



Appeal Decision

Site visit made on 18 May 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2021

Appeal Ref: APP/H1033/D/21/3269689

1 Royle Avenue, Glossop SK13 7RD

- 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 Craig Jackson against the decision of High Peak Borough Council.
 - The application Ref HPK/2020/0525, dated 2 December 2020, was refused by notice dated 5 February 2021.
 - The development proposed is described as: "two storey side extension linked to two storey rear extension. Lower ground floor attached garage to be formed partially through excavation. Inglenook single storey extension to kitchen. Elevational alterations including to the front elevation".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice referred to two Supplementary Planning Documents ("SPDs"). While the 2005 SPD is indeed titled "Residential Design" as described in the decision notice, the 2018 SPD is in fact the "High Peak Borough Council Design Guide". The mistitling of the 2018 SPD in the decision notice is clearly a typographical error, as both documents are referred to correctly in the Council's officer report. They are also referred to correctly in the appellant's statement and other supporting information, and as such I am satisfied that his interests have not been prejudiced by the Council's error. I have used the terms "the 2005 Residential Design SPD" and "the 2018 High Peak Design Guide SPD" as appropriate.

Main Issue

3. The main issues are the effects of the proposed extension on the character and appearance of the host building, and on living conditions for the neighbouring occupiers of No 3 Royle Avenue with regard to sunlight and outlook.

Reasons

Character and appearance

4. The appeal property is a two-storey detached house at the entrance to Royle Avenue, a cul-de-sac with detached and semi-detached houses and bungalows of varying styles and ages. It has generous gardens to front and rear, and the site rises quite steeply from the street towards the rear garden, putting the

dwelling in an elevated position above Royle Avenue. A mature laurel hedge along much of the front boundary screens the dwelling from many close-range public views, although the south side elevation is clearly visible from along Royle Avenue to the south east.

5. The dwelling is based on a two-storey 'L' shaped main body, approximately 12.2m wide and 5.3m deep and with a double pitched roof. The base of the 'L' projects forward at the western end of the front elevation by around 2.3m; above this is a catslide roof with a dormer window serving the first-floor bedroom. At the rear, the kitchen is in a rectangular extension around 7.6m wide and 4.8m deep, with a bedroom and bathroom above added following a grant of planning permission in 1994. This whole rear projection has two double-pitch roofs with rear-facing gables. A flat-roofed utility room of around 3.6m by 3.6m infills part of the south eastern corner of the building.
6. The appellant wishes to demolish the rear utility room and erect a two-storey extension wrapping around the side and rear of the dwelling, connected to the existing rear extension. At ground floor this would provide an extended front lounge, with a larger (and reconfigured) kitchen, dining and family room at the rear; at first floor level an bedroom with ensuite bathroom, an additional bedroom replacing a smaller one which would be lost to internal reconfiguration, and a further bathroom would be provided. The principal extension would have two double-pitch roofs, with gable ends to the south side elevation. Other proposed changes include an enlarged porch with a large window and piked roof serving a double-height hall and landing, various other alterations to the fenestration, and a large "inglenook" style fireplace at the northern end of the ground floor with chimney above.
7. A triple garage is also proposed leading from the driveway. Because of the slope of the site, it would be at lower ground floor level, and connected to the side extension by an internal staircase. The flat garage roof would be used as a large external terrace. There would also be further remodelling of the front garden and driveway, including new flights of steps leading up to the front door of the house and to the terrace.
8. The appeal property is already a reasonably large building, not least as a result of earlier extensions. I have not been made aware of anything in the Council's planning policies or guidance which put a figure on what might be considered an excessively large or disproportionate extension. However, the current proposal would enlarge the appeal property to more than twice its original size, which to my mind represents a substantial addition, or series of additions, by any standards. The side extension would be built to the line of the main front elevation rather than set behind it, and the principal roof ridges would be at the same height as the main ridge of the existing dwelling.
9. The appellant consequently acknowledges that the extension would not be subservient to the original building in terms of size or massing. However, he argues that advice in both the 2005 Residential Design SPD and the 2018 High Peak Design Guide SPD requiring an extension to be subordinate to its host building should not be applied automatically without reference to site context and the character of the area. I agree with the basic premise of that argument; the SPDs are after all guidance rather than policy. However, while there will be cases where very large extensions, or those which are not visually subordinate to the host building, may be acceptable, setting the advice of the SPDs aside

depends on more than the site's ability to physically accommodate the development.

10. The proposed extension would, in my view, result in the enlarged dwelling having a sprawling and somewhat disjointed appearance. Its western part would be dominated by pikes and gables to front and rear (and even then there would be a visual inconsistency at the front between the large and modern glazed feature serving the porch, hall and landing, and the smaller more traditional dormer on the catslide roof next to it). The eastern part, mainly comprising the proposed extension, would reflect the massing and scale of the original dwelling, but would be simpler and plainer in style. Rather than the archetypal High Peak "grand villa" which the appellant is seeking to emulate, the overall effect would be of an ordinary and decent house extended, and in particular widened, beyond limits it could comfortably bear. The original dwelling would be lost within and overwhelmed by the extension. Because of the resulting visual incoherence this would be harmful to the character and appearance of the building, and would not be mitigated or justified by any particular quality of design.
11. The proposed garage would be set forward of the established building line of the houses to the south east on the same side of Royle Avenue. Several interested parties commented that it would therefore be an intrusive feature in the street scene. The garage would be at a low level within the plot and partly set below ground level where, because of the lie of the land and the surrounding vegetation it would not be prominent in views along Royle Avenue. I therefore agree with the Council's assessment that this element of the scheme would be acceptable. Furthermore, No 1 is angled away from Royle Avenue and accessed by a relatively long private driveway, while other houses are broadly aligned with the curve of Royle Avenue, and have shallower front gardens with shorter driveways. The appeal property therefore has a different relationship with Royle Avenue compared to its neighbours. The garage would represent a reasonable response to the specific conditions of the appeal site which are not found at other properties on the same street. However, that this element would be acceptable would not outweigh the other harm to the character and appearance of the host dwelling which I have found.
12. Taken as a whole, the development would be harmful to the character and appearance of the host building. The proposal therefore conflicts with Policies S1 and EQ6 of the 2016 High Peak Local Plan ("the Local Plan") which seek to ensure that development is well designed, relates well to the character and appearance of adjacent buildings and the surrounding area in terms of scale and appearance. For the same reasons it would also fail to accord with the provisions of the National Planning Policy Framework ("the Framework"), in particular paragraphs 127 and 130 which seek to achieve well-designed places.

Living conditions

13. The south side elevation would be between around 4.5m and 7.5m from the side elevation of No 3 Royle Avenue next door. A ground floor window on the side of No 3 serves a combined kitchen and family room; in other words a habitable room. While I am not aware of guidance in either of the SPDs on the minimum desired separation distance between a habitable room window and a blank gable wall, from what I saw on my site visit I consider that the close proximity of the two-storey side elevation of the side extension would be

overbearing, and would have a significant enclosing effect when seen from the side window of No 3.

14. The occupiers of No 3 have referred to their enjoyment of the view from that window towards distant hills, but I accept the appellant's point (which in planning terms at least is largely uncontroversial) that, broadly speaking, "no one has a right to a view from private property across other private property". However, it is the enclosing effect of the proposed extension and consequent loss of outlook from No 3, rather than the effect on any specific view, which would be detrimental to the living conditions of the occupiers of No 3. A conservatory connected to the same room within No 3 is on a different north-east facing elevation and, because of the slope of the land already has a more limited outlook than the kitchen and family room. The presence of the conservatory would not therefore substantially mitigate the harm caused by the proposed extension.
15. The appeal property lies a little way to the north west of No 3 and its side window, and the proposed extension would be entirely to the north of No 3. While there may possibly be some slight loss of sunlight to the kitchen and family room of No 3, this would be restricted to summer evenings when the sun would be low in the sky. This limited impact would not amount to significant harm to living conditions for the occupiers of No 3.
16. I conclude that although the proposed extension would not lead to a significant loss of sunlight, the loss of outlook from the kitchen and family room of No 3 would be harmful to living conditions for neighbouring occupiers. The proposal therefore conflicts with Policy EQ6 of the Local Plan, which seeks to ensure that development has a satisfactory relationship with neighbouring uses, and (among other things) does not have an unacceptable overbearing effect. For the same reasons, it would fail to accord with the provisions of the Framework, in particular paragraph 127 which seeks to create places which have a high standard of amenity for existing and future users.

Other matters

17. Several planning applications to extend the appeal property have been submitted in recent years and subsequently withdrawn¹, although it is not necessary to discuss them in detail here. The appellant has stated that, following the withdrawal of the three previous planning applications he has amended the proposal to reduce its bulk and to improve its design. However, I have determined this proposal on its own merits, and have found significant harm as described above. That the current scheme may be less harmful than earlier abortive proposals does not therefore weigh in its favour.
18. The appellant has referred to the possibility of developing a two-storey rear extension along with a single storey side extension or a large outbuilding at the side of his property using permitted development rights. There is no doubt in my mind, given the various schemes put forward by the appellant in recent years, that he wishes to provide a substantial amount of additional living space for himself and his family. There is therefore a realistic possibility that, in the absence of securing permission for this proposal, he will pursue one or more of these fallback options.

¹ LPA references HPK/2019/0125, HPS/2019/0469 and HPK/2020/0161

19. However, it seems to me that because of the various restrictions on permitted development (such as limitations on eaves heights and roof heights) any extension or outbuilding, or combination of the two, developed by that route would almost certainly have to be less substantial than the scheme before me. It, or they, would therefore have a lesser impact on the character and appearance of the host building, and on neighbours' living conditions, than the current proposal. The fallback position consequently carries limited weight in favour of the appeal proposal, and does not outweigh the harm I have found. My conclusions in respect of the fallback position and the weight I have afforded to it are consistent with caselaw in this regard to which the appellant drew my attention².
20. The appellant has also referred to caselaw in respect of the application of development plan policies³, and argues that the Council applied the requirements of the development plan policies and guidance in respect of domestic extensions too restrictively when, in his view, the development would be in keeping with the character of the area. However, I note the comment of Sullivan J in *Milne*, cited by Lindblom LJ in *Corbett*, that "the local planning authority has to make a judgment bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach". Nothing before me persuades me that the Council has done otherwise in this case, and there is no substantive evidence that other policies might have been more relevant and should have been applied instead. I have therefore reached my decision with reference to the same policies against which the Council assessed the planning application.
21. Finally, the appellant has indicated that the extension would allow his father-in-law, who is in poor health, to move in with his family. While I am sympathetic on this point, no evidence has been offered to demonstrate why such a large extension would be necessary to facilitate this. I am also mindful that it is likely the proposed extension would remain long after current personal circumstances cease to be relevant. This consideration can therefore only carry limited weight in my assessment, and does not outweigh the harm I have found.

Conclusion

22. The extension would be harmful to the character and appearance of the host building, and to neighbours' living conditions. The proposal therefore conflicts with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector

² Samuel Smith Old Brewery (Tadcaster) v SSCLG and others [2009] EWCA Civ 333; Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314; R (Zurich Assurance Ltd (t/a Threadneedle Property Investments)) v North Lincolnshire Council [2012] EWHC 3708 (Admin)

³ R (Corbett) v Cornwall Council [2020] EWCA Civ 508; R (Milne) v Rochdale MBC [2000] EWHC 650 (Admin)