



Appeal Decision

Site visit made on 18 July 2023 by Andreea Spataru BA(Hons) MA MRTPI

Decision by Martin Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/H1033/W/22/3313439

40 Hawthorn Drive, Glossop, Derbyshire SK13 7EE

- 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 Stuart Clephan against the decision of High Peak Borough Council.
 - The application Ref HPK/2022/0319, dated 12 July 2022, was refused by notice dated 27 September 2022.
 - The development proposed is for the erection of a timber single storey structure to the side of the main house.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appellant's name, as set out above, whilst different to the application form, has been taken from the appeal form to reflect the evidence on this matter submitted by the appellant, and is consistent with the Council's identification on the Decision Notice.
4. The description of development above has been taken from the Council's Decision Notice letter and the appeal form, as it more concisely describes the development than that provided on the application form.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons for the Recommendation

6. The appeal site relates to a detached, brick-built dwelling, located on a corner plot within a newly built housing estate. The dwelling is set back from the road and has a small garden to the front and side. A low hedge wraps around the corner of the property, and a high brick wall provides screening for the amenity area located to the rear of the property.
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7. Neighbouring properties are similar in terms of materials and setback from the road. Hedges at various heights and other vegetation are also present to the front and side of neighbouring dwellings. The consistency in terms of materials, the siting of houses in relation to the roads, along with the greenery, contribute positively to the open and verdant character of the street scene.
8. The proposal seeks to erect a single storey timber structure to the side of the dwelling. The outbuilding would extend across most of the width of the side garden and would occupy a significant proportion of the side garden. It would have a pitched roof and a maximum height of approximately 2.7m.
9. Due to its siting and overall size, the proposed structure would affect the openness of the street scene, as it would infill most of the space to the side of the property. Whilst timber is a common material for domestic outbuildings, due to the location of the structure, the choice of materials would make the proposal stand out instead of blending in within the street scene, which would add to the inappropriateness of the development in this particular location.
10. The existing laurel hedge, at its current height, would only screen the base of the structure. Notwithstanding this, I acknowledge that the hedge has the potential to provide more screening once it reaches maturity. However, I am not persuaded that the hedge would be sufficient to fully screen the proposal, and thus fully mitigate its harmful effect on the character and appearance of the street scene. I also note that the submitted proposed site plan indicates that approximately half of the length of the existing hedge, particularly the part that currently wraps around the side/front, would be removed as part of the proposal. The removal of part of the hedge would be detrimental to the verdant character of the street scene.
11. I conclude that due to a combination of its siting, size and materials, the proposal would be detrimental to the character and appearance of the street scene. Therefore, it would be contrary to Policies S1 and EQ6 of the High Peak Local Plan 2016, which collectively require, amongst other things, that developments contribute positively to an area's character in terms of scale, height, appearance, materials, and the relationship to adjacent buildings and landscape features.

Other matters

12. There is a dispute between the Council and the appellant regarding the status of the land to the side of the property, and whether it forms part of the curtilage of the dwelling, with evidence adduced to the appeal in this regard. However, establishing the legal status of this land is a matter which is beyond the scope of the appeal in this instance. The development as described solely identifies the timber structure and not an establishment of the planning status of the land itself.
13. Irrespective of the above, and on the basis of the appellant's contention that the disputed land forms part of the curtilage, a fallback position has been presented with a drawing showing a proposed outbuilding with a maximum height of 2.5m, a reduction on the appeal proposal. It is contended that this would be permitted development in accordance with the provisions of Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in such a circumstance.

14. Notwithstanding the question of the planning status of the land, a modest reduction in the height of the structure would undoubtedly lessen its visual prominence and thus its impact on the character and appearance of the area. It must therefore stand that this alternate form of development would be preferable to the extent of the harmful impact highlighted in connection with the proposed development. However, whilst I have no reason to dispute that the alternate structure would be a realistic proposition to which I would attach substantial weight if the status of the land was clarified as being part of the residential curtilage, this would still not justify the acceptability of the appeal scheme which would have a greater level of harm.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR