



Appeal Decision

Site visit made on 4 January 2021 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/H1033/D/20/3260742

Somerford House, 13 Terrace Road, Buxton SK17 6DU

- 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 Ahmed Alsened against the decision of High Peak Borough Council.
 - The application Ref HPK/2020/0274, dated 13 July 2020, was refused by notice dated 7 September 2020.
 - The development proposed is works within the curtilage (boundary) of a house (removal of soil and building a retaining wall as boundary wall).
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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.

Main Issue

3. The effect of the proposed development upon the character and appearance of the surrounding area, and linked to that, whether the development would preserve or enhance the Buxton Central Conservation Area (CA) and preserve the setting of nearby listed buildings.

Reasons for the Recommendation

4. The appeal site relates to a large three-storey residential building. The southern boundary of the site is shared with St Anne's Catholic Church and there is a significant change in land levels between the two sites. The boundary is currently characterised by a bankside which slopes in a gradual manner to respond to the topography and is covered in vegetation which helps to soften the change in ground levels.
5. The site is located within the CA and there are several Listed Buildings within the vicinity of the appeal site. The Council is particularly concerned with the development's impact upon 'The Slopes' which is a Grade II Registered Park and Garden on the opposite side of Terrace Road. The Slopes is a large open space area with trees and curved paths. It sits higher than the highway, which adds to its dominance, and slopes down to Terrace Road with a low wall

adjacent to the pavement. The Council has also highlighted that Buxton Museum and Art Gallery and Buxton Town Hall are to the south of the site.

6. The Buxton Conservation Areas Character Appraisal (2007) (BCACA) sets out the key characteristics of the CA. The CA is characterised by parkland, commercial areas, spa development with grandiose buildings and large areas of Victorian and Edwardian stone-built housing set within a hilly landscape. Many buildings have been designed to reflect Buxton's Roman classical origins and incorporate arched windows, pilasters, columns, colonnades and arcades. Terrace Road is a main highway within the CA and therefore the appeal site is located within a prominent part of the CA.
7. The BCACA highlights negative factors that have impacted the CA which includes the introduction of unsympathetic boundaries. It states that in a number of locations, walls have been heightened and hedges have been replaced to create additional privacy. In many cases the use of concrete blockwork and panel fencing has been at odds with the local character of the CA.
8. Framework paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.
9. Generally, in this part of the CA, boundaries contain a low stone wall with vegetation above to soften the hard landscaping. The retaining wall would have a height of approximately 3.6 metres and would be 25m in length. The elevation drawing shows that the wall would be higher than the ground floor windows of Somerford House. Although the wall would be constructed of natural stone, it would be considerably higher than other boundary walls within the vicinity of the site which step down in a more gradual manner responding sympathetically to the change in land levels.
10. The proposed boundary treatment would significantly alter the southern boundary and would result in an unsympathetic addition because it would not respond to the topography of the area and would appear overly engineered in comparison to the nearby boundaries. The appellant states that hanging plants with flowers are proposed to help mask the wall. There is limited information detailing the extent and type of planting proposed. A significant amount of planting would be required to soften the development and continual maintenance would be required for the lifetime of the structure of which there is no guarantee. In any event, given the sheer scale of the wall, and based on the evidence presented, I find that the proposed planting would not off-set the harm which would be caused.
11. The retaining wall would be inconspicuous when travelling downhill in a northerly direction as a result of St Anne's Church sitting higher than the appeal site and due to the stone walling, which steps down to the highway with

vegetation above. When travelling in the opposite direction the existing front boundary hedge would screen the scheme to some extent, but views would still be available through gaps in the hedgerow and at the entrance to the site. Moreover, there is no guarantee that the hedge would remain at its current height in perpetuity. Accordingly, the development would cause harm to the character and appearance of the area and CA because the retaining wall would appear as an out of keeping addition, in a prominent part of the CA, as a result of its height and length.

12. The proposed development would not unduly interrupt views of The Slopes because the scheme relates to primarily the southern boundary and given the clear separation distance between the appeal site and the heritage asset, including the intervening main highway. Therefore, based on the evidence presented, the proposed development would have a neutral impact upon the setting of nearby listed buildings given that there is no direct visual relationship with these heritage assets.
13. The harm arising would be less than substantial given the localised nature of the impact. Nonetheless it is of considerable importance and weight, given the statutory duty to preserve or enhance the CA. This harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. The appellant affirms that the proposal would provide additional parking spaces for the residents of the building which would in turn provide a higher standard of living conditions, provide parking for service and delivery vans, create a safe place to store refuse bins and minimise risks from potential hazards such as landslides and car accidents.
15. No substantive evidence has been submitted which demonstrates that there is a genuine risk of a land slide or that the current layout causes an unacceptable impact upon highway safety. Similarly, little evidence has been submitted to show that a more sympathetic scheme could not provide more suitable refuse storage. Whilst I do not dispute the benefits relating to parking, the appellant's submission does not detail how many additional parking spaces would be provided with sufficient space for vehicles, including service and delivery vans, to turn around within the site.
16. The Planning Practice Guidance states that public benefits should be of a nature or scale to be of benefit to the public at large and not just be a private benefit¹. Whilst the residents are part of the public, the benefits highlighted are primarily benefits to the residents of Somerford House rather than to the public, particularly having regard to the lack of any evidence to suggest that the existing layout causes any harm to highway safety or to indicate that the bank is unstable. Based on the evidence submitted, the public benefits associated with the scheme would be extremely limited and would not justify or outweigh the harm to the CA that I have identified, as required by the Framework.
17. For the reasons given above, although I have found that the development would not harm the setting of nearby listed buildings, the proposed development would cause harm to the character and appearance of the surrounding area and would not preserve or enhance the character or

¹ Paragraph: 020 Reference ID: 18a-020-20190723

appearance of the CA. Consequently, the scheme would conflict with Policies S1, S7, EQ6 and EQ7 of the High Peak Local Plan (2016) and the Framework which seek, amongst other matters, to promote good design which protects and enhances the historic environment.

Other Considerations

18. The appellant asserts that the Council has not worked in a positive and proactive manner. From the evidence presented, the Council did engage with the appellant but there was a difference of opinion over the merits of the scheme. In any event, concerns over the level of service received would be a matter that would need to be taken up with the Council and this does not impact the planning merits of the case.

Conclusion and Recommendation

19. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR