



Appeal Decision

Site visit made on 25 March 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

Appeal Ref: APP/H1033/D/24/3356805

19 The Shaw, Hadfield, Glossop, Derbyshire SK13 6DE

- 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 Morris against the decision of High Peak Borough Council.
 - The application Ref is HPK/2024/0403.
 - The development proposed is alterations and extensions to an existing dwelling with associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework was published in December 2024 but does not raise any new matters which affect the assessment of this appeal scheme.
3. The name of the appellants has been adopted from the appeal form rather than the "Care of Agent" referenced on the application form.

Main Issue

4. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 136 Dinting Road.

Reasons

5. The proposed development includes a first floor extension above a single storey addition to a dwelling situated on a corner plot. This appeal scheme is seeking to address refusal of planning permission for a previous proposal for an extension in the same location. The existing addition's side elevation shares a boundary with the rear garden of 136 Dinting Road. The garden of this neighbouring property is tiered. The lower tier is a hard surfaced area adjacent to the ground floor rear windows of No. 136. These openings comprise a patio window serving a habitable room and a kitchen window.
6. The outlook from the ground floor windows is primarily towards a set of steps and the retaining walls for the garden's upper and intermediate tiers. Within the outlook is the upper part of the stone wall and roof of the single storey addition associated with the appeal property. The pitched roof of this addition slopes away from the shared boundary. By reason of the outlook from, in particular, the patio window of

- No. 136 there is already a sense of enclosure associated with the retaining walls, steps and the roof of the property's single storey addition.
7. The roof of the proposed extension is asymmetrical in design with a shallower angled roofslope sloping away from the shared boundary with No. 136. However, the proposed increased height of both the addition's side elevation and the overall height of the appeal scheme would increase the degree of visual intrusion already experienced and would demonstrably accentuate the existing sense of enclosure in the outlook from, in particular, the patio window. For this reason, the living conditions of the occupiers of No. 136 would be unacceptably harmed by the appeal scheme which would be an overbearing form of development when assessed cumulatively with the steps and retaining walls.
 8. Although there would be an effect on the outlook of the occupiers of No. 136 from the intermediate and upper tiers of their garden associated with the increase in the height of the addition, the proposed asymmetrical roof design would significantly reduce any perceived sense of enclosure from the garden. The outlook from the first floor windows of No. 136 would be affected by the proposed development but because of the roof form this would not be to a point whereby it would result in significant harm being caused to the occupiers. However, even when these matters are taken together, they do not outweigh the unacceptable harm which has been identified.
 9. The absence of an objection from the occupiers of No. 136 to the proposed extension has been noted but other people may well occupy the property in the future. Accordingly, this matter has been given limited weight in the determination of this appeal.
 10. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 136 Dinting Road, and, as such, it would conflict with Policies S1 and EQ6 of the High Peak Local Plan. Amongst other matters, these policies seek a high standard of amenity for all existing occupants of land and buildings, and for development to achieve a satisfactory relationship to adjacent development and not causing unacceptable effects by reason of visual intrusion and being overbearing. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR