



Appeal Decision

Site visit made on 24 November 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2021

Appeal Ref: APP/H1033/W/20/3256948

Land adjacent to 52 St Peter's Road, Buxton

- 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 a planning permission.
 - The appeal is made by Mr Peter White against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0540, dated 4 December 2019, sought approval of details pursuant to conditions Nos 3, 7, 8 and 13 of a planning permission Ref HPK/2018/0008, granted on 25 May 2018.
 - The application was refused by notice dated 20 March 2020.
 - The development proposed is Application for the approval of reserved matters following outline approval relating to HPK/2018/0008 and the discharge of conditions 7, 8, and 13 of HPK/2018/0008.
 - The details for which approval is sought are: access, appearance, landscaping, layout, and scale.
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Decision

1. The appeal is dismissed and approval of the reserved matters is refused, namely: access, appearance, landscaping, layout, and scale details submitted in pursuance of conditions Nos 3 and 7 attached to planning permission Ref HPK/2018/0008 dated 25 May 2018.

Procedural Matters

2. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to perceived inconsistent advice received from Officers. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.
3. The appellant has submitted an additional plan (Proposed Elevations Ref 1595.PL05B) as part of the appeal. However, Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority and on what interested people's views were sought. If I were to determine the appeal on the basis of the additional revised plan it is possible that the interests of parties who might wish to comment would be prejudiced. For the avoidance of doubt, and being mindful of the 'Wheatcroft Principles', I have therefore determined the appeal on the basis of the plans which were before the Council when it made its decision.

4. The Council also advise they no longer wish to defend the third reason for refusal in respect of the effect on highway safety. I therefore do not address this matter in my reasoning below.
5. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issues

6. The main issues are:
 - whether the proposed development would harm the setting of the Fairfield Conservation Area (CA) and its effect on the character and appearance of the wider area; and
 - the effect of the proposed development on the living conditions of the occupiers of no. 52 St Peter's Road having particular regard to matters of privacy.

Reasons

Setting of CA & Character and Appearance

7. The appeal site is an empty piece of open land situated at the end of a row of detached dwellings. These dwellings are located within the CA and front onto St Peter's Road. Opposite this row of dwellings is St Peter's Church a listed building, and its grounds including a large cemetery. These grounds are bounded by a row of mature trees that face onto St Peter's Road. St Peter's Road itself stops at the front of the last house on the row and does not as a result run past the front of the appeal site where it continues as a dirt track which then merges into a public footpath. This footpath then forms a crossroads of sorts with another public footpath which runs on a perpendicular route down from the cemetery past the side of the appeal site which then turns to run past the rear of the site. The appeal site itself is not within the CA but does abut it. The site and all the other plots on this side of the road also have a sloping topography with a relatively steep gradient inclining from a high point at the front, level with the road/track, to a low point at the rear.
8. The majority of the dwellings on St Peter's Road i.e. the ones closest to the top end nearest the church, have a more traditional design, form and material finish reflecting the 'Arts & Crafts' style, while the ones at the bottom end, closest to the appeal site, have a more contemporary design, form and material finish reflecting a less traditional style. In addition, while the building lines of the more traditional properties are aligned, those of the more contemporary properties are set slightly forward from them and each other. Furthermore, given that the appeal site is situated close to public footpaths in a more open area of land past the end of the row of dwellings, I consider it to be in a relatively visually prominent location.
9. The significance of this part of the CA derives from the traditional architectural style of many of these houses fronting onto St Peter's Road due to their steep pitched roofs and the timber detailing on their façades which are a prominent feature on properties towards the top end of the road. This significance is added to by the fact that the mature trees opposite them create the feeling of a historic village avenue.
10. Given the presence of dwellings with a more contemporary architectural style being located towards the bottom end of the road, this significance is somewhat lesser at that end of the road and as the proposed dwelling would be located past the CA boundary and on the other side of these more contemporary styled dwellings, they

would in effect form a visual buffer of sorts between it and the more significant part of the CA. Further, given their material finishes, the proposal's rendered side elevations would not be at odds with the street scene there and that the proposal's height would not be generally out-of-proportion with the other properties on St Peter's Road, some of which are also split-level, with the appearance of a two storey dwelling to the front and a partial three-storey dwelling to the rear, due to the sloping topography of their respective plots.

11. However, the large fenestration on the proposal's side elevation would be at variance with the smaller and more typically sized ones on the elevations of the other dwellings on St Peter's Road. Additionally, given the sloping topography of the site and the fact that the proposal would be set-back from the front building line of the adjacent row of properties, the proposal would be built at a lower ground level than these properties. Consequently the rear projection of the living room/garden store would in effect be visually read as a two-storey extension with the proposal being read as a full three-storey dwelling rather than one of a lesser height similar to these nearby properties. Moreover, this in combination with the size of the rear patio/terrace area and the proximity of the proposal to the side boundary means that it would represent a visually dominant and incongruous addition to this row of dwellings, particularly when viewed from the nearby footpaths. As a result, and given its relatively prominent visual location, the proposal would have an adverse impact on the setting of the CA in this regard.
12. I note that a small portion of the lower ground floor level of the main house and garden store would be underground making them slightly less visible from the sides. However, this would not prevent the main bulk of the proposal being viewed from the side elevation closest to the footpath or indeed from the rear as demonstrated by the example photograph of split-level houses with three storey rear elevations referred to in the appellant's statement.
13. I acknowledge that given the backdrop of the existing dwellings nearby and also the high mature trees bounding the church grounds opposite the site and further along St Peter's Road, that the proposal would be less visible from a distance particularly when viewed by a person on the footpath walking towards St Peter's Road. Even so, the scale, massing and location of the proposal quite close to the side boundary nearest the footpath, means that it would still have a visual impact on the more open landscape beyond the existing row of dwellings when viewed from this and the other nearby footpaths particularly at close range.
14. I also acknowledge that a timber post/wire fence and high hedge comprising native species would be planted around the side and rear of the appeal site as well as the planting of several new trees to the front and rear, which could potentially soften the proposal's appearance when viewed from public vantage points on the adjacent footpaths. I am also aware that their retention could be secured via an appropriately worded condition. However, according to the submitted proposed landscaping plan, it would take between approximately 10 to 20 years minimum before the trees reach maturity and are a sufficient height to provide adequate screening. Therefore, given the proposal's scale, form, massing, and location close to the side boundary, the proposed hedge would not likely provide enough screening of the development by itself when viewed from these nearby footpaths. Consequently, the proposal would appear as an abrupt visual intrusion into the more open landscape next to these footpaths.
15. Accordingly, the proposal would have a negative effect on the setting of the CA resulting in less than substantial harm to the significance of a designated heritage asset to which I must attach great weight. Therefore, having regard to paragraph 196 of the Framework, whilst I acknowledge that the proposal would provide

limited social and economic benefits from its construction and subsequent occupation, these are not of sufficient weight to outweigh the harm I have identified.

16. I therefore conclude that the proposed development would harm the setting of the Fairfield Conservation Area and therefore would not be consistent with the preservation of its character in conflict with the requirements of Policy EQ7 of the adopted High Peak Local Plan (HPLP). Consequently, I also conclude that the proposal would materially harm the character and appearance of the wider area in conflict with Policy EQ6 of the HPLP. It would also conflict with the policies of The Framework where they seek to serve the same objectives as the aforementioned development plan policies.

Living Conditions

17. The proposed dwelling would be set back from the neighbouring property no. 52 St Peter's Road and would have a raised roof terrace to the rear. This would be at ground floor level which given the sloping topography of the site would in effect be at first floor level when viewed from the rear. It would also be at the side of the proposed dwelling closest to no. 52 which also has a raised terrace/patio to the rear of the property as well as a rear conservatory and garden. The proposal's roof terrace would be at a height similar to that of the neighbouring property but higher than its rear garden. It would also be located approximately 9.6 metres from the shared boundary.
18. Given the location of the proposed roof terrace anyone sitting there would be able to look into the conservatory, patio/roof terrace and back garden of no. 52. They would also be able to see into the ground floor windows on the rear elevation even if this would be at a slightly oblique angle. The proposal would therefore result in an unacceptable degree of overlooking. While I acknowledge that the appellant has proposed to plant new trees on the boundary to supplement the existing ones, according to the evidence, it would take between approximately 10 to 20 years minimum before these reached maturity and a sufficient height to provide adequate screening. I also acknowledge that the appellant has also proposed to install screening to the side of the roof terrace closest to no. 52. However, even if this was of a sufficiently opaque design, given its location it would be unlikely to provide enough screening of the neighbouring roof terrace/patio, conservatory and rear garden by itself.
19. I therefore conclude that the proposal would materially harm the living conditions of the occupiers no. 52 St Peter's Road having particular regard to matters of privacy thereby failing to meet the requirements of Policy EQ6 of the adopted High Peak Local Plan.

Other Matters

Effect on the setting of a Listed Building

20. I note that the proposal is relatively close to the grounds of St Peter's church, a listed building. However, as the Council have not raised any concerns and given that I am dismissing the appeal on other substantive grounds, I have not considered this matter further.

Support from interested parties

21. I also note that several interested parties have registered their support for the proposal. However, this does not outweigh or alter my conclusion on the main issues.

Conclusion

22. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR