



Appeal Decision

Site visit made on 10 September 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2019

Appeal Ref: APP/H1033/W/19/3231912

Garage site rear of Shrewsbury Street, Glossop SK13 7AN

- 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 Byford against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0126, dated 20 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is described as the resubmission of application HPK/2016/0036 with minor amendments. Demolition of existing garages and erection of two semi-detached houses.
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Decision

1. The appeal is allowed, and planning permission is granted for the proposed erection of two semi-detached houses at the garage site rear of Shrewsbury Street, Glossop SK13 7AN, in accordance with the terms of the application, Ref HPK/2019/0126, dated 20 March 2019, subject to the schedule of conditions to this decision.

Procedural Matters

2. The appellant's description of development refers to the demolition of existing garages. However, permission for this was previously granted by the Council under HPK/2016/0036 and HPK/2019/0022, and they have already been removed from the site. I also understand that both parties agreed to omit reference to the application being a re-submission of HPK/2016/0036 with minor amendments. Therefore, the proposal is for the erection of two semi-detached houses with associated parking and landscaping, I have proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed dwellings on the living conditions of adjoining occupiers with particular regard to outlook and overshadowing.

Reasons

4. There is an extant permission¹ for a similar proposal of a pair of semi-detached dwellings on the site. The appeal proposal differs in that the roof would have a steeper pitch, resulting in a ridge height approximately 1.4m higher than the extant scheme, and an overall height of 8.5m.

¹ HPK/2019/0022 dated 19 March 2019

5. The pair of semis would be positioned in between the terraced properties on Shrewsbury Street and Foundry Close, which both contain windows to habitable rooms in their respective rear elevations. The side gables of the proposed dwellings would face towards the backs of the surrounding properties, which the Council calculate as being a distance of some 14m.
6. I have considered the Council's concerns in relation to the proposed dwellings appearing overbearing when viewed from the existing terraces and associated amenity spaces that surround the site, and the potential for overshadowing of those properties. However, there is an extant planning permission that could be implemented for a similar scheme but with a lower overall height, and in the absence of any evidence that this permission would not be implemented should this appeal fail, it is a position to which I afford significant weight. Thus, given the interface distances of 14m that would be provided, the additional 1.4m in height would not have any demonstrable greater impact on outlook of surrounding properties to a significant degree and would not appear overbearing. Furthermore, there is no evidence to demonstrate the additional 1.4m in height would cause a significantly greater degree of overshadowing.
7. Therefore, I conclude that the proposed development would not adversely affect the outlook of neighbouring residents and would not cause undue overshadowing. The development accords with Policies S1a and EQ6 of the High Peak Borough Council Local Plan 2016, and paragraphs 11 and 127 of the National Planning Policy Framework (the Framework) which, amongst other things seek to ensure developments do not harm the living conditions of the occupiers of surrounding properties.

Other Matters

8. I have considered the concerns raised by neighbouring occupiers in relation to privacy and overlooking, and the disturbance to access and parking during construction. Relevant conditions have been attached with regard to obscured glazing and construction site layout, and these matters do not affect my findings on the main issue above.

Conditions

9. I have considered the Council's recommended conditions in accordance with Planning Practice Guidance and the Framework and altered them where necessary. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. Conditions relating to site layout and restriction on gating the access to ensure safe and suitable access are necessary to address highway safety. The construction site layout condition is necessary to ensure the satisfactory operation of the construction phase.
10. Conditions relating to contamination, hours of working, dust and burning to safeguard the health and safety of future and adjacent occupiers. Conditions relating to materials, landscaping and boundary treatments are necessary in the interests of the character and appearance of the area. A condition in relation to windows on the side elevations is necessary to prevent overlooking and protect the living conditions of adjoin neighbours. I have omitted the Council's recommended condition in relation to the demolition of the garages and asbestos survey as the demolition has been implemented.

Conclusions

11. For the reasons given above, the appeal is allowed.

R.Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2622-02 Rev D and 2622-06 Rev B.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 2622-06 Rev B.
- 4) All hard and soft landscaping shall be carried out in accordance with approved plan ref 2622-06 Rev B. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping and boundary treatments shall be carried out in accordance with the approved details prior to the occupation of any part of the development.
- 5) The development shall be carried out in accordance with the approved Site Construction Layout August 2018. Once implemented, the facilities shall be retained free from any impediment to their designated use throughout the construction period.
- 6) There shall be no gates or other barriers located between the highway boundary and proposed dwellings.
- 7) Prior to the occupation of any part of the development, the bin storage arrangements shall be provided in accordance with the approved Site Plan (Ref. 2622-06 Rev B) and retained thereafter for the lifetime of the development.
- 8) The development shall be carried out in accordance with the remediation strategy (Ref: J0122 CR (GSI0964) RS Report BB 220319, July 2019), which shall be carried out in full. Upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and

verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

- 9) No demolition and/or construction works shall take place outside the following hours:

- 08:00hrs to 18:00hrs Monday to Friday
- 08:00hrs to 13:00hrs Saturdays
- At any time on Sundays or Public Holidays
- All deliveries to the site shall be limited to the above hours.

If piling is necessary, a written method statement shall be submitted to and approved in writing by the Local Planning Authority. No piling shall take place except in complete accordance with the approved method statement.

- 10) In controlling dust emissions, the development shall have due regard to the Building Research Establishment Document 'Control of Dust from Construction and Demolition Activities (BR458).
- 11) Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. There shall be no fires lit on the site for purpose of disposing of demolition materials.
- 12) All windows on the eastern and western elevations of the dwellings hereby approved shall be obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or as subsequently may be amended or re-enacted) these window(s) shall not be re-glazed with any transparent materials or enlarged or otherwise altered, nor shall any additional door, window or other opening be formed in these elevations unless a further planning permission has first been granted on application to the Local Planning Authority.
- 13) Prior to the first occupation of the dwellings hereby approved, the boundary treatment as show on plan ref 2262-06 Rev B shall be erected and shall be retained for the lifetime of the development.