



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: 26 January 2021

Appeal Ref: APP/H1033/W/20/3259406

Land at Chapel Lane, Hadfield, Glossop SK13 1NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission.
 - The appeal is made by Mr J Gilbertson (Gilby Homes Ltd) against the decision of High Peak Borough Council.
 - The application Ref HPK/2020/0284, dated 16 July 2020, sought approval of details pursuant to condition No. 2 of an outline planning permission Ref HPK/2016/0063, granted on 19 July 2017.
 - The application was refused by notice dated 11 September 2020.
 - The development proposed is an application for approval of Reserved Matters for appearance, landscaping and scale in connection with outline approval for the erection of 9 dwellinghouses HPK/2016/0063.
 - The details for which approval is sought are: appearance, landscaping and scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely details of appearance, landscaping and scale submitted in pursuance of condition No. 2 of outline planning permission Ref HPK/2016/0063, granted on 19 July 2017, subject to the attached schedule of conditions.

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.

Application for Costs

3. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issue

4. The Council approved a similar reserved matters application in August 2020¹. The only difference between the approved application and the appeal before me is the roofing material.
5. Consequently, the main issue for this appeal is the effect of the proposed roofing material on the character and appearance of the new dwellings and surrounding area.

¹ HPK/2020/0121

Reasons for the Recommendation

6. The appeal site is accessed from Chapel Lane. The site is adjacent to a public open space area, the rear gardens of Woodfield Close and No. 37 Mersey Bank Road. The scheme before me proposes a Marley Modern Roof Tile in a smooth grey instead of the approved Redland interlocking Cambrian Roof Slate in a smooth slate grey.
7. Paragraph 3.7.2 of the High Peak Borough Council Residential Design Supplementary Planning Document (2005) (SPD) is relevant to roofing materials. For the purposes of this paragraph, the appeal site is not located within a sensitive area, such as in a Conservation Area or within the setting of Listed Buildings, therefore only criteria 'iv' and 'v' are relevant. These criteria's state that flat, dark coloured, concrete tiles will be acceptable in non-sensitive areas and that interlocking concrete tiles will only be acceptable in non-sensitive locations where the use of higher ranking materials is not warranted.
8. The surrounding housing estate is neither attractive nor unattractive and has no particular architectural merit. The area is characterised by semi-detached and terraced properties which are generally constructed of brick with a dark concrete roof tile. The Mersey Bank Care Home, to the west of the site, and the Mersey Bank Nursery, to the north west of the site, are more attractive stone buildings but have little visual relationship with the appeal site due to the intervening built development.
9. The development has not been designed to mimic the existing housing estate. The proposed dwellings would read as visually separate to the surrounding estate due to the layout, design of the properties and use of reconstituted stone along with grey windows and doors. Nonetheless, it is important that the new dwellings respect the character of the area.
10. The appellant has provided photographs of the proposed roofing material at a different site which features dwellings of a similar design and appearance of that proposed.
11. The proposed roofing tile would appear more modern than that approved and would contrast with the stone. However, when viewed from the surrounding area, the proposed material would not appear significantly different to the approved material because they are both concrete roof tiles of a similar colour and shape, albeit with a slightly thicker profile. The roofing tile would not appear unduly out of place as it would respect the existing dark roofing materials and the existing roofscape within the local area.
12. Based on the evidence submitted and having regard to the local context, I am satisfied that the proposed roofing material is a relatively minor alteration that would not diminish the quality of the approved development. Consequently, having regard to the approved scheme, the proposed roofing tile would not result in a dominant feature and would appear in keeping with the character and appearance of the area.
13. For these reasons, the proposed roofing material would not have a significant adverse visual effect upon the character and appearance of the new dwellings nor the surrounding area. Accordingly, the scheme would comply with Policies S1a and EQ6 of the High Peak Local Plan (2016), the SPD, The High Peak Design Guide (2018) and the Framework. These collectively seek, amongst

other matters, to ensure new development is well designed and respects the character of the area. The Framework also seeks to ensure that the quality of the approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Other Considerations

14. Local residents have raised a number of concerns relating to traffic, highway safety, loss of wildlife habitat, loss of green space and the impact upon the community. These matters were dealt with at the outline stage. These are not considerations which can be taken into account in this appeal because the principle of development has been approved and the current appeal only relates to the reserved matters of scale, landscaping and appearance. Furthermore, the objections relating to the management of the bin store would fall to Environmental Health legislation should any issues arise.

Conditions

15. The Council has not provided any conditions which they consider should be imposed but I have had regard to those conditions attached to the recently approved reserved matters application².
16. A condition is necessary in the interests of certainty to ensure that the development is carried out in accordance with the approved plans. This condition would be adequate to ensure that the development is carried out in accordance with the approved materials and boundary treatments. In the interest of visual amenity, conditions relating to external doors and windows recesses and landscaping are also necessary.

Conclusion and Recommendation

17. For the reasons given above I recommend that the appeal should be allowed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

18. 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 allowed subject to the conditions attached.

Chris Preston

INSPECTOR

² HPK/2020/0121

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, R-0587-01F (Site Layout and Ownership Plan), R-0587-02J (Semi-detached houses floor plans), R-0587-03J (Terraced houses floor plans), R-0587-04M (Semi-detached houses elevations), R-0587-05M (Terraced houses elevations), 2020 01 01 – Chapel Lane Landscape Plan Rev D, Hard Surfacing Materials Specifications dated 4th August 2020, R-0587-15 Planning Details. Notwithstanding any indication given on the submitted plans, the external materials shall be in accordance with the Materials Schedule, Revised 24th August 2020.
- 2) All external doors and windows shall be set back from the face of the building by a minimum of 70mm.
- 3) All hard and soft landscaping works shall be carried out in accordance with the approved details shown on drawing 2020 01 01 – Chapel Lane Landscape Plan Rev D and Hard Surfacing Materials Specifications dated 4th August 2020. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any part of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.