



Appeal Decision

Site visit made on 10 June 2020

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/H1033/D/20/3248422

Deacons Cottage, Buxton Road, Chinley SK23 6DR

- 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 & Mrs Taylor against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0431, dated 19 September 2019, was refused by notice dated 20 December 2019.
 - The development proposed is demolition of the existing garage and the erection of a single storey garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), including the effect on openness and the purposes of including land within it;
 - The effect on the character and appearance of the existing property and the area, and;
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal property is within the Green Belt and consists of a two-storey detached dwelling with front porch, two-storey rear outrigger and an existing timber outbuilding at the rear. The front elevation of the dwelling faces onto a shared access that also serves surrounding farm buildings and land levels gently rise from the dwelling to meet the gradual upward slope of the highway as it passes the site toward the west. As a result, when approaching from the east on Buxton Road (B6062), both the front and side elevations are visible above the boundaries of low dry-stone walls and supplementary fencing. Views from the west are more limited as the shared rear boundary is supplemented by trees within the neighbouring Chinley Primary School.

4. The proposal seeks to demolish the timber outbuilding and replace it with a larger detached garage in a different position closer to the boundary with Buxton Road. It would be in the existing garden area between the side elevation of the dwelling and the road, with the submitted plans also implying alterations to existing land levels to create a similar slab level as the dwelling.
5. Policy EQ4 of the High Peak Local Plan (LP), adopted April 2016, seeks to protect the Green Belt and maintain its openness and permanence, and in doing so it indicates that planning permission will not be granted for development unless it is in accordance with national policy. The protection of the Green Belt is also affirmed by Policy S6 of the LP for the Central Area of High Peak where the site is located. In those respects, the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development unless the proposal meets one of its listed exceptions. The listed exceptions include part (d), the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. It is common ground between the parties that the proposed garage with dimensions of approximately 9m by 4.5m with a height of 2.2m to eaves and 3.7m to the ridge of its roof would be materially larger than the more modest proportions of the timber outbuilding to be replaced. Based upon the evidence before me, I have no reason to take a different view and therefore, the proposal would not fall within that listed exception of paragraph 145 of the Framework.
7. The other listed exceptions also include part (c), where the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building. In that respect, the proposed garage would not be attached to the original dwelling. However, as a matter of fact and degree, it would be sufficiently close to the dwelling and ancillary to its occupation, so as to be treated as a normal domestic adjunct. Consequently, it is reasonable that the proposed garage could be considered as an extension to the original building for the purposes of assessment under paragraph 145 (c).
8. The Framework does not provide a specific definition of what would constitute a disproportionate addition over and above the size of the original building and, in the absence of any relevant definition in development plan policy or guidance, it is a matter of judgement. In that regard, as the approximate 9m length of the garage would be similar to the maximum depth of the original building, I consider that it would result in a disproportionate addition over and above the size of the original building. Consequently, the proposal would not fall within the listed exception under paragraph 145 (c).
9. The site lies towards the edge of a linear grouping of buildings beyond the main village envelope of Chinley with agricultural land immediately to the south and it is designated in the LP as in open countryside. Therefore, it reasonably falls outside of a village. In that regard, the only other listed exception under paragraph 145 of the Framework that could be relevant is part e). The exception relates to 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:– not have a greater impact on the openness of the Green Belt than the existing development;...'. As the site

lies outside of a built-up area, the curtilage of the developed land would meet the definition of previously developed land in Annex 2 of the Framework.

10. Notwithstanding the above, the development would have a greater impact on the openness of the Green Belt than the existing development. The proposal would introduce a replacement building of a much more substantial size and scale into the curtilage of the host property in a location where no building is currently present. The building when approaching along and passing the site on Buxton Road, due to its siting, height and proportions, would be a conspicuous feature in the existing space between the dwelling and the highway. The existing garden area where it would be located, although largely surrounded by trees to the west and other buildings in the wider setting, does currently offer a degree of openness and sense of space between the dwelling and its side and rear boundaries. The presence of the proposed detached garage would, therefore, have a detrimental impact upon the openness of the Green Belt albeit that the harm would be localised due to the visual containment from wider views of the open countryside.
11. As the proposal would not preserve the openness of the Green Belt, it also would not meet the criteria of certain other forms of development that are also not inappropriate in Green Belt, such as engineering operations listed in paragraph 146 of the Framework. Its location in the garden of Deacons Cottage would not encroach further into the countryside or harm the other purposes of the Green Belt listed at paragraph 134 of the Framework. However, the absence of harm in those respects is a neutral factor.
12. I, therefore, conclude that the proposal is inappropriate development in the Green Belt, which is harmful by definition when having regard to Policies EQ4 and S6 of the LP and the Framework, with associated harm upon the openness of the Green Belt.

Character and appearance

13. The existing detached property has a balanced gritstone frontage and is of restrained width and depth, with a slate pitched roof, chimneys to both gable ends and a two storey rear outrigger. The immediate surroundings are of a varied character including a mix of farm buildings to the east and set back further from the road to the south and school buildings of varied designs, scale, form and materials on higher land levels to the west. A bungalow is in a more spacious plot and predominantly open frontage on the opposite side of the road with an associated modest outbuilding of contrasting materials that lies closer to the road. Consequently, there is an opportunity for an outbuilding that would complement the host dwelling and the variety in scale, form, materials and detailing of buildings in the immediate rural setting.
14. With regard to the above, the proposed garage would consist of materials that would complement the main dwelling with a gable fronted design which would not look out of place relative to other prominent gable ends visible close by. However, whilst the siting of the proposed garage behind the front building line of the main dwelling is intended to provide some subservience, its resultant position and proportions close to the shared boundary with Buxton Road would result in a prominent addition from public vantage points along the highway. From those perspectives, the scale, bulk and massing of the detached building visible above the existing boundary treatments, particularly due to its considerable length, would visually compete with the proportions of the main

dwelling resulting in an insubordinate, incongruous and dominant addition. The conspicuousness of the building and its harmful effect upon the existing dwelling and the street scene would be emphasised by its proximity to the boundary as land levels rise to the west along the road.

15. The harmful effect on the dwelling and its immediate surroundings would not be mitigated by the removal of the more modest timber outbuilding which is currently set back further from Buxton Road. The harm identified would be relatively localised to views when approaching and passing the site on Buxton Road, due to the visual containment provided by surrounding buildings and the existing trees and raising land levels to the west. Consequently, the proposal would have little impact on more distant views within the wider landscape. Nonetheless, the proposal would be incompatible in scale and would harm the character of the host dwelling and the area.
16. In reaching the above findings, I have taken account of examples of other buildings drawn to my attention which already lie close to Buxton Road and Hayfield Road (A624). In that respect, the proposal differs from the more modest proportions of the closest outbuilding on the opposite side of the road, the prominence of which is reduced by surrounding landscaping close to the highway and the absence of a footway on the opposite side of the road. Notwithstanding the proposed reduction in land levels, the proposal would be a much more prominent and intrusive addition with little potential to provide the same extent of landscape screening given its proximity to the shared boundary with the adjoining footway. The other examples are more distant from the site with little influence upon the immediate street scene, consequently their presence does not justify the harmful effect of the proposal.
17. I conclude that the development would harm the character and appearance of the existing property and the area. The proposal, therefore, would conflict with Policies SS1, EQ2, EQ3 and EQ6 of the LP and the guidance in the High Peak Design Guide SPD, adopted February 2018. The policies, amongst other things, seek that development is of a high quality, locally distinctive and inclusive design, and protects or enhances landscape character, including contributing positively to an area's character, history and identity in terms of scale, height, density, layout, materials and the relationship to adjacent buildings and landscape features. The policies are consistent with the Framework.

Other considerations

18. The dwelling is already served by a detached outbuilding. However, the proposed building would be considerably deeper in length and would be much closer to the shared boundary with Buxton Road and its adjoining footway. Therefore, the removal of the existing outbuilding is not justification for a much larger and more harmful replacement within the site. There would be benefits of the size of the proposed building in providing more convenient parking for a modern vehicle and additional internal space for the appellants to enjoy their home / work life and support a growing family. In addition, the presence of an outbuilding in the location proposed could have some benefits in terms of the privacy of the remaining garden of the property. However, I afford such benefits only limited weight given that the proposal is for a domestic adjunct and that alternatives such as additional landscape screening may be otherwise capable of reducing overlooking from passers-by along Buxton Road.

19. The appellants have indicated that the dwelling retains permitted development rights for an outbuilding in the location proposed. In that respect, if the principal elevation of the original dwelling is taken as the front elevation of the property, rather than the side elevation which faces Buxton Road, then it may be the case that a fallback position exists for an alternative outbuilding of some form in closer proximity to the road than the existing dwelling. However, I have some reservations that such a building could be constructed in a similar position to the proposal without engineering operations to existing land levels that could of themselves require planning permission.
20. Nonetheless, even if such matters were capable of being overcome within permitted development rights, any fallback position although potentially larger in footprint would necessarily be of a reduced height and prominence within 2m of the boundary. To my mind, therefore, the alternatives to the proposal would result in less harm to the character and appearance of the existing property and the area, and a similar impact on the openness of the site when viewed from the adjacent road. It follows that the potential building(s) that may be capable of being constructed under permitted development rights would be less harmful than the proposal before me and, therefore, even if such a fallback position exists it is necessarily afforded only limited weight.
21. The existing access is not proposed to be altered and the site would retain adequate off-street parking to avoid an adverse impact on highway safety. Furthermore, the proximity to neighbouring trees and the effect on biodiversity could be suitably mitigated by conditions. In addition, the separation distance from the detached building to neighbouring properties would be sufficient to ensure no harm upon the living conditions and living environment of their respective occupiers. The occupiers of surrounding properties have offered no objections and the parish council support the application. However, the absence of concern in those respects are neutral factors and carry little weight.

Conclusion

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be associated harm upon the openness of the Green Belt and harm to the character and appearance of the existing property and the area. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
23. Having regard to my previous reasoning, I find that the other considerations in this case, when taken together, do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt and other harm arising from the proposed development. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal conflicts with the relevant policies of the development plan previously set out and the Framework when taken as a whole.
24. For the reasons given above, the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR