



Appeal Decision

Site visit made on 11 May 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/H1033/D/23/3316700

10 Robertson Road, Buxton, Derbyshire SK17 9DY

- 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 and Mrs Smith against the decision of High Peak Borough Council.
 - The application Ref HPK/2022/0383, dated 17 August 2022, was refused by notice dated 7 December 2022.
 - The development proposed is demolition of existing outbuildings and the addition of a single storey side/rear extension with associated internal alterations to include the construction of detached ancillary accommodation and alterations to the boundary wall fronting the highway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development on the character and appearance of the area having particular regard to the Buxton College Conservation Area (CA).
3. The effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to loss of sunlight, outlook and overlooking.

Reasons

Character and appearance

4. The appeal property is a semi-detached dwelling in a prominent elevated position on Robertson Road located within the CA. It is set back from the highway and has a driveway to the front with a low stone wall forming the boundary between the dwellings and the highway.
5. The area of Robertson Road has a quiet verdant character with a mixture of mainly detached gritstone Victorian Villas and by contrast semi-detached Arts and Crafts properties. The properties are set back from the highway behind low walls and some have driveways. Due to the elevated position of the property which can also be seen from College Road behind the property, the appeal site is within a sensitive part of the CA.
6. The appeal site is an Arts and Crafts dwelling with a symmetrical frontage and timber detailing on the square bay window to the front, with dash textured render at first floor. The adjoining property has matching details which has a positive effect on the street scene. The significance of the CA is derived from

the historic development of the area at the turn of the twentieth century. It demonstrates designs and features of gritstone Victorian Villas and Arts and Crafts houses in spacious settings with street trees and low boundary walls.

7. The Arts and Crafts houses of which the appeal dwelling is an example, typically have gabled frontages, dash textured render and gaps between plots which provide views into and out of the town due to the topography. The Buxton Conservation Areas Character Appraisal 2007 states that the series of individual Arts and Crafts houses are arguably of national importance, and that Robertson Road has a more unusual mix of houses and more individual variety within each pair of semi-detached properties. The appeal property therefore makes a positive contribution to the character and appearance of the area.
8. The proposed single storey extension to the dwelling on the rear of the property is in a prominent position due to the changes in levels on the site. The property is at a higher level than the garden which slopes downwards towards the neighbouring dwelling to the rear, and College Road beyond. There is low boundary treatment in the rear garden and therefore is not screened. The rear of the dwelling is visible from College Road which is also within the CA. The proposed design is contemporary and predominantly glazed save for the proposed utility area which would be set behind the existing attached garage. The Council's Design Guide (2018) does state that a more contemporary approach to an extension in terms of style and materials could be acceptable. However, due to the height of the extension in comparison to its surroundings and the fenestration introducing large glazing features, the extension would add a bulky addition to the rear of the dwelling which would appear incongruous and out of keeping with the host dwelling and surrounding properties. The extension would therefore fail to preserve the character or appearance of the CA.
9. The proposed outbuilding is of a considerable size, almost filling the north side of the garden. The use of timber cladding with dark aluminium columns, fascias and soffits would not match that of the existing house. Due to the change in levels and low boundary treatments, the building would be highly prominent, especially when viewed from surrounding properties. It would also be visible from College Road to the rear. The building would therefore appear as a large and incongruous feature that would harm the character and appearance of the CA.
10. I have had regard to the statutory duty set out in 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in reaching my decision.
11. Paragraph 199 of the National Planning Policy Framework (the Framework) 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. For the reasons mentioned the harm to the significance of the heritage asset is less than substantial.
12. In accordance with Paragraph 202 of the Framework this harm should be weighed against the public benefits of the proposal. No public benefits of the proposal have been put forward in this case, therefore due to the less than substantial harm identified, the proposal does not comply with the Framework in this regard.

13. For the reasons set out, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. The proposal would therefore conflict with policies S1, EQ6 and EQ7 of the High Peak Local Plan (2016) (LP) which require all new developments to protect and enhance the historic environment, be well designed to respect the character, identity and context of High Peak's townscapes and to conserve heritage assets including Conservation Areas.
14. The proposed development would also fail to accord with Chapter 12 of the Framework which requires developments to be sympathetic to local character and history.
15. Having regard to The Residential Design Supplementary Planning Document SPD2 (December 2005) (SPD) it requires domestic development to be carefully designed to result in a dwelling that is well designed and requires outbuildings to be subordinate in size and match the materials of the main dwelling. For the reasons mentioned, this proposal is contrary to the guidance contained within the SPD.

Living Conditions

16. No 10 is detached from and located on the south side of No. 8. Due to a combination of proposed building height, low boundary treatments, proximity of the proposed outbuilding and orientation in relation to the neighbouring property, the proposed outbuilding would cause a loss of sunlight to the side private garden area of No 8 which is the main private garden space. This would be experienced for a significant part of the day due to the orientation of the properties. The windows of No 8 would have some distance from the boundary, however the outbuilding would be a dominant feature on the boundary and would cause a loss of outlook which would be exaggerated by changes in levels between the properties and would feel imposing. The proposed outbuilding would therefore have a harmful effect on the living conditions of neighbouring occupiers at No 8.
17. The outbuilding would be sited in very close proximity to the rear boundary of 7 College Road. Due to this, plus the changes in levels and low boundary treatment, the building would cause a loss of outlook from the ground floor windows of No 7. The rear elevation of the development would also be completely glazed which would result in unacceptable levels of overlooking into these windows and the garden. The use of the space as a gym would not alter this potential. Whilst it is not unusual for residents to be able to see into neighbouring gardens, due to the reasons mentioned this would result in unacceptable levels of overlooking, which could be for prolonged periods due to the proposed use of the outbuilding. The outbuilding would therefore have a detrimental impact on the living conditions of those living at No 7.
18. The officer report states that the proposed single storey rear and side extension to the property would not affect the living conditions of neighbouring occupiers. Based on the information before me, I have no reason to disagree with this.
19. Nevertheless, for the reasons mentioned, the proposed outbuilding would be contrary to policies S1 and EQ6 of the (LP) which require developments to provide a high standard of amenity for all existing and future occupants of land and buildings, and that the development achieves a satisfactory relationship to

adjacent development and does not cause unacceptable effects by reason of overlooking, shadowing, or overbearing effect.

20. The proposed development would also be contrary to the SPD which states that places should offer good levels of amenity.
21. The proposal would not accord with Chapter 12 of the Framework which states that decisions should ensure that developments have a high standard of amenity for existing and future users.

Other Matters

22. The appellant has brought to my attention that the site benefits from permitted development rights and this is a fallback position. However, the extent of permitted development rights is unknown. Limited details of such a scheme is before me and without such information a full and detailed comparison with the case before me cannot be made. Additionally, there is no evidence that the fallback position is a greater than theoretical possibility or that if the appeal is dismissed the fallback would be pursued. As a consequence, I find the suggested fallback position to have limited weight in the determination of the appeal.
23. The site is located within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council have carried out a Screening Assessment on the proposal and confirmed that an Appropriate Assessment is not necessary in this case. As I am dismissing the appeal for other reasons, I do not need to consider this matter any further.

Conclusion

24. The appeal scheme would conflict with the development plan as a whole and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore be dismissed.

N Duff

INSPECTOR

