
Appeal Decision

Site visit made on 14 July 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2020

Appeal Ref: APP/H1033/D/20/3252303

6 Clifton Bank, Buxton SK17 7DS

- 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 Stewart against the decision of High Peak Borough Council.
 - The application Ref: HPK/2019/0455, dated 10 October 2019, was refused by notice dated 13 March 2020.
 - The development proposed is a first floor single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor single storey side extension at 6 Clifton Bank, Buxton SK17 7DS in accordance with the terms of the application, Ref: HPK/2019/0455, dated 10 October 2019, subject to the following 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: 6CB/PL/04 Revision B – Proposed Elevations, 6CB/PL/04/C – Proposed Plans, Location Plan, Site Plan.
 - 3) The development hereby permitted shall be implemented in accordance with the materials to be used in the construction of the external surfaces as shown on plans 6CB/PL/04 Revision B and 6CB/PL/04/C.

Procedural Matter

2. The name of the appellants on the appeal form are stated as "Mr & Mrs Atholl & Helen Stewart". As an appeal can only ordinarily proceed in the name of the applicants, it is the applicants' names which are included in the banner heading details above.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 7 Clifton Bank (No 7) by way of privacy.

Reasons

4. The appeal property comprises a large 4 storey house. It formerly contained a 2 storey side element, including a sun room at first floor level. This had an apex roof arrangement and glazing along the elevation facing the neighbouring

property at No 7. By the time of my site visit, the sun room had been removed. The ground floor stone wall element of the structure was still in place. The side elevation of the main house contains windows at higher levels that are directly orientated towards No 7.

5. The boundary with No 7 is mainly defined by a hedge. The associated house is set at a lower ground level than the appeal site and in from the boundary. It is also set slightly further back than the appeal property. It contains a first floor habitable room window towards the rear of the facing side wall, as well as openings at ground floor level. Between the house and the boundary, there is outdoor space.
6. The appeal property has an established relationship of direct overlooking with No 7 due to the glazing in the side of the former sun room that faced its neighbour. Where the amount of glazing would increase under the proposal and directly face No 7, this would be in terms of the overall height of the panes, which would be similar to the glazing in the apex part of the former sun room. The length that it would extend along the side elevation would be the same. Hence, the increased amount of glazing would not appreciably intensify the level of overlooking.
7. The existing higher level windows on the side of the appeal property also allow for a pronounced level of overlooking due to their elevation, and well above the boundary hedge. As such, the proposal would not unsatisfactorily detract from the privacy levels with its lower position compared to these windows. It would also be no closer to the boundary than the former sunroom.
8. The perception of overlooking and the effect of the elevated position with No 7 also needs to be considered in relation to the existing windows that are higher up on this side of the appeal property. The conifer hedge would also lessen such effects, as it would be in between the proposal and the side of No 7.
9. Taking these considerations together, the proposal would not result in an undue level of overlooking of No 7's windows and garden areas. The established relationship between the 2 properties in this regard is the determinative factor. Matters that have been raised in relation to the planning history of the appeal property do not alter my view.
10. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 7 by way of privacy. Therefore, it would comply with Policy EQ6 of the Council's High Peak Local Plan Adopted April 2016 that requires development to achieve a satisfactory relationship to adjacent development and not to cause unacceptable effects by way of overlooking, amongst other considerations. It would also accord with paragraph 127 of the National Planning Policy Framework where it concerns a high standard of amenity for existing and future users.

Other Matters

11. The proposal would abut the boundary with the Buxton - Fairfield Conservation Area, which runs through the appeal property. The significance of this part of the conservation area is largely defined by well-proportioned stone properties and a verdant character due to the amount of mature vegetation. The glazed oak framed lean to form of the proposal would not diminish from the pleasing attributes of the appeal property and its surroundings. It would preserve or

enhance the character or appearance of the conservation area and not have an unacceptable effect on its setting.

Conditions

12. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. I have also imposed a condition by way of the external materials as shown on the approved plans. This is in order to protect the character and appearance of the building and the area.

Conclusion

13. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR