearance of the local area. As such the development would be in conflict with LP Policies EQ6 and S7 which together requires that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings, and protects the unique character of Buxton's townscape.

Living conditions

15. No 1 Highland Close is located to the south of the appeal property. This dwelling is orientated facing Buxton Road and benefits from a large front garden area which is bounded by established hedgerow and trees, screening this area from the main road, and giving occupants privacy. A close boarded fence depicts the flank boundary, and the appeal site is separated from No 1 by a private access serving Thorn Heyes Cottages which are located to the rear of Thorn Heyes House.
16. The separation distance between the appeal property and No 1 would be reduced by the proposed development and I am not persuaded that the positioning of the extension is as such that overlooking would be avoided. As such, while the proposed extension would not have any windows directly facing towards this property at first floor level, the balcony would give rise to overlooking into windows of habitable rooms within No 1, and into its private front garden area, to an unacceptable degree.
17. To the rear of the site are Thorn Heyes Cottages, a later backland development of 2-storey dwellings. In their committee report, the Council cite that the development fails to meet the required separation distances as set out in the Adopted High Peak Local Plan 2005. However, it has been confirmed that relevant policies in respect of amenity have now been superseded and LP policy EQ6 applies. This policy requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects through overlooking, overshadowing, or other impacts.
18. The proposed extension has been designed to be stepped in from the rear elevation and would give a separation distance of over 20m from No 3 Thorn Heyes Cottage. Based upon this distance, as well as the height and location of the extension to the west of No 3, I am satisfied that there would be no significant overshadowing or loss of light, or loss of privacy to this property.
19. Nevertheless, I conclude that the proposed extension and balcony would have a detrimental impact upon the privacy of occupants at No 1 Highland Close, counter to LP Policy EQ6.

Highway Safety

20. Thorn Heyes House is located on Buxton Road which is one of the main routes into the centre of town. Most properties along the highway benefit from off-street parking, although on-street parking is not restricted. A bus stop is located outside of the appeal property. At the time of my visit, the road was

relatively busy with a constant stream of traffic. The pedestrian footpaths were also well-used.

21. The building is set in relatively large open grounds which are gravelled. While no detailed plans have been provided, it is understood that the site accommodates parking for 15 spaces as agreed by the previous planning application reference HPK/2015/0330. I am also aware that the store which has been erected is located on an area where the parking spaces have been approved.
22. No additional off-street parking to serve the increased level of accommodation is proposed, and the proposed extension itself would further reduce the area of land surrounding the dwelling which could be used for parking and/or turning.
23. Without any evidence to demonstrate that satisfactory levels of parking, including details of turning spaces, can be achieved, I consider that the development would be likely to give rise exiting the site onto Buxton Road in a reverse gear. This would be likely to pose a severe risk to the safety of all highway users.
24. Furthermore, the underlying principle behind off-street parking requirements is to avoid development increasing on-street parking. I agree with the Highways Authority that, the effect of this would be to increase on-street parking along the highway. This would restrict visibility from the driveway, and the bus stop. Increased levels of on-street parking would also be likely to interfere with the flow of traffic along this busy distributor road. while this was not explicitly referenced in the Council's decision notice
25. My concerns relate to both parking during construction, due to the current loss of spaces following the erection of the temporary store, as well as on completion of the proposed development, following the removal of this structure.
26. I therefore conclude that, in the absence of any evidence to demonstrate that satisfactory levels of off-street parking associated with the development can be achieved, the proposal would pose a risk to highway safety. The proposal would therefore conflict with LP Policy CF6, which seeks to ensure that development does not give rise to increased levels of on-street parking which would be detrimental to the free and safe flow of traffic and satisfactorily integrated into the transport network.

Other Matters

27. In support of the appeal, the appellant has made reference to the business need for the proposed development as well as other benefits in respect of boosting tourism and associated employment opportunities. However, these factors would not outweigh the harm I have found in respect of character and appearance, living conditions and highway safety.

Conclusion

28. For the reasons above, taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR