



Appeal Decision

Site visit made on 11 November 2019

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Appeal Ref: APP/H1033/W/19/3231757

Land at New Horwich Road, Whaley Bridge, Derbyshire SK23 7LG

- 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/2018/0598, dated 7 December 2018, was refused by notice dated 11 February 2019.
 - The development proposed is erection of new dwellinghouse, creation of access, works of soft and hard landscaping and other works incidental to the application proposals.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, including whether it would preserve or enhance the Whaley Bridge Conservation Area.

Reasons

3. The appeal site consists of land that lies between a terraced row of properties that face New Horwich Road and the rear boundaries of a mix of semi-detached and terraced properties that face Old Road. The land currently consists of pasture land and areas of drying land used by properties which face Old Road and has a distinctive slope from the highway edge in an eastern and south eastern direction. The predominant boundary treatments are stone walls and the site has an existing gated access onto New Horwich Road.
4. The site is allocated as countryside immediately beyond the settlement boundary of Whaley Bridge and forms part of a transition from the denser pattern of linear development along Old Road and opposite on New Horwich Road to the sparser arrangement of buildings further to the east that lie within the settlement boundary, and open countryside to the south and south east. The section of the site closest to New Horwich Road lies within Whaley Bridge Conservation Area with the boundary of that designation continuing beyond the rear boundaries of the terraced, detached and semi-detached properties further to the east. The remainder of the site forms part of the setting of the Conservation Area and lies adjacent to a Special Landscape Area.
5. Policy S2 of the High Peak Local Plan (LP), adopted April 2016, sets out the settlement hierarchy and identifies Whaley Bridge as a market town and as

such a main focus for housing, employment and service growth, consistent with maintaining and where possible enhancing its role, distinctive character vitality and appearance. However, the policy also indicates that in all other areas outside of the boundary of settlements, that 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.

6. With regard to the above, there is no evidence that the proposal would be secured as affordable housing. In addition, Policy EQ3 of the LP seeks to ensure that new development on land such as the appeal site that lies outside of the settlement boundary and which is not allocated for development as defined on the Policies Map, is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment. The policy does, however, allow listed forms of new residential development which include the 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 of the LP.
7. Policy H1 of the LP, amongst other things, indicates that the Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking account of other policies in the LP. However, the required criteria for such development is that it 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. The criteria also includes that it would not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; 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 requirements arising from the development.
8. The site lies outside of the settlement boundary but immediately adjoins its built-up frontages and therefore, is not isolated. It is in an accessible location with reasonable access by foot, cycle or public transport to the local services and facilities listed in Policy H1. Furthermore, there is no substantiated evidence which would suggest that local and strategic infrastructure could not meet the additional requirements arising from the single dwelling proposed, with the site having previously been identified as having a capacity of up to three dwellings in the Strategic Housing Land Availability Assessment process. However, with respect to the proposal before me, the Council have expressed concerns relevant to the other criteria of Policy H1 in terms of the relationship with the existing pattern and scale of development and the countryside.
9. In the context of the above, the appellant has provided a landscape assessment and a heritage statement that refers to the Whaley Bridge Conservation Area Character Appraisal adopted in 2008 which identifies the site in its Sub-Area 4. When having regard to those sources of evidence and based upon my own observations, I consider that the character and significance of the Conservation Area is derived from the steep and undulating topography of Whaley Bridge with the resultant changes in land levels offering long distance views across the valley and of the urban form of the settlement and its relationship with the surrounding countryside. The significance of the sub-area of the Conservation Area where the site is located arises from the distinctive linear pattern of development typically in close proximity to road frontages with

a broad consistency of materials comprising of predominantly stone walls and slate roofs and the relationship of the built form with the countryside to which the site makes a positive contribution.

10. The proposal is for a large dwelling consisting of a pitch roof and side gable design with two distinctive sections comprising different building lines, ridge and eaves heights, which would give the appearance of a detached farmhouse style dwelling with an attached barn/wing when viewed from New Horwich Road. The appellant has indicated that the design seeks to address the concerns of a previous Inspector who dismissed a previous appeal for a larger dwelling in 2017¹, which followed previous pre-application discussions with the Council. The dwelling would be set within the slope of the site resulting in a two-storey appearance at the front and single storey appearance at the rear with some excavations required including to provide a widened access, driveway, parking and turning areas and the domestic garden area. The excavations would be reduced when compared with the previous scheme with a residential curtilage drawn tighter to the building. The changes to the boundary treatment and the lower section of the site that fall within the Conservation Area boundary would be relatively limited, although the development within the remainder of the site would form part of its immediate setting.
11. The scale and massing of the proposed dwelling would assimilate with the surrounding rows of terraced and semi-detached cottages given the differences in land levels along New Horwich Road and the presence of different ridge and eaves heights of immediately adjacent properties that follow changes in topography. The dwelling would utilise traditional materials, architectural detailing and features typical of those recommended by the Landscape Character Supplementary Planning Document, adopted March 2006, for the Settled Valley Pastures landscape character type so as to harmonise with surrounding built form and its semi-rural surroundings. In that context, when taking account of the relationship of its scale and form with surrounding topography and the different heights of neighbouring properties, the dwelling would not be unduly prominent in distant and long views of and from surrounding countryside including the Special Landscape Area.
12. Notwithstanding the above, the previous Inspector expressed specific concerns in terms of a dwelling located a significant distance back from the road frontage and at an angle with New Horwich Road when compared with the characteristic pattern of built form in a linear arrangement that is evident despite some variety in the distance of properties from the road. The proposal before me intends to provide a dwelling with a more traditional rural appearance with reduced footprint, massing and alterations to the access drive, parking areas and design and position of garage doors to reduce the perception of the introduction of a large suburban dwelling. However, the siting and orientation of the dwelling of itself would depart from the prevailing pattern of linear development and more close-knit relationship of properties with the roads close by. It would thereby contrast with the building lines evident along New Horwich Road and result in the perception of an incongruous form of development at the rear of the properties which face Old Road. In doing so, the proposal would introduce significant new built form and some re-graded areas to existing open land reducing the views into the countryside beyond which would erode the positive contribution the site makes to the semi-rural setting.

¹ APP/H1033/W/16/3158410 - Dismissed - 13 January 2017.

13. The change in character of the site and loss of countryside would be evident within the Conservation Area from New Horwich Road particularly when approaching from the junction with Old Road. The harmful effect would not be mitigated by the position and orientation of the dwelling retaining a degree of space around it and allowing some views across the site to the countryside beyond. Additional landscaping or boundary screening also would not alleviate the perception of a more built up character with an incompatible pattern of development when compared with other properties along New Horwich Road within the settlement boundary and the Conservation Area. I, therefore, find that the proposal would have a detrimental impact upon the character and appearance of the area and therefore, would fail to preserve or enhance the significance of the Whaley Bridge Conservation Area and its immediate setting.
14. When taking account of the overall size of the Conservation Area and the presence of existing built form opposite to the site and further along New Horwich Road to the east, the harm would be localised and limited to close views from the Conservation Area and of its immediate setting beyond its boundary. Consequently, the harm would be less than substantial to the significance of Whaley Bridge Conservation Area when taken as a whole. In such circumstances, the less than substantial harm should be weighed against public benefits.
15. The development offers potential public benefits in terms of increasing housing supply and housing choice in an accessible location close to the settlement boundary of Whaley Bridge. The proposal would also have benefits for local services and facilities once occupied, together with short term and temporary economic benefits in terms of the necessary construction works associated with the development. However, the extent of the public benefits is limited for a development of the scale proposed and therefore, does not outweigh the great weight to be given to the conservation of the designated heritage asset in the context of the less than substantial harm identified.
16. I conclude that the development would harm the character and appearance of the area and therefore, would fail to preserve or enhance the character, appearance and significance of Whaley Bridge Conservation Area and its setting. The proposal conflicts with Policies S1, S2, H1, EQ2, EQ3, EQ6 and EQ7 of the LP, together with associated guidance in the High Peak Design Guide Supplementary Planning Document, adopted February 2018, and the High Peak Residential Design Supplementary Planning Document, adopted December 2005. The policies, when taken together and amongst other things, seek new development which meet most needs within or adjacent to local communities, with a high-quality design that protects and enhances the natural and historic environment and the setting of different areas and settlements in the High Peak, including the character of the countryside. The policies are consistent with the design objectives of the Framework and its approach to the countryside and conserving and enhancing the historic environment.

Other Matters

17. The proposal has been carefully designed to ensure a satisfactory relationship with surrounding buildings with adequate separation distances between habitable windows to preserve the living conditions of occupiers of the neighbouring properties and future occupiers of the development in terms of outlook, light and privacy.

18. The development would provide a suitable access and off-street parking, including an integral garage, and would not increase traffic flows on surrounding roads to an extent that existing highway conditions would be significantly altered or worsened. There would be some displacement of on-street parking along the site frontage to widen the access to provide enhanced visibility splays on a section of New Horwich Road that has on-street parking pressure. However, there is no substantiated evidence that such parking could not be safely accommodated elsewhere. I am, therefore, satisfied that the development would not have a detrimental impact upon highway safety.
19. When taking account of differences in land levels within the site and the area, the development would not be at an unacceptable risk of flooding. In addition, site drainage could be dealt with by condition to prevent an increased risk of flooding to surrounding properties. Issues relating to landscaping, possible land contamination and safeguards to prevent harm in terms of ecology and during periods of construction could be dealt with by conditions. However, the absence of concern in those respects is a neutral factor.

Planning Balance

20. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the development plan due to the harmful effect upon the character and appearance of the area and the failure to preserve or enhance the Whaley Bridge Conservation Area.
21. The appellant has referred to an unmet need for new homes on unidentified small-scale sites within Whaley Bridge during the LP plan period of 2011 to 2031, but has not provided any specific evidence that challenges the Council assertion that it can demonstrate a deliverable five year supply of housing in accordance with the Framework. In any case, even if I were to consider the proposal relative to paragraph 11 of the Framework it falls under footnote 6 for the purposes of 11d(i). In that regard, based upon my previous findings, the application of policies in the Framework relating to designated heritage assets provide a clear reason for refusing the application. Moreover, notwithstanding that, even if I were to consider the scheme against paragraph 11d(ii) the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the single dwelling proposed. Consequently, the presumption in favour of sustainable development does not apply in this case.
22. The conflict with the development plan and the Framework when taken as a whole, and the associated harm identified are significant and overriding factors. Consequently, the material considerations in this case, including the limited contribution to housing supply and associated benefits previously identified, do not indicate that the application should be determined otherwise than in accordance with the development plan.

Conclusion

23. For the reasons given above and having taken all other matters into account, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR