



Appeal Decision

Site visit made on 21 November 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 14th December 2017

Appeal Ref: APP/H1033/W/17/3181515

Elm House, 3 St Peters Road, Buxton, Derbyshire SK17 7EB

- 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 G and Mrs T Overton against the decision of High Peak Borough Council.
 - The application Ref HPK/2017/0103, dated 23 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed is the change of use of existing domestic storage building to dwelling, including structural remedial work and improvements to building (resubmission of HPK/2016/0068).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of future occupants of the dwelling with particular regard to noise, disturbance, outlook and privacy.

Reasons

3. The appeal property comprises a stone built storage building that forms part of a Grade II Listed Building which lies within the Fairfield Conservation Area and is located within the front garden area of Elm House. The building is a relatively modest two storey property with existing windows and a former window opening in the ground and first floor of the eastern elevation and a window on the first floor of the southern elevation with an up-and-over door and former window opening on the ground floor. The western and northern elevations comprise blank walls.
4. The proposal would involve the replacement of the existing windows and former window opening on the southern elevation with obscurely glazed windows. The up-and-over door of the ground floor of the southern elevation would be replaced with a glazed French door style windows and the former window opening would be replaced with a clear glazed unit. Conservation roof lights would also be provided.
5. A parking space to serve the proposed dwelling would be located to the front of the French style doors. Two parking spaces to serve Elm House would be located adjacent to the ground floor windows in the eastern elevation of the

- proposed dwelling. These parking areas would be served from the existing access to the host property off St Peters Road.
6. Even for the modest scale of car parking that would be available to front of, and adjacent to, the proposed dwelling, the future occupants would be likely to experience unacceptable levels of noise and disturbance associated with vehicular and pedestrian movements occurring in such close proximity to the ground floor windows. The occupants would be likely to suffer more general disturbance as a consequence of car headlights shining into the windows in the south elevation as a result of vehicles turning into the access off St Peters Road.
 7. The only windows in the ground floor of the proposed dwelling that would offer any outlook and natural light would be those in the south elevation with views directly towards the proposed car parking space. This small parking area would also serve as the only area of outdoor private amenity space associated with the proposed dwelling. Owing to the position of the access to the road, vehicles exiting and accessing the two parking spaces serving the sub-divided property at Elm House would pass in close proximity to this private amenity space and the French style doors with a resultant reduction in privacy for the occupants of the proposed dwelling.
 8. In my view, the combination of the above factors and in particular the lack of any reasonable outlook from windows in the ground floor, the lack of useable private amenity space and the noise and disturbance associated with the proximity of the car parking spaces serving the sub divided property of Elm House lead me to conclude that the proposal would provide an oppressive and unacceptable living environment for the future occupants of the proposed dwelling.
 9. Taking the above factors into account, the proposed development would have an unacceptable effect on the living conditions of the future occupants of the proposed dwelling. As such, the proposal would be contrary to Policies S1 and EQ6 of the High Peak Local Plan (2016). These policies, amongst other things, require that proposals should provide a high standard of amenity for future occupants of buildings.

Other matters

10. Although the Council has raised no concerns regarding the impact of the proposal on designated heritage assets, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposals on the Listed Building and the character and appearance of the Fairfield Conservation Area. Listed building consent has been granted for the required structural remedial work to the building and the changes to the windows under a separate consent (Ref HPK/2016/0069).
11. As the proposed external changes to the windows would effectively restore window openings that formerly existed with no other significant changes to the external appearance of the building, the scheme would preserve the character and appearance of the conservation area. In applying the statutory test as set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had regard to the desirability of preserving or enhancing the designated heritage assets. I am satisfied that the proposal would preserve those interests.

12. I have taken into account the appellant's contention that the high cost of undertaking renovation and remedial work to the building would not be viable without a residential use being permitted to provide the necessary surety of finance. Whilst I have some sympathy with the appellant in this regard, this would not outweigh the harm that would be caused to the living conditions of the future occupants of the dwelling.
13. My attention has also been drawn to the recently constructed terraced properties in Buxton that are positioned close to main roads and therefore have the potential for the occupants of those properties to experience noise and disturbance associated with the traffic passing close to front windows. However, I do not have full details of the nature of those developments or the planning considerations that were relevant in the decision of the Council to grant planning permission. Consequently, I cannot be sure that they are representative of the circumstances in this case. In any event, I have determined this appeal on its own merits.
14. I have also taken into account the modest contribution that the proposed development would make to the supply of housing in the District. However, this benefit does not outweigh the harm that I have identified above that the proposed development would cause to the living conditions of the future occupants of the property.

Conclusion

15. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR