



Appeal Decision

Site visit made on 17 March 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/H1033/D/24/3357600

1 South View, New Mills, Derbyshire SK22 3BS

- 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 Green against the decision of High Peak Borough Council.
 - The application Ref is HPK/2024/0389.
 - The development is proposed vertical, side and rear extensions to existing dormer bungalow.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellants against the Council. This application is attached as a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host dwelling and surrounding area, including the setting of the New Mills Conservation Area (CA); and
 - the living conditions of the occupants of No 2 South View, with particular reference to privacy, outlook, sunlight and daylight, and potential for noise.

Reasons

Character and appearance

4. No 1 is a detached, dormer bungalow situated adjacent to the CA. This part of the CA is characterised by traditional, stone-built dwellings and the library on Hall Street, as well as the commercial centre along and around Market Street and steep topography. Buildings are generally constructed from local buff and gritstone with slate roofs.
5. No 1 currently has two small, proportionate dormer windows to the southern elevation which retain the character of the roof. The proposal would result in the removal of the existing pitched roof and creation of a large, flat roof on this elevation. This would result in a dominant addition that fails to respect the roof and features of the existing dwelling, and would result in the loss of the original ridge line. Cumulatively, the proposed flat roof extensions would be a bulky addition which would not respect the size, scale and massing of the host building. Thus, the proposed development would not be a subordinate addition.

6. The materials proposed would not be characteristic of the CA, or wider area, which would draw the eye and increase the prominence of the development. Whilst materials could be secured through a planning condition, that would not outweigh the aforementioned harm.
7. I observed on my site visit that particularly the proposed southern elevation would be visible from parts of the surrounding area (including Longlands Road, part of the adjacent public footpath and Sett Close). Whilst some of these viewpoints are outside of the CA, the development would be seen against the backdrop of the CA. For example, the CA is the backdrop when looking at the appeal site from Longlands Road. The existing dwelling does not make a significant contribution to the character and appearance of the area or setting of the CA. Nonetheless, the proposal would be out of keeping with the character and appearance of the area (including the CA) due to its flat roof design, scale and massing.
8. For the reasons given above, the proposed development would be a discordant and incongruous addition. The design would not be sympathetic to the character and appearance of the host dwelling and locality (including the CA). Consequently, the development would not respect the character and appearance of the host building and its surroundings.
9. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
10. Given the siting, and character and appearance of the existing dwelling, and taking into account the scale of the proposal within the context of the CA as a whole, the level of harm would be less than substantial. Nonetheless, this is a matter to which I attach considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
11. The appellants outline public benefits of the proposal. Given the scale of the development and the nature of the development (extensions and alterations to an existing dwelling), the public benefits would be very limited. The benefits are not sufficient to outweigh the harm that I have identified.
12. For these reasons, the proposed development would cause harm to the character and appearance of the host dwelling and surrounding area, and in the absence of any defined significant public benefits, I conclude that, on balance, the development would cause harm to the CA. Accordingly, the proposal conflicts with paragraph 215 of the Framework as well as Policies EQ6 and EQ7 of the High Peak Local Plan (2016) (LP). These seek, amongst other things, to ensure developments are well designed, and sympathetic to the CA and wider area as well as conserving and enhancing the historic environment.
13. Policy EQ6 of the LP sets out that development should take account of Supplementary Planning Documents. The proposal would also conflict with the High Peak Borough Council Local Development Framework: Residential Design Supplementary Planning Document (2005) (SPD), the High Peak design guide

(2018), and paragraph 135 of the Framework. These collectively seek, amongst other things, to ensure that developments are sympathetic to local character, and extensions are carefully designed to ensure that they are subordinate and match the prevailing angle of the original roof.

Living conditions

14. No 2 is adjacent to the appeal site and has two windows facing towards No 1. These serve the master bedroom and kitchen. No other windows serve this bedroom. The proposed development would increase the scale and massing of No 1. Given the limited distance between Nos 1 and 2, as well as the scale and massing of the first-floor extension, the proposal would have an unacceptable impact on the outlook of the master bedroom window. The proposal would be a dominant addition when viewed from the bedroom window and occupiers would feel unduly hemmed in. The development would not cause unacceptable harm to the outlook of the kitchen window given the existing boundary fence.
15. In addition, the proposed balcony would result in a loss of privacy to the occupiers of No 2 due to overlooking (including perception of overlooking) of No 2's garden and dining room. This is because of the size of the balcony, distance to the common boundary and elevated position. There are examples of balconies in the locality, but the site circumstances cannot be directly compared. Furthermore, whilst No 2 already experiences a lack of privacy, that does not justify a further loss. The appellants have suggested potential solutions and a planning condition to address this matter. Whilst the scheme could be amended to address privacy, it would not address the above conflict I have found in relation to outlook.
16. In terms of noise, the area adjacent to No 1's southern elevation currently forms part of the garden which contains a patio along with numerous areas of seating. I also observed on my site visit that there is a level of background noise given that the site is within the built-up area of New Mills. The proposed balcony would not result in an unacceptable increase in noise given the existing use of this area, siting of the proposed balcony, and urban location.
17. In relation to overshadowing, the appellants set out that the proposal would be below the 25-degree line taken from the BRE Report (BR209). No 1 sits lower than No 2 due to the topography of the area. Taking into account the evidence provided, topography of the area, separation distance between Nos 1 and 2, boundary fence as well as considering the sun's path, the proposal would not unduly reduce light reaching the windows of No 2. Thus, the development would not unreasonably overshadow No 2's bedroom and kitchen windows.
18. For the reasons given above, whilst I have found that the proposed development would be acceptable in terms of sunlight, daylight, and noise, it would have an unacceptable effect on the living conditions of the occupants of No 2, with particular reference to privacy and outlook. Consequently, it would conflict with Policies S1 and EQ6 of the LP. These seek, amongst other matters, to ensure that developments are well designed and do not cause unacceptable effects by reason of overlooking and overbearing.
19. The proposal would also conflict with the SPD and chapter 12 of the Framework which, amongst other matters, promote good design and set out development should provide a high standard of amenity for existing and future users.

Other Matters

20. The appellants outline a range of other matters including that the Council has failed to approach their decision in a creative and positive way. They also highlight what would be allowed under permitted development rights, and how that would impact the dwelling and surrounding area. However, my role is to determine the scheme before me against local and national planning policies. There is little robust evidence before me to demonstrate that there is a real prospect or greater than a theoretical possibility of a permitted development scheme being implemented. Thus, I give this limited weight. The other matters highlighted do not outweigh the harm that I have found.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR