
Appeal Decision

Site visit made on 20 December 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 13 January 2017

Appeal Ref: APP/H1033/W/16/3158410

New Horwich Road, Whaley Bridge, Derbyshire SK23 7LF

- 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 J Devereux against the decision of High Peak Borough Council.
 - The application Ref HPK/2016/0128, dated 24 February 2016, was refused by notice dated 26 May 2016.
 - The development proposed is the construction of a new detached house with associated parking, landscaping and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name on the appeal form differs from that stated on the application form. I have used the name provided on the appeal form in this decision with the correct spelling as subsequently confirmed in writing by the appellant.
3. The appellant submitted a landscape assessment with his appeal. I am satisfied that all parties have had the chance to comment on this document and would not be prejudiced by my consideration of it. I have dealt with the appeal on this basis.
4. The appellant submitted an amended plan in relation to the width of the proposed access drive.¹ Such a revision is of a very minor nature such that the substance of the scheme has not changed. As a result I find that no party would be prejudiced by my consideration of its content. Therefore, I have determined the appeal taking into account the revised plan as an amendment to the original application submission.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area including the Whaley Bridge Conservation Area (WBCA).

Reasons

6. The appeal site comprises an area of open pastureland between existing dwellings. Due to the topography the land slopes up away from the New Horwich Road frontage. Part of the site alongside New Horwich Road is within

¹ Drawing No SK-004

- WBCA and it is adjacent to a Special Landscape Area. There is no dispute between the two main parties that the site is not within the defined settlement/built up area boundary for Whaley Bridge. As such, for planning policy purposes, the site is within the open countryside.
7. Policy S2 of the High Peak Local Plan (the LP) states that "In all other areas outside of the settlement boundary of settlements..... development will be strictly limited to that which has an essential need to be located in the countryside or comprises affordable housing in accordance with policies EQ3 and H5."
 8. LP Policy EQ3 seeks to ensure that new development is strictly controlled in the countryside in order to protect the landscape's intrinsic character and distinctiveness including the character, appearance and integrity of the historic and cultural environment. It states that this will be achieved by, amongst other things, allowing limited infilling of a small gap capable of accommodating no more than 2 dwellings of a similar size and scale to the surrounding dwellings in an otherwise continuously built frontage or development in accordance with Policy H1.
 9. LP Policy H1 states that "The Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other policies in this Local Plan, provided that
 - The development would adjoin the built up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement;
 - and the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside;
 - and it would have reasonable access by foot, cycle or public transport to schools medical services, shops and other community facilities;
 - and the local and strategic infrastructure can meet the additional requirements arising from the development."
 10. There is no dispute between the parties that even though the site is not within the built up area boundary it does adjoin it, would have reasonable access by foot, cycle or public transport to schools medical services, shops and other community facilities and the local and strategic infrastructure can meet the additional requirements arising from the development.
 11. The site was considered as having the capacity of up to 3 dwellings through the Strategic Housing Land Availability Assessment. However, I have not been provided with a copy of this document and as such I give it little weight.
 12. The Whaley Bridge Conservation Area Character Appraisal (CACA) was adopted in 2008. The main characteristics of WBCA include the topography of the area providing long distance views across the valley and the close relationship between buildings and surrounding countryside.² The site is within Sub-Area 4 as defined within the CACA. I consider that the significance of this part of WBCA is mainly drawn from the historic properties, their materials, the linear pattern of development and the relationship of the built form with the countryside.

² Paragraph 1.4 of the CACA.

13. The majority of dwellings in the immediate vicinity of the site are terraced cottages in close proximity to the road frontages. There is some variety in the length of the set back from the road frontage, the level of the dwellings in relation to the road level and there are some detached dwellings. However, the overriding characteristic is the clear linear pattern with the majority of dwellings directly facing and in close proximity to New Horwich Road/Old Road interspersed by areas of undeveloped land that emphasise the rural character of the area and allow views into the countryside and over the valley.
14. The proposal would comprise a large dwelling set into the slope of the site. As such, the front would appear as 2-storeys and the rear as one. There would also be re-grading works to the areas to the front and rear of the dwelling to provide terraced garden and parking/access areas. The existing gate access would be significantly widened to enable sufficient visibility splays.
15. I acknowledge that the scale and massing of the dwelling would be similar to one of the rows of terrace cottages and that the materials would be sympathetic to those used in the surrounding area. Furthermore, the dwelling's location has been designed to minimise overlooking and that for the purposes of paragraph 55 of the National Planning Policy Framework (Framework) it would not be isolated. I also note that due to the topography the dwelling would not be prominent in views from the surrounding countryside including the Special Landscape Area.
16. However, the dwelling would be located a significant distance back from and set at an angle to New Horwich Road. Moreover, the double garage doors, large parking area and gated access drive would mean that the dwelling would have the appearance of a large suburban dwelling. As such, it would be at odds with the overriding pattern of development within this part of WBCA. Furthermore, the development would introduce substantial new built form and re-graded areas into open pasture land that, at present, positively contributes to the rural character of the area. Consequently, the proposal would appreciably erode the character and appearance of the area and the significance of WBCA.
17. The appellant has stated that the proposal would not harm mining, land contamination, tree or flooding issues and I note that the Council did not object to the scheme on these points. However, a lack of harm in these respects is a neutral consideration and does not outweigh the harm that I have identified.
18. Therefore, taking all the above points into consideration, the proposed development would have a negative impact on the character and appearance of the area including WBCA. Thus, it would fail to preserve or enhance the character or appearance of WBCA and the significance of the designated heritage asset would be harmed.
19. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In the language of the Framework, the harm the proposal would cause to the significance of WBCA would be less than substantial on the basis that the impact of the proposal would be relatively localised in relation to the whole WBCA. However, a finding of less than substantial harm should not be equated with a less than substantial planning objection.

20. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. The economic and social benefits arising from the supply of one dwelling, its occupation and construction works and the energy efficiency of the dwelling can be treated as public benefits. However, these limited benefits would be insufficient to outweigh the harm to WBCA. I reach that conclusion not least because similar public benefits could be secured by a proposal that did not have the harmful impacts identified.

Conclusion

21. In conclusion the proposal would harm the character and appearance of the area and the significance of WBCA. It follows that it would be contrary to LP Policies S1, S2, H1, EQ2, EQ3, EQ6 and EQ7 which, amongst other things, require developments to take account of and be well designed to respect the distinct Peak District character of different areas and settlements. They also seek development to contribute positively to an area's character and identity in terms of layout, appearance and the relationship to adjacent buildings and landscape features and protect and enhance the historic environment.
22. The proposal would also not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.
23. In terms of the three dimensions to sustainability set out in paragraph 7 of the Framework, the proposal would make a modest contribution to the local economy including the provision of construction jobs, some additional local spend and support for the local shops, services and facilities. I acknowledge that there would be sustainability benefits associated with the proposal and the appellant has highlighted that the dwelling would be energy efficient. The provision of one dwelling would make a small contribution to housing supply.
24. However, I have found that the proposal would harm the character and appearance of the area and it would result in less than substantial harm to the character and appearance of the WBCA that is not outweighed by the public benefits of the scheme. As such it would conflict with the development plan and would not accord with the environmental dimension of sustainable development. Given that the 3 roles of sustainability are mutually dependent and should not be undertaken in isolation, I conclude that the proposal would not comprise sustainable development.
25. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
26. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR