



Appeal Decision

Site visit made on 27 October 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2020

Appeal Ref: APP/H1033/W/20/3256914
18 West Road, Buxton, SK17 6HF

- 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 Miss Paige Whitehead against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0491, dated 23 October 2019, was refused by notice dated 31 January 2020.
 - The development proposed is retrospective planning application for external air condensers.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the development preserves or enhances the character or appearance of the Buxton Central Conservation Area;
 - (b) The effect of the development on the living conditions of neighbouring occupiers with regard to noise and disturbance, and;
 - (c) Whether the development prejudices highway safety.

Reasons

Conservation area

3. The appeal site is located within the Buxton Central Conservation Area, which encompasses the historic core of the town. It includes many historic buildings that reflect the expansion of Buxton during the late 18th and 19th centuries, as well as some earlier surviving elements. The conservation area's significance stems from its large number of well-preserved buildings and spaces that reflect the historic development of the area over time.
4. The appeal site is positioned on the corner of West Road and Church Street, which have relatively distinct characters. In this regard, West Street is a main road dominated by 2-3 storey stone terraces, whereas Church Street is a narrow winding route that is noted for its limestone rubble cottages. Despite the loss of some of these cottages over time, the relationship of the buildings to the street and the pattern of passages survive and evoke a sense of its 17th century origins.

5. The appeal building is an attractive single storey structure located in a prominent corner position. It is identified in the Buxton Conservation Areas Character Appraisal (2007) as a focal point for the area, that leads the eye up Church Street. Moreover, the Character Appraisal recommends that the area would benefit from it being treated as an important pivotal landmark. In my view, the building clearly makes a positive contribution to this part of the conservation area.
6. The development has introduced 2 large condenser units onto the Church Street elevation of the building. These have a modern utilitarian appearance and are visually prominent in views along Church Street, and from West Street. In this regard, the Character Appraisal identifies views along Church Street from West street as an important 'glimpsed view' within the conservation area. In my view, the condensers are an unsympathetic addition that contrast sharply with the host property and its traditional surroundings. Their incongruity is further exacerbated by their prominence. Whilst it asserted that the surrounding area has changed significantly over the years, it retains an attractive historic character. In any case, such changes do not justify the introduction of new discordant features.
7. The appellant states that mechanical heating/cooling is necessary in order for the business to operate and to regulate temperature within the building. However, from the information before me it is not clear that other, less harmful, options have been fully explored, or that it is necessary to place uncamouflaged condensers this position. These uncertainties limit the weight I can attach to this consideration.
8. For the above reasons, I conclude that the development fails to preserve the character and appearance of the Buxton Central Conservation Area. This harm is 'less than substantial' in the context of Paragraphs 195-196 of the National Planning Policy Framework ('the Framework'). However, the public benefits associated with the proposal do not outweigh this harm.
9. The development is therefore contrary to Policies EQ 6 and EQ 7 of the High Peak Local Plan (2016), and guidance in the Framework relating to designated heritage assets.

Noise and disturbance

10. The condenser units are positioned on an external wall near to existing dwellings. The easternmost unit in particular is very close to domestic windows in the adjoining property. However, no details have been provided regarding the noise levels generated by the condensers, and it is therefore unclear what effect they would have on neighbouring occupiers. During my site visit, I noted a distinct humming noise from the condensers, although it is unclear how representative this was of their typical operation. In the absence of further information, I am unable to conclude that the development would have an acceptable effect in this regard. Whilst the units would only be used when the business is operating, this could still generate a disturbance when residents are at home, including during the weekends.
11. For the above reasons, I conclude that the development would be likely to significantly harm the living conditions of neighbouring occupiers with regard to noise and disturbance. It would therefore be contrary to Policy EQ 6 of the

High Peak Local Plan (2016) which seeks to ensure, amongst other things, that new development does not cause unacceptable effects in terms of noise.

Highway safety

12. The condenser units protrude out from the side elevation of the building and overhang Church Street, which is an adopted highway. They are around 1.5 metres above ground level and are therefore at a height that could conflict with passing pedestrians. However, the easternmost condenser is next to a low wall that encloses the frontage to the adjoining property. This wall already obstructs the highway immediately to the rear of the unit and so it is highly unlikely that pedestrians would enter this space. Similarly, the westernmost condenser is positioned a short distance to the rear of a wooden telegraph pole, which discourages passing pedestrians from entering this part of the highway. Accordingly, neither condenser unit would be likely to result in significant conflicts with passing pedestrians or vehicles.
13. For the above reasons, I conclude that the development does not prejudice highway safety. It therefore accords with Policy CF 6 of the High Peak Local Plan (2016), which seeks to ensure that new development does not materially harm highway safety.

Conclusion

14. For the reasons set out above, I conclude that the development fails to preserve the character and appearance of the Buxton Central Conservation Area, and would be likely to significantly harm the living conditions of neighbouring occupiers. Whilst it does not prejudice highway safety, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR