



Appeal Decision

Site visit made on 8 January 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/H1033/W/23/3327858

68, Brookside, Yeardsley Lane, Furness Vale SK23 7PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs M Swift against the decision of High Peak Borough Council.
 - The application Ref HPK/2020/0441, dated 14 October 2020, was refused by notice dated 10 May 2023.
 - The development proposed is described as construction of a new dwelling in the grounds of 68 Yeardsley Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
4. Outline planning permission is sought, with access, layout and scale to be considered at this stage and all other matters reserved for later consideration. I have determined the appeal on this basis. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance and landscaping as illustrative.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located on Yeardsley Lane (the lane), which comprises of a variety of single-storey and two-storey dwellings of different ages, designs and sizes. With the exception of the terrace rows closer to Buxton Road, dwellings are typically set back from and face the lane at varying distances by gardens and driveways, which become more loose-knit as development follows the slope of the lane upward towards the appeal site.

7. The appeal site, which has an irregular shape, lies opposite an open field and has an open frontage allowing for views through the site with dwellings to either side. It is also bound to the rear by dwellings at a higher level separated by a dense band of trees. Within the appeal site and the surrounding area, there are frequent large mature trees, including the trees subject to a Tree Preservation Order all of which contribute to the verdant feel of the street scene and surrounding area.
8. At the time of my visit, the site had an unmanaged small woodland appearance that assisted with maintaining a sense of space and openness. This provides a subtle transition to the wider open fields found nearby.
9. The appellants state there is no consistent set back distance of properties found along the lane, and not all frontages face directly outward. Regardless of the front elevations facing the lane, the prevailing pattern along this stretch of the lane is properties with a strong visual connection to the lane within verdant gardens. The appeal scheme would introduce a dwelling which does not reflect this established pattern and grain of development.
10. From my observations noting landscaping is still to be agreed, the proposed dwelling would not be well concealed and would be noticeable from public viewpoints and some surrounding gardens. As a result of its backland position down a long narrow elongated driveway and front garden, the introduction of the dwelling would appear as a cramped form of development wedged between existing boundaries to the sides and rear. This would not be overcome by the existing residential plot retaining a sufficient level of garden space. The proposed development would therefore appear as an incongruous addition within the surrounding area that would be out of keeping with the prevailing spacious low-density character of the area made up of dwellings fronting the lane.
11. Policy EQ 9 of the High Peak Local Plan (LP) deals specifically with trees, woodland and hedgerows with the specific aim of protecting them from loss or deterioration. This is achieved by requiring that existing healthy mature trees are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss. The Council have also referred to the Framework, which is broad in its coverage of the benefits of trees. Nonetheless, the Framework in paragraph 180 identifies that decisions should contribute to and enhance the natural and local environment recognizing, amongst other things the wider benefits from natural capital and ecosystem services including trees.
12. I have already established that surrounding trees including those on the appeal site make an important visual contribution to the area. I have also taken into consideration that Trees T7 & T10 are to be retained. The revised tree removal plan¹ identifies 7 trees to be removed. The tree survey² identifies three of these as category C1 of low quality and four as category B1 of moderate quality.
13. Based on the limited evidence before me I am not convinced there is an immediate need which requires the removal of the trees due to their condition or defects and their removal has not been justified. Nonetheless, the proposed

¹ Drawing ref 275/012 Rev E

² Prepared by David Lloyd-Jones dated 06 August 18

- development would deliver social and economic benefits through the addition of a new dwelling on a small windfall site.
14. There would be a small increase in support for local services and facilities and some further temporary economic benefits through support for construction jobs. Environmental benefits could also be achieved through landscaping. However, given the small scale of the development, and even if it was a self-build plot, these benefits would be small and would not be sufficient to address the loss of the aesthetically pleasing influence that the grouping of trees on site have on the surrounding area or other harm to character and appearance I have identified.
 15. Notwithstanding my findings above, there is significant variation in the styles, ages and design of properties found along the lane. As a result, and noting that design is a reserved matter, the introduction of a two-storey property would complement the variety of styles and designs found nearby.
 16. The appellant has drawn my attention to another scheme considered to be backland development off Diglee Road. Whilst I do not have full details of this scheme, I accept that some dwellings have a large setback from the road. However, the dwellings are in an elevated position within well-sized plots such that they do not appear as backland development when viewed from the road. Moreover, it is located some distance from the appeal site and would not be seen in connection with the appeal scheme. In this regard, existing developments are materially different to the appeal proposal, and therefore I cannot draw any direct comparison that weighs in favour of the proposal.
 17. For the reasons given above, the proposed development would therefore fail to accord with Policies EQ 6 and EQ 9 of the LP. These require, amongst other things, new development to be well designed and responds positively to its environment and ensure that existing healthy mature trees are retained. The proposed development also conflicts with the Framework in so far as it requires decisions taken on development proposals to ensure existing trees are retained wherever possible and new development is sympathetic to local character.

Other Matters

18. I acknowledge that the appeal scheme has been designed to take into consideration a number of constraints that run through and are within the site. I also note that the appellants have undertaken pre-application engagement with the Council. However, these matters do not alter my findings on the detrimental harms set out above.

Conclusion

19. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harms and associated development plan conflict.
20. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR