
Appeal Decision

Site visit made on 14 July 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/H1033/W/20/3249205

54 Leek Road, Buxton, SK17 6UF

- 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 Tugby against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0255, dated 7 June 2019, was refused by notice dated 18 October 2019.
 - The development proposed is a residential development for 2 No x 3 bedroom, family, detached houses utilising the existing access on Leek Road with associated parking, landscaping and other works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An amended landscape plan was submitted with the appellant's appeal in relation to the location of the boundary between the two plots. This minor amendment does not materially alter the nature of the proposal. The parties have been provided an opportunity to comment on the appellant's submission. Therefore, it does not prejudice the interests of any of the parties, and the appeal has been considered on the basis of the amended plan.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area; and on protected trees.

Reasons

Character and Appearance

4. The appeal site is located off Leek Road, within a residential area of Buxton. The prevailing character and appearance of the area consists of undulating land. The topography has guided development in the area, leaving steeply sloping undeveloped land that provide visual breaks in the street scene. This combined with the surrounding hills and farmland provide a semi-rural appearance to the area.
5. The appeal site forms part of an undeveloped parcel of land. The site slopes steeply down from Leek Road towards the River Wye and the rear of houses along Anncroft Road. Its verdant hillside appearance provides an open visual break in the surrounding built form. This is particularly evident when viewed from the rear of properties on Anncroft Road, and from the street through the

- gaps between the buildings. The site forms part of the prevailing character and appearance of the area.
6. The proposed development would encroach into this undeveloped visual gap and would utilise the site's slope to provide a split level development. The dwellings would be designed so that they would appear single storey from Leek Road, and two storeys at the rear. The submitted cross sections show the significant gradient of the site, and that a series of walls, stairs and terraces are proposed.
 7. Whilst the above features are not unusual within the area, when combined with the two storey appearance at the rear, the overall mass and vertical height of the buildings would appear intrusive on the hillside. This would be particularly incongruous when viewed from Anncroft Road due to the appeal site being at a significantly higher level. As such the proposal would adversely affect the character and appearance of the local area.
 8. The parties dispute whether the site falls within the 'Urban' or 'Settled Valley Pastures' landscape character areas. This arises from subtle differences in the maps that accompany the High Peak Landscape Character SPD (2006) and the Derbyshire County Council's Landscape Character of Derbyshire Document (2003). The later document identifies the site as within the urban area and informs the appellants Landscape Character Appraisal (Layer Landscape Architecture, May 2019).
 9. Whilst I accept that the site falls within the settlement boundary, it is very much on the fringes of the urban area when taking into account the physical characteristics of the site, and its proximity to the countryside. The proposed buildings, associated walls and stairs would significantly lessen the openness of the site, reducing the semi-rural character of the area. In my judgement the categorisation of the 'Settled Valley Pastures' landscape character area in the SPD is a better reflection of the characteristics of the appeal site.
 10. I have considered the submitted Townscape Statement (Layer Landscape Architecture, March 2020) and the Visual Impact Assessment (View Associates, February 2020). I note that from wider vantage points from the A54 the development would be seen in the context of adjacent housing. However, for the reasons given above, in my view the proposed dwellings would not respect the prevailing character and appearance of the immediate area.
 11. I acknowledge that there are existing retaining structures within the vicinity of the site, notably that which form part of the development opposite (Ref. HPK/2007/0618), and those included in permission HPK/2017/0134 at No 54. However, based on the evidence provided, the appeal site differs in the gradient of its slope and its elevated position in relation to Anncroft Road.
 12. I also note the previous appeal decision¹ for the development at Undergrin Farm. However, that development differs in that it falls within a cluster of buildings and is directly adjacent to an existing housing development, which I understand was granted by the council under permission HPK/2003/0335.
 13. I acknowledge that the appeal site is not statutorily protected or designated in the Local Plan. I have also taken into account the design of the dwellings, and the submitted landscaping scheme. Whilst these incorporate some of the key

¹ APP/H1033/A/07/2058562

features of the area such as the heights of buildings, relative levels to the road, stonewalls and hedgerow planting, in my view this would not overcome my concerns with regards to the overall form of the development identified above.

14. I conclude that the proposed development would harm the character and appearance of the area. As such it would not accord with Policies S7 and EQ6 of the High Peak Local Plan (2016) which amongst other things, seek to ensure that new development is of high quality design that protects and enhances the character of the area and respects the townscape of Buxton. It would also be inconsistent with the High Peak Landscape Character SPD (2006) and the design objectives set out in paragraph 127 of the Framework.
15. The Council's decision notice refers to Policy EQ3 of the Local Plan, this relates to development outside the settlement boundaries. As the site falls within the settlement boundary for Buxton, EQ3 is not applicable in this case.

Protected Trees

16. There are two mature Sycamore trees within the appeal site that are located adjacent to the western boundary. Based on the evidence before me, these two trees are protected by a Tree Preservation Order (TPO).
17. The submitted plans show that the canopies of the trees would partially cover the rear garden areas of each of the proposed dwellings. However, even taking into account the slope of the site, a substantial amount of useable garden area for each dwelling would remain outside of this area.
18. I also note the appellants Day and Sunlight Assessment (Brooks Development, 14 January 2020) which concludes that adequate sunlight would be provided to each of the properties and their gardens when taking into account the penetration of solar radiation through the crown, and that this would meet the relevant guidance².
19. The Arboricultural Appeal Statement (Cheshire Woodlands, 24 January 2020) also states that no earthworks are proposed within the root protection areas, which could be secured by condition.
20. Therefore, the proposal would provide sufficient space around the trees, so as to retain them in a healthy condition, and based on the evidence before me, it is unlikely to result on undue pressure to carry out works on the trees.
21. Consequently, the proposal would not cause harm to the protected trees. It accords with Policy EQ9 of the High Peak Local Plan (2016) which seeks to ensure that development protects existing trees from loss or deterioration, by resisting development that would directly or indirectly cause them damage.

Other Matters

22. The appellant states that the appeal site is located within a principal market town, which is a sustainable location and the Council's main focus for housing, employment and service growth in the Borough. The proposal would also constitute a windfall site that would make a small contribution to housing. However, the provision of two additional dwellings would have a limited effect

² BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice, Second Edition, 2011 (BR 209)

on the supply of housing in the area. These matters would not outweigh the harm identified to the character and appearance of the area.

23. The development would provide limited social and economic benefits by way of a small amount of direct and indirect employment, some additional local spending, council tax and home for workers in the area. The appellant has also advanced a number of environmental benefits including tree protection, native planting, accessibility to services, and the efficient use of land that would reduce development pressures elsewhere. However, given the small scale of development these matters would not outweigh the significant harm identified above.
24. I have taken into account the appellants comments with regards to other site specific and policy considerations, amenity, highways, heritage, flooding, and affordable housing. The Council have not raised concerns with regards to these matters. Based on the evidence before me I have no good reason to conclude otherwise. This does not alter my findings.

Conclusion

25. Although I have found no harm from the proposal to protected trees, I have found there would be harm to the character and appearance of the area. This is the determinative matter. Therefore, having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Cooper

INSPECTOR