



Appeal Decision

Site visit made on 21 May 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2020

Appeal Ref: APP/H1033/W/19/3243743

17 Marple Road, Charlesworth, Derbyshire SK13 5DA

- 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 and Mrs Eckersley against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0237, dated 31 May 2019, was refused by notice dated 11 October 2019.
 - The development proposed is Erection of 1 no. detached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged, the Government has published its 2019 Housing Delivery Test (HDT) results. This confirms that the Council's delivery has, as it did in the 2018 HDT results, exceeded the requirement over the last 3 years. As there has been no change in circumstances no party has been prejudiced in the appeal process by the publication of the 2019 HDT results.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area, including the Charlesworth Conservation Area.

Reasons

4. The appeal site forms part of the garden of No 17 Marple Road (No 17) and lies to the edge of, and partly within, the Charlesworth Conservation Area (CA). In determining this appeal, I have a duty to pay special attention to the desirability of preserving or enhancing the CA's character or appearance. This part of Marple Road is characterised predominantly with 2-storey properties orientated to face toward the road.
5. Although the appeal site falls within the countryside for the purposes of the High Peak Local Plan (adopted 2006) (LP), in my view, the character of this area of Marple Road appears as part of the settlement. Nonetheless, No 17 is set within large spacious grounds and adjacent to the site is a woodland and fields to the rear. Moreover, gaps between buildings along the road provide views to the wider undulating rural landscape and the relationship to the countryside is part of its setting. The combination of these factors contributes

- to an open and spacious character in this part of Marple Road which contrasts with the historic core of the CA.
6. The proposed building would be orientated with gable elevations facing toward Marple Road, with the length of the building extending away from the road. Although windows are proposed on the gable elevations, due to the length of the building, window and door treatment and its orientation the proposal would appear to face away from the public realm. This would contrast with the prevailing pattern of housing in this part of Marple Road.
 7. The proposed dwelling is designed in 2 parts, with an upper section stepping with the rising land to the rear of the site. When viewed from Marple Road, this upper section would result in a prominent elevated built form distinctly higher than No 17. I recognise that the guidance within the Council's Residential Design Guide Supplementary Planning Document 2 (SPD2) supports the principle of stepping built form with the contours of the land. However, in this case, when combined with the building's orientation, the resulting elevated built form would not, in my view, appear as a natural logical addition to the existing housing along this part of Marple Road. Instead, the proposed building would fail to harmonise with the pattern of housing and appear as an incongruous addition to the street scene.
 8. In reaching this conclusion I have had regard to the reasons for extending the CA in 2010. I recognise that the proposal would leave a gap between the proposed building and No 17 and incorporates design features that reflect the vernacular of the area. Moreover, the position of the woodland would ensure that there remains a buffer to the historic core of the CA and views of the proposal would be limited within the wider area. Furthermore, the underlying use of the land would remain residential and there would be no impact on the woodland.
 9. However, the proposal would, ultimately, erode the area's open and spacious character with a form of development that would harm the character and appearance of the surrounding area, including this part of the CA. Such harm weighs against the proposal.
 10. I note that the appellants have made changes to the scheme following the dismissal of a previous appeal with the view to finding a solution. Whilst I have had regard to the previous appeal decision, the design has changed and as such I have reached my own conclusions on the appeal proposal based on the plans before me.
 11. The harm would be localised and, as such, would be less than substantial in the context of paragraph 196 of the Framework. In accordance with paragraph 196 I must balance that less than substantial harm against the public benefits of the proposal.
 12. Given the modest scale of development proposed, the associated benefits would be reasonably limited. I have come to this conclusion recognising that the local infrastructure within the settlement can accommodate the proposed dwelling and having regard to the importance that the government places on boosting the supply of housing, locating and building sustainably and making effective use of land.

13. In contrast, giving considerable weight to paying special attention to the desirability of preserving or enhancing the character or appearance of the CA means that despite finding the harm to be less than substantial, the presumption against granting planning permission remains strong. It can be outweighed by material considerations if powerful enough to do so but in this instance, none are sufficient to outweigh the less than substantial harm that I have identified.
14. As such, I am not persuaded that the benefits outweigh the harm to the character and appearance of the surrounding area, including the Charlesworth CA. Accordingly, there would be conflict with the statutory test and with the requirements of Policies H1, EQ2, EQ3, EQ6, EQ7 and S1 of the High Peak Local Plan (adopted 2006) (LP) and guidance within the SPD2.
15. These policies and the SPD2 are concerned with, amongst other things, the character and appearance of developments and, where relevant, developments within CA's. They seek, amongst other things, that development be well related with the existing pattern of development. The identified policies of the LP are consistent with the requirements of paragraph 127 and, where relevant, section 16 of the Framework which, amongst other things, promotes good design.

Other Matters

16. Concerns regarding the processing of the application, are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me.

Conclusion

17. I have taken account of all the other matters raised including the benefits of the proposal. However, none changes the balance of these findings and the harm I have identified. For the reasons given above the appeal is dismissed.

Robert Walker

INSPECTOR