



Appeal Decision

Site visit made on 12 June 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2020

Appeal Ref: APP/H1033/D/20/3250678

23 Holker Road, Buxton, Derbyshire, SK17 6QN

- 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 Paul against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0514, dated 21 November 2019, was refused by notice dated 28 February 2020.
 - The development proposed is insertion of three dormer windows to the front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development given above is taken from the Council's Decision Notice. This reflects amendments that were made to the scheme at application stage and the application was determined on this basis.

Main Issues

3. The main issues are, firstly, whether the development would preserve or enhance the character or appearance of the Hardwick Conservation Area and, secondly, the effect of the development on the living conditions of neighbouring occupiers with regard to privacy.

Reasons

Conservation area

4. The appeal site is located within the Hardwick Conservation Area, which encompasses a historic part of the town. It is characterised by large stone-built detached and semi-detached houses that are constructed in a consistent style. The tower to Trinity Church is a landmark feature in the area and is prominent in many views. The significance of the conservation area stems from its well-preserved buildings and spaces that reflect the historic development of the area, particularly during the Victorian period.
5. The appeal property dates from the 1960s and is constructed in stone. Whilst it postdates many of the surrounding properties it is generally sympathetic in its design and use of materials. The building is positioned side-on to the road and is partly screened by a detached garage. However, its roof profile is clearly visible along Holker Road and Sylvan Cliff, and the tower to Trinity Church is visible behind it from many of these vantage points.

6. The proposed dormers would sit high on the front roof slope of the appeal property and would be clearly visible from the surrounding streets. They would be relatively squat, wide features that would disrupt the simple roof profile of the property. They would also fail to align with the existing ground and first floor windows. In my view, they would be a discordant feature in the street that would draw the eye and would be prominent in views of the tower to Trinity Church from Holker Road and Sylvan Cliff.
7. My attention has been drawn to other dormers in the surrounding area. However, these are mostly attractive original features that are not directly comparable to the appeal proposal. With regard to the front dormers to Nos 11-13 Holker Road, the appellant acknowledges that these are unsympathetic features, and it is unclear when they were consented or constructed. Reference is also made to approval Ref HPK/2016/0560. However, the full details of that case are not before me and so it is unclear whether there is any direct comparability to the current proposal.
8. It is asserted that the existing roof is due to be replaced and that the development could form part of a new roof that would use traditional slates. However, whilst the use of such slates would provide a modest visual benefit, that could be achieved without the introduction of the proposed dormers.
9. Reference is made to the fact that the proposed dormers would not exceed 50 cubic metres and would not front a public highway. However, those criteria relate to permitted development rights that do not apply in conservation areas.
10. For the above reasons, I conclude that the development would fail to preserve the character and appearance of the Hardwick Conservation Area. This harm would be 'less than substantial' in the context of Paragraphs 195-196 of the National Planning Policy Framework ('the Framework'). However, there are no public benefits associated with the proposal that would outweigh this harm.
11. The development would therefore be contrary to Policy EQ 7 of the High Peak Local Plan (2016), and guidance in the Framework relating to designated heritage assets.

Living conditions

12. The proposed dormers would face towards habitable room windows in the neighbouring property at Highbank, which is on elevated ground to the south. However, there would be a separation distance between these windows in excess of 20 metres. In my view, this would provide an adequate degree of privacy for both properties and would ensure that no significant overlooking would occur. Moreover, there is a tall hedge between these properties that would provide some screening, albeit I note that the Council state that this is not in the control of the appellant and could be lowered or removed.
13. For the above reasons, I conclude that the development would not significantly harm the living conditions of neighbouring occupiers with regard to privacy. It would therefore accord with the relevant sections of Policy EQ 6 of the High Peak Local Plan (2016). This policy seeks to ensure, amongst other things, that new development does not cause unacceptable effects by reason of visual intrusion or overlooking.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR