



Appeal Decision

Site visit made on 29 October 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2024

Appeal Ref: APP/M9496/W/24/3345396

36 Burrfields Road, Chapel-En-Le-Frith, Derbyshire SK23 0JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Longden against the decision of High Peak Borough Council.
 - The application Ref is HPK/2024/0113.
 - The development proposed is the erection of a dwelling house.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Mark Longden against High Peak Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the area, and b) the living conditions of future occupiers of the proposal and existing occupiers at 6 Carriers Meadow, with particular regard to privacy.

Reasons

Character and appearance

4. A substantial stretch of the eastern side of Burrfields Road from its junction with Hayfield Road is lined by terraced dwellings of a similar scale and design and which are positioned close to the highway edge. This arrangement of traditional built form is also reflected along the southern extent of Burrfields Road.
5. To the western side of Burrfields Road are more recent dwellings which have off-street parking provision forward of their front elevations. I also acknowledge the newer properties on the eastern side of Burrfields Road, including the detached and semi-detached dwellings.
6. Whilst near to the appeal site, the properties on the western side are read in a different context due to their association with the wider, recent housing development. The newer examples on the eastern side are limited and appear as anomalies in this part of the street scene due to their design and set back positioning, and as they are flanked by traditional properties.
7. Moreover, the appeal site has a closer affinity to the adjacent row of terraced properties than others, by virtue of its location at the end of the terrace and

the limited width of the site. It is clearly read within the context of this traditional stretch of character in the street scene, rather than the surroundings of the newer properties on either side of Burrfields Road.

8. The proposed dwelling would be set back from the highway behind off-street parking places. It would be separated from the adjacent terrace and would be narrow in width. By virtue of these factors, the proposal would fail to reflect the characteristics and pattern of development of the adjacent terrace to which it relates closest to. This incongruous relationship would be readily apparent in the street scene.
9. The narrow width of the appeal site and the subsequent size of the proposed dwelling also results in development which fails to reflect the adjacent examples of set-back properties, albeit this pattern of development should not be replicated in this instance given my findings above.
10. Furthermore, whilst the appeal site may have provided an area for off-street parking for a considerable period of time, the proposed increase in width of the parking provision along this frontage, to also include the off-street parking spaces proposed to the side of the existing terrace, along with a lack of significant areas of landscaping, would dominate the frontage of this stretch. This poor-quality design would be out of character with and unsympathetic to this traditional part of the street scene. Together with the incongruous positioning of the built form, the enclosure of this part of Burrfields Road would be harmfully undermined.
11. As referred to above, the other examples of parking to the front of more recent properties on the western side of Burrfields Road are read within a different, non-traditional context to the appeal site. They do not therefore serve to justify the appeal development.
12. Accordingly, the proposal would result in harm to the character and appearance of the area and thus it conflicts with policies S1 and EQ6 of the High Peak Local Plan (April 2016) (the HPLP) and Policy H3 of the Chapel-en-le-Frith Parish Neighbourhood Development Plan 2013-2028. Together these policies, whilst varying slightly in their wording, aim for developments which are of a high quality and reflect or respond positively to the characteristics of the locality.

Living conditions

13. A two-storey dwelling with detached garage is located to the rear of the appeal site, at 6 Carriers Meadow. The Council has raised concerns with the interface distance between the first-floor rear facing windows of the appeal proposal and those at No 6.
14. Whilst the main parties are not in agreement with the distance that could be achieved, I nevertheless note that the proposal would fail to meet the recommended distance of 21 metres between habitable room windows as set out in the High Peak Borough Council Residential Design Supplementary Planning Document (December 2005) (the SPD).
15. The 21m specified in the SPD provides a guide to providing an acceptable level of amenity. It is not a strict policy requirement but rather a useful figure to aim to achieve. There may be instances when a lower separation distance would still ensure acceptable living conditions are provided and preserved.

Indeed the SPD goes on to notes that where buildings are located closer than 21 metres, the layout of windows and doors should avoid creating direct views from properties.

16. In this instance, the concerned windows would not be in direct line of sight. The obscure relationship and the distance involved would provide future occupiers of the appeal property with satisfactory living conditions and would preserve the privacy of occupiers at No 6.
17. Therefore, the appeal proposal would not result in a loss of privacy and would provide satisfactory living conditions for future occupiers in this respect. It therefore accords with Policy EQ6 of the HPLP which seeks to ensure that developments do not cause unacceptable effects to occupiers.

Conclusion

18. The proposed development would provide an additional dwelling which would be of benefit to local housing supply. Economic benefits would arise on construction and subsequent occupation. Given the level of provision and the small scale of the proposal, I afford these benefits limited weight.
19. The proposal would harm the character and appearance of the area, which leads to conflict with the development plan as a whole. Accordingly, there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR