

Appeal Decision

Site visit made on 8 November 2016

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 24th November 2016

Appeal Ref: APP/H1033/D/16/3159828

28 Scotty Brook Crescent, Glossop, Derbyshire, SK13 8UG

- 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 Ian Maclure against the decision of High Peak Borough Council.
 - The application Ref HPK/2016/0387, dated 30 June 2016, was refused by notice dated 5 September 2016.
 - The development proposed is formation of a roof terrace and dormer to rear elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both parties have referred to numerous local and national policies. In my determination of this appeal, I have specifically referred only to those that I consider to be most relevant to my decision.

Main Issues

3. The main issues are:
 - The effect of the development proposed on the character and appearance of the area; and
 - The effect of the development proposed on the living conditions of neighbouring occupants, with particular regard to privacy, noise and disturbance.

Reasons

Character and appearance

4. No. 28 is a detached dwelling situated within a large modern housing estate. The neighbouring dwellings are similar in design to No. 28, although there is some variety in house type, the dwellings have been constructed in similar materials which establishes a visual cohesiveness in their appearance overall.
 5. There is a small garden area to the rear of the property with a raised terrace that runs along the rear boundary. Beyond this lies open countryside and there is a public footpath that crosses the fields to the south of the appeal dwelling. The topography of the area results in the countryside being at a higher level than the adjacent dwellings. As a consequence, views of the rear roof slope of
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- No. 28 and the neighbouring dwellings are visually prominent from public viewpoints along the footpath.
6. There is some difference in the roof heights of the group of dwellings due to the topography of the area and the different house designs. Some dwellings have also been altered, with extensions or conservatoires having been added. However, other than existing rooflights the rear roof slopes of the dwellings close to No. 28 are unadorned. The rooflights are small in size and lie relatively flat to the roof slopes and are therefore not seen as visually obtrusive features. For the same reason, satellite dishes, chimneys and solar panels are typical features that one would expect to see within a residential estate, they are small scale and do not form prominent features in the streetscene. As a consequence of the unadorned simple form of the rear roof slopes of the dwellings, they have a relatively uniform appearance and this establishes a visual cohesiveness to the group that contributes positively to the streetscene.
 7. The appeal proposal would see the construction of a roof terrace and dormer window on the rear roof slope of No. 28. The proposed roof terrace would feature railings along the rear and side elevations. The proposed dormer would have double doors that would open on to the terrace to provide access. Two applications have previously been submitted to the Council for a rear roof terrace and dormer window with both schemes having been refused for similar reasons to this appeal proposal before me.
 8. As the development proposed would be situated to the rear of No. 28, it would be largely screened from public viewpoints along Scotty Brook Crescent by the built form of the appeal dwelling itself and the neighbouring dwellings. The proposal would however be visible from the public footpath to the rear of the appeal dwelling.
 9. The appeal proposal would result in a significant alteration to the existing appearance of the rear roof slope. The plans show that the proposed terrace would cover a large proportion of the width of the existing roof slope. Its proposed size and scale would result in the appeal scheme being viewed as a prominent and obtrusive feature in the streetscene, particularly given the proposed siting of the terrace on the roof of the dwelling and the fact that the public footpath is situated at a higher level due to the topography of the area. The proposal would also significantly disrupt the uniform appearance of the unadorned rear roof slopes of the group of dwellings and this would be harmful to the character of the area.
 10. The appellant has drawn my attention to storage containers stored on the land to the rear of the appeal dwelling close to the footpath. Whilst I did observe them during the site visit, there is no specific information regarding any relevant planning history. Furthermore, storage containers are normally temporary additions that, by definition, are able to be removed. This appeal proposal would result in the permanent alteration to the appearance of No. 28 and thus would have a long lasting effect on the character of the area. I have therefore assessed this appeal scheme on its own merits.
 11. Accordingly, I conclude on this main issue that the development proposed would be harmful to the character and appearance of the area. The proposal would therefore conflict with policy EQ6 of the High Peak Local Plan (Adopted 2016) which seeks to ensure that all development is well designed and of high quality and respects the character of the area. Paragraph 64 of the National

Planning Policy Framework (Framework) also confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Living conditions

12. The development proposed would be situated on the rear roof slope of No. 28. The neighbouring dwellings both have rear gardens next to the appeal dwelling with sitting out areas situated close to the houses. The gardens are relatively small in size.
13. There are existing rooflights on the rear roof slope of the dwelling and first floor windows in the rear elevation that will allow for some overlooking to the rear gardens of neighbouring dwellings to occur. However, the outlook from the rooflights and windows will be more likely to be characterised by glimpses of short duration as occupants either pass by the windows, open or close them or look out of them briefly. The situation with the roof terrace proposed would be quite different as by its nature it would be designed to sit out on and spend time there relaxing. The use of the roof terrace will therefore be of greater duration than the existing situation and views down into neighbouring gardens will be more direct and from an elevated height. Both the gardens of the neighbouring dwellings would therefore be capable of being observed by users of the proposed terrace and there would be little opportunity for the neighbouring occupants to sit out, relax or garden whilst enjoying a relative degree of privacy that they otherwise might reasonably expect. For these reasons, I consider that the appeal proposal would be significantly harmful to the living conditions of the neighbouring occupants, with particular regard to privacy.
14. As the appeal dwelling is situated in a housing estate and the houses are relatively close together, there will be an existing level of noise and disturbance as a result of occupants using their gardens areas and other activities. Particularly when sitting out during summer evenings, when sound is more likely to travel due to the background levels of noise generally being quieter in the surrounding area later at night.
15. However, the outdoor seating areas are situated in the gardens of neighbouring properties and therefore at a lower level to the bedroom accommodation. The proposed terrace, due to its elevated position and proximity, would be situated closer to the bedrooms of neighbouring occupants. The increased opportunity for users of the proposed roof terrace to sit out later in the evenings will be likely to result in additional noise, such as the scraping of chairs or voices and this would be experienced at close quarters by the neighbouring occupants whilst they may be trying to sleep or relax in the evenings. This would result in additional noise and disturbance that would be harmful to the living conditions of neighbouring occupants.
16. One neighbouring occupant, to the rear of No. 28 did object to the proposal due to privacy concerns. However, given the separation distances involved I am satisfied that there would be no harm in this regard. Although other neighbouring occupants closer to No. 28 may not have specifically objected to the appeal proposal, this could have been for a variety of reasons and is not necessarily indicative of support.

17. Whether or not the proposal would result in an intensification of the occupation of the appeal property itself is not directly relevant, it is the creation of an additional amenity area and the effect that the use of this will have on the living conditions of neighbouring occupants which is the relevant consideration in this appeal.
18. Accordingly, I conclude on this main issue that the development proposed would be harmful to the living conditions of neighbouring occupants, with particular regard to privacy, noise and disturbance. The proposal would therefore conflict with policy EQ6 of the High Peak Local Plan (Adopted 2016) which seeks to ensure that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of overlooking or noise. The proposal would also conflict with paragraph 17 of the Framework which states, among other things, that planning should always seek to secure a good standard of amenity for all existing occupants of land and buildings.

Other Matters

19. The appellant has drawn my attention to the personal circumstances of a family member and it is stated that the appeal proposal is intended to benefit their health. Whilst I have borne this consideration in mind in my determination of this appeal, it does not outweigh the significant harm that would occur as a consequence of the proposal to the character and appearance of the area and the living conditions of neighbouring occupants, with particular regard to privacy, noise and disturbance.
20. I note the appellant's reference to a conversation in passing with an officer from the Council regarding the proposal. However, as far as I am aware, that did not form part of any formal pre-application process.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

V Lucas-Gosnold

INSPECTOR