



Appeal Decision

Site visit made on 6 January 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2025

Appeal Ref: APP/H1033/W/24/3348469

Land south of Spire Hollin, off Dinting Road, Glossop SK13 7QL

- 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 and Mrs Eccles against the decision of High Peak Borough Council.
 - The application Ref is HPK/2024/0032.
 - The development proposed is erection of detached dwelling with associated vehicle parking, landscaping and ground works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached dwelling with associated vehicle parking, landscaping and ground works at land south of Spire Hollin, off Dinting Road, Glossop, SK13 7QL in accordance with the terms of the application, Ref HPK/2024/0032, and subject to the conditions in the attached schedule.

Applications for costs

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

Preliminary Matter

3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site comprises an undeveloped field located along a narrow, winding road, which rises upwards from its junction with Dinting Road. The site and road have a semi-rural character on the edge of a residential area, located within the settlement boundary of Glossop. The site occupies an elevated position above houses that front Dinting Road beyond the rear boundary. Likewise, land on the opposite side of the road rises steeply upwards.

6. Residential dwellings in the locality are largely of a traditional appearance. However, many of the house's range in age, style, scale, and appearance, set within varying plot sizes. Facing materials of existing houses and buildings nearby are also varied and the area does not have a uniform character, albeit there is a preponderance of natural stone, as well as red and yellow bricks, to external walls. Tile roofs are also a common theme of the area.
7. In contrast, the proposed development would have an unapologetic contemporary appearance, which would be distinctive in its surroundings. In particular, the first floor would be at a right angle to the ground floor, with a cantilever design to the front and rear, which would be a unique design feature, particularly within the context of the more traditional housing nearby.
8. The use of stone walls at ground floor and contrasting vertical timber cladding, with a 'charred finish', on the upper storey would further showcase the contemporary design approach of the proposal. Likewise, the contrasting black profiled metal pitched roof of the first floor, compared to the flat roof design of the ground floor would result in a design that would be exclusive within the landscape.
9. Large areas of glazing with aluminium frames would complement the design of the proposed building and the proposed hard and soft landscaping works, including the sedum roof at ground floor would complement the design of the proposed development.
10. While the cantilever design would appear top heavy from certain viewpoints, the existing trees on the boundary and neighbouring land would offer screening potential from certain vantage points. Proposed landscaping would also soften its appearance. Furthermore, the charred timber cladding at first floor would also soften its appearance, which would be viewed against the backdrop of the semi-rural, rising landscape. As such, even though timber cladding is not a material that is commonly used on existing buildings within the wider area, in the context of the contemporary design proposed and the semi-rural landscape, its appearance would harmonise with the surroundings.
11. Overall, the contemporary design of the proposed development would be high quality, and even though the distinctive design would be different to existing buildings nearby, the proposal would not be incongruous or unsympathetic within its surroundings and the semi-rural landscape.
12. Consequently, for the above reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area. Therefore, the proposal would not conflict with Policy EQ6 of the High Peak Local Plan (2016), which amongst other things, seeks all development to be well designed and of a high quality that responds positively to its environment.
13. The proposal would also not conflict with the design objectives of the High Peak Design Guide, adopted 2018, which amongst other things, supports contemporary, high-quality design and the use of high-quality modern materials where appropriate to the design or setting.

Other Matters

14. Concerns have been received from neighbouring occupiers in relation to drainage, the height of the proposal and the position of windows in the rear elevation and

potential loss of privacy. As well as potential overshadowing from proposed tree planting. These factors are not in dispute between the main parties and were addressed in the Delegated Officers report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.

Conditions

15. The Council has suggested several conditions, some of which I have amended for the sake of clarity and precision. I have also had regard to the Framework and national Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure that the appearance of the development is satisfactory, a condition is imposed to require samples of the external materials to be approved.
16. Conditions to secure the submission and approval of a construction environmental management plan to protect biodiversity is necessary due to the undeveloped nature of the site. Likewise, a condition which restricts the removal of hedgerows, trees, shrubs or brambles between 1 March and 31 August, unless a survey is undertaken, is necessary to protect nesting birds. For similar reasons, a condition which secures the approval of external lighting is necessary to protect the environment and biodiversity. In addition, a biodiversity enhancement plan and soft landscaping scheme are justified to provide improvements to the character and appearance of the area and biodiversity.
17. To ensure that suitable access, parking and carriageway widening / passing place facilities are provided, as well as suitable visibility on the site frontage, I have included conditions that secure these details prior to the occupation of the building to avoid unnecessary highway safety and parking issues arising.
18. Conditions to prevent noise nuisance to neighbouring properties from construction activities during unsuitable hours are necessary to protect the living conditions of neighbouring occupants. The identification and remediation of unexpected ground contamination is necessary to prevent risk to the environment and to protect the living conditions of future occupants of the development. A foul water and surface water drainage scheme for the site is necessary to prevent an increase in flood risk following the development and to ensure the appropriate management of water and foul sewage disposal is implemented.
19. I have not imposed a condition preventing the use of amplified music and / or radios during the construction phase because this is covered by other legislation. Therefore, it is not directly relevant to planning, reasonable or necessary.
20. Condition 3 needs to be a pre-commencement condition to avoid unacceptable impacts once construction activities start on site. As such, I am satisfied that the condition is necessary to make the development acceptable in planning terms and that it would have otherwise been necessary to refuse planning permission. The appellant has provided written agreement to the terms of the condition.

Conclusion

21. For the reasons given above the appeal should be allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, numbered: SPH.PL.002; SPH.PL.100; SPH.PL.101; SPH.PL.102; SPH.PL.103; SPH.PL.104; SPH.PL.105; SPH.PL.106; SPH.PL.107; SPH.PL.108; SPH.PL.109 and SPH.PL.110.
- 3) No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of “biodiversity protection zones”;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication; and
 - g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented as approved and be maintained throughout the duration of the construction works period.

- 4) No development above ground level shall take place until details / samples of the materials to be used in the construction of external walls and roofs of the building hereby permitted, and the hard surfaces around the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 5) No development above ground level shall take place until a Biodiversity Enhancement Plan (The Plan) has been submitted to and approved in writing by the local planning authority. The Plan shall clearly show positions, specifications and numbers of features, which should include, but not limited to, the following:
 - a) Universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022;
 - b) Integrated bat boxes;
 - c) Insect bricks / towers;
 - d) A summary of ecologically beneficial landscaping; and
 - e) A statement of good practice including photographs.

The development shall be carried out in accordance with the approved details.

- 6) No development above ground level shall take place until a drainage scheme for the site, showing how foul water and surface water will be addressed has been submitted to and agreed in writing by the local planning authority. The development

hereby permitted shall not be occupied until the approved drainage systems have been constructed and completed in accordance with the approved plans and details.

- 7) No development above ground level shall take place until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The landscaping scheme must include, where appropriate, the following details:
- a) Indications of all existing trees and hedgerows on the land and details of any trees and hedgerows to be retained, together with measures for their protection;
 - b) A schedule of plants including species, plant sizes and proposed numbers / densities; and
 - c) A programme of implementation.

The approved landscaping scheme shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the dwelling, whichever is the sooner. Any trees or plants which, within a period of five years, die, are removed, or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the local planning authority, unless written consent has been obtained from the local planning authority for any variation.

- 8) The dwelling hereby approved shall not be occupied until the access, parking and carriageway widening / passing place facilities have been provided as shown on the approved plans.
- 9) The entire site frontage shall be cleared and shall remain clear of any obstruction greater than one metre in height relative to the adjacent carriageway level.
- 10) Prior to the installation of external lighting, full details, including height, design, location and intensity, shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 11) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 12) No removal of hedgerows, trees, shrubs or brambles shall take place between 1 March and 31 August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 13) No piling shall take place outside the hours 9:00 - 16:00 hours Mondays to Fridays and shall not take place at any time on Bank or Public Holidays.
- 14) Construction works on the site shall take place only between 7:30 - 18:00 hours Monday to Friday; 8:30 - 14:00 hours on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.