



Appeal Decision

Site visit made on 25 August 2020 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/M9496/D/20/3254950

Snake Cottage, Snake Road, Bamford S33 0BJ

- 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 Catherine and Nidal Jones-Abedrabbo and Abedrabbo against the decision of Peak District National Park Authority.
 - The application Ref NP/HPK/0120/0035, dated 21 March 2019, was refused by notice dated 20 April 2020.
 - The development proposed is alterations and extensions to dwelling and erection of garage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matters

3. An application for costs was made by Mr & Mrs Catherine and Nidal Jones-Abedrabbo and Abedrabbo against Peak District National Park Authority. This application is subject of a separate decision.
 4. The proposal has been clarified during the application and appeal process; thus, I shall consider the development based on the description provided within the appeal form and confirmed within the appeal statement as set out in the banner heading above. It is clear that the proposal is for a two-storey side extension and single-storey garage with associated hardstanding. The proposal also includes the formation of a vehicular access onto a classified road. I have considered the proposal on that basis.
 5. Five reasons for refusal are cited on the decision notice. Some of the issues relate to insufficient information and confusion regarding details on plans. It has since been clarified by the appellants that the removal of the existing outbuildings located to the rear of the appeal dwelling is not part of this proposal. Accordingly, the Council has confirmed that reason no 4 and part of reason no 3 do not apply to this proposal.
 6. The Council considers that the appeal dwelling, the neighbouring barn and public house are non-designated heritage assets for which a heritage statement or a design and access statement is necessary. The evidence provided by the appellants indicates that 'Form DA1' was submitted to the Council during the
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application process. As such, I have considered the main issues with regard to the appeal proposal as outlined below.

Main Issues

7. The main issues are the effect of the proposal on:

- the character and appearance and setting of the host dwelling and the setting of the neighbouring building; and
- highway safety.

Reasons for the Recommendation

Character and appearance

8. Snake Cottage is a modest two-storey detached dwelling, located on the northern side of Snake Road, within Peak District National Park. The appeal dwelling has a stone façade and render to its sides. There is a stone-built barn located immediately to the east of Snake Cottage, beyond which is the Snake Pass Inn. The appeal property is bounded by woodland to the north (rear) and to the west.
9. Although there is little information or analysis before me, including details of the history of the buildings, it seems to me that the significance of the buildings, as non-designated heritage assets, arises in part from their age and vernacular appearance. The gap to the side of Snake Cottage provides a visual separation of the appeal dwelling from the group of buildings located to the east, and contributes positively to the setting of Snake Cottage and the neighbouring barn as physically distinct buildings.
10. The proposal seeks to introduce a two-storey side extension to the east of the appeal dwelling and a single storey detached garage to the west side. Whilst the proposal indicates that the two-storey side extension would replace an existing single storey structure, the existing floor plans and/or elevations do not contain details of the single storey structure and there was no structure to the east side of Snake Cottage at the time of my site visit.
11. The frontage of Snake Cottage is simply detailed with three vertical windows and a door. The ground floor of the two-storey side extension would be well set back from the front elevation of the host dwelling whilst the first floor would have only a slight set back, thus part of the first floor would overhang the ground floor. Due to its form, the side extension would appear as an awkward and disjointed element, which would not be in keeping with the simple, robust form of the host dwelling. Notwithstanding the proposed set back, the extension would be clearly visible alongside the host dwelling and the neighbouring barn.
12. The proposed openings in the front and rear elevations would also be at odds with those of the original dwelling in terms of their proportions. Furthermore, due to the width and height of the proposed side extension, the gap between the host dwelling and the neighbouring barn would be significantly reduced and the extension would appear cramped. As a result of the combination of these factors the proposal would fail to respect the character and appearance of the

building and its significance as a non-designated heritage asset. In addition, the reduction in space between the buildings would be harmful to their setting.

13. Whilst the appeal dwelling is positioned at the road level, the land levels immediately to its west increase significantly towards the rear. There is a stone retaining wall with a hedgerow behind it to the west of the dwelling that encloses the front/side of the appeal site. I have not been provided with specific details regarding the land levels proposed for the garage or those of the retained wall. Notwithstanding this, the submitted plans show the proposed garage well set-back from the front elevation, flush with the rear elevation. There would be a small gap between the garage and the house; a canopy would link the garage to the side of the dwelling.
14. I note that the Council's concerns about the garage do not relate to its massing but to its overall design, the lack of details regarding the siting of the garage and the vehicular access, and the lack of details regarding the retaining wall. In the absence of such details, I am unconvinced that the proposed garage would have an acceptable siting in relation to the host dwelling and the road, in order for its scale and design to not affect the character and appearance of the host dwelling, as well as its siting within the rural landscape.
15. The appellants indicate that the proposal would be built from similar materials as the original dwelling. Whilst this is considered a positive aspect of the scheme, it is not sufficient to make the proposal acceptable.
16. Accordingly, I conclude that through a combination of its siting, form, and scale, the proposal would result in significant harm to the character and appearance of the host dwelling, to its setting, and to the setting of the neighbouring property. Therefore, the development is contrary to Policies GSP1, GSP2, GSP3, L3 of the Core Strategy Development Plan Document (CS) and Policies DMC3, DMC5, DMH7, DMH8 of the Development Management Policies (DMP) which together require, amongst other things, that developments do not detract from the character and appearance of the original building, its setting and that of neighbouring buildings.

Highways safety

17. The appeal property is located directly off Snake Road, which is a classified road with a 50mph speed limit. The proposal includes a vehicular access to the west of the appeal dwelling, which would lead to the proposed garage.
18. The road is slightly curved either side of the appeal dwelling. Trees and other vegetation limit visibility, particularly to the west of the site. Likewise, the dwellings to the east of the access would also restrict visibility to some degree. Whilst I have taken into account the photographic evidence submitted by the appellants with regard to visibility distance, in the absence of plans drawn to scale that show whether an appropriate visibility can be achieved, I am unconvinced that the proposal would have an acceptable impact on the functioning and safety of the highway network.
19. I acknowledge the need of the appellants to have a safe drive and I note that they are willing to improve visibility through various methods. Notwithstanding this, the proposal before me fails to demonstrate that the new vehicular access can be safely accommodated.

20. Therefore, I conclude that the proposal would be detrimental to highway safety, which would be contrary to Policy DMT3 of the DMP. This policy requires developments that include a new or improved access onto a public highway to provide a safe access that is achievable for all people.

Other matters

21. I acknowledge the appellants' concerns regarding the service provided by the Council. However, this is a matter between the appellants and the Council. I have limited my consideration to the planning matters before me.
22. I also acknowledge the benefits that the proposal would bring to the appellants in terms of enhanced living accommodation and off-street parking. However, these private benefits do not outweigh the harm that I have identified to the character and appearance of the host dwelling, its setting, the setting of the neighbouring property, and to the highway safety.

Recommendation

23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR

Costs Decision

Site visit made on 25 August 2020 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2020

Costs application in relation to Appeal Ref: APP/M9496/D/20/3254950 Snake Cottage, Snake Road, Bamford S33 0BJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Catherine and Nidal Jones-Abedrabbo and Abedrabbo for a full award of costs against Peak District National Park Authority.
 - The appeal was against the refusal of planning permission for the proposed development described as alterations and extensions to dwelling and erection of garage.
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Decision

1. The application for an award of costs is refused.

Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and, thereby, caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 4. The Guidance also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
 5. The appellants' key arguments are that the Council's decision was based on inaccurate information and an inaccurate description of proposal. Moreover, the Council made inaccurate allegations regarding the lack of specific forms and visibility distances, which include a protected species form and an access & design statement. Thus, the Council failed to assess the proposal properly by not taking into account the latest amended plans and information provided by the appellants during the application process.
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6. Whilst the description used by the Council on their decision notice includes a rear conservatory, the planning officer's report clearly outlines that there is no conservatory proposed to the rear. Therefore, this element did not form part of the reasons for refusal.
7. The submitted plans contain the following note: 'existing derelict buildings removed for clarity'. Accordingly, the Council considered that these buildings were proposed to be removed from the site, which led to reason for refusal no 4. Nevertheless, at the appeal stage it was clarified that the buildings would be retained, and the reason for refusal was withdrawn. Notwithstanding this, this issue alone did not make the proposal unacceptable.
8. The evidence provided by the appellants show that a protected species form and a design & access statement were submitted to the Council. The design & access statement was particularly relevant for the protection of the non-designated heritage assets, as identified by the Council's officers. I acknowledge that the intention of this statement was to demonstrate that the proposal would conserve and where possible enhance the non-designated heritage assets. However, the information provided by the appellants failed to achieve this objective, as identified in the appeal decision. Likewise, information regarding the proposed access and garage was insufficient to demonstrate that the proposal would have an acceptable impact on highway safety.
9. Notwithstanding the issues identified above, I am satisfied that the Council's decision was clearly supported with substantive reasons based on the assessment of the site and interpretation of relevant policies, as set out clearly in the officer report. Consequently, I do not find that the Council acted unreasonably. Moreover, it seems to me that there was a fundamental disagreement between the parties on the merits of the case, which could have only been resolved through the appeals process.

Conclusion

10. With the above in mind, I conclude that the Council has not acted unreasonably and thereby caused the applicants to incur unnecessary or wasted expense. A claim for costs, either in whole or in part, is not therefore justified and accordingly it is hereby recommended for refusal.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Susan Ashworth

INSPECTOR