

HIGH PEAK BOROUGH COUNCIL

Report to Development Control Committee

12th August 2019

TITLE:	PERFORMANCE ON PLANNING APPEALS
CONTACT:	DEVELOPMENT MANAGEMENT TEAM
WARDS INVOLVED:	ALL

Appendices Attached - None

1. **Reason for the Report:** To inform members of appeals lodged and decided since the last meeting of the Development Control Committee.
2. **Recommendation**
 - 2.1 That the report be noted.
3. **APPEALS LODGED**

None
4. **APPEAL DECISIONS RECEIVED**

Application No. HPK/2018/0286

Location: Turnlee Centre, Chunal Lane, Glossop, SK13 8LF.

Proposal: change of use from a Retreat Building to a Class C3 Dwelling

Level and Date of Decision: Delegated

Recommendation: Refuse

Decision: Refuse

Appeal Decision and Date: Appeal allowed 14th June 2019

Method of Decision: Written Representations

Main Issues:

- The main issues are the effect of the development on 1) the countryside, with regard to encroachment and character and appearance, 2) protected trees, and 3) highway safety.

Conclusions:

- The site feels physically contained, sitting below the open countryside to the east due to a reasonable change in level. Although I accept the access, parking, turning areas and detached garage would extend into the site itself, this would not result in a prominent intrusion into the countryside over that existing.
- Views into the site are screened by the close boarded fencing that has been erected, which has replaced industrial palisade fencing still evident in the south west corner. Whilst this has a more domestic appearance and fully encloses the site on its western boundary, I do not consider this would cause significant harm to the character of the countryside.
- I find no conflict with LP Policy H1 or EQ3 because the development would not lead to a prominent intrusion into or an adverse impact on the character and appearance of the countryside. I also find no conflict with LP Policy EQ2, EQ6 or Policy S1 in-so-far as they seek to protect landscape character. The proposals are further consistent with the guidance at Section 12 of the National Planning Policy Framework (the Framework) that development should be sympathetic to landscape setting while not preventing or discouraging change.
- The canopy of the woodland subject to the TPO extends in part over the rear of the building. This would provide overshadowing and nuisance associated with leaf fall and debris. However, the proposed layout of the house shows that the rooms to the rear of the house are Bedroom 2 and 3, as well as an ensuite bathroom and utility area. The main living and dining area is located to the front further from the tree canopy with a more open aspect to the west. The house would also benefit from large garden areas to the south, away from the trees. Given this internal layout, I am not persuaded that the proposals would result in harm to the living conditions of future occupiers to an extent that would cause unacceptable pressure to remove or significantly prune the protected trees.
- I saw from my site visit that cars on Chunal Lane were travelling at a reasonably slow speed, either uphill leaving the 30mph speed limit area, or slowing to enter it. There are also cars parked to the front of houses on the A624 close to the access, which means vehicles move out into the centre of the carriageway providing an opportunity to edge out. Whilst I accept the HA's position that parked cars are not a permanent fixture and encroachment into the running lane of an 'A' road is not an ideal arrangement, given the low number of trips associated with the use I am satisfied that in this case it would not have an unacceptable impact on highway safety.
- Although the access track to the site is narrow, I am also satisfied that the Swept Path Assessment submitted by the appellant for both a large car and fire tender demonstrates that suitable access can be achieved. It is proposed that domestic refuse is collected close to the access to Chunal Lane approximately 80m from the appeal site. I agree with the appellant that given wheelie-bins are provided for domestic refuse, whilst not ideal, this is not an unreasonable distance.

Application No. HPK/2018/0320

Location: Avening, Adderley Place, Dinting, Glossop

Proposal: erection of one detached dwelling to include additional balcony and use of Cedar Cladding as one of the materials of construction.

Level and Date of Decision: Delegated

Recommendation: Refuse

Decision: Refuse

Appeal Decision and Date: Appeal allowed 2nd July 2019

Method of Decision: Written Representations

Main Issues:

- The main issues are 1) the effect of the use of Cedar board cladding on the character and appearance of the area, and 2) the effect of the additional balcony on the living conditions of future occupiers of the adjoining allocated housing site.

Conclusions:

- The appeal site is located to the rear of 'Avening' which is a large detached bungalow principally constructed with a stone finish, with elements of render and a slate or slate effect tiled roof. Whilst I note that one of the most distinctive qualities of traditional buildings in High Peak is the use of locally sourced natural stone and slate for roofs, both Avening and the appeal house use traditional materials or traditional effect materials in a contemporary way. The elements of Cedar board cladding would provide a contrast to the more traditional stone and render and would reflect the contemporary character of its host house and immediate neighbour.
- Opposite Avening is a small row of traditional cottages on Adderley Place that are a mixture of red brick and render with slate roofs. The appeal site itself is surrounded on three sides by open countryside, but is seen in the context of the brick built modern housing estate of Valley Road and Kestrel View a distance to the south. There is therefore some variation in the use of materials in the area and in this case, given its limited use within the overall elevations, I consider Cedar board cladding would complement the facing materials of buildings in its surroundings.
- Whilst the proposed balcony would be close to the common boundary, in the absence of an approved, or even indicative, layout for the housing allocation I am not persuaded there would be significant harm to the living conditions of future occupiers by reason of overlooking. The proposed site plan and GA drawing shows a 1,500mm high obscure privacy panel to the balcony edge to prevent overlooking to the east. However, the appellant's evidence suggests this could be 2,000mm. I am therefore satisfied that any harm to living conditions could be made acceptable through the use of a planning condition requiring a privacy panel to be installed and thereafter retained.

Application No. HPK/2017/0395

Location: 11a Fauvel Road, Glossop

Proposal: change of use of a light industrial unit to a dwelling

Level and Date of Decision: Delegated

Recommendation: Refuse

Decision: Refuse

Appeal Decision and Date: Appeal Dismissed 3rd July 2019

Method of Decision: Written Representations

Main Issues:

- The main issues are 1) whether the premises are suitable or commercially viable for industrial or commercial use, and 2) the effect of the proposal on living conditions of existing and future occupiers with regards privacy and outdoor amenity space.

Conclusions:

- The appellant's evidence is that if the building were put up for sale, it would be unlikely to generate any interest as a business premises due to the restricted nature of the surrounding residential properties. There is a close relationship between No 11a and neighbouring dwellings notably No 11 Fauvel Road (No 11) and the new dwelling opposite, known as The Stables. Whilst I note this close relationship could deter potential occupiers, No 11a is currently in a business use, albeit on an ad-hoc basis, and given the small scale of the workshop I am not persuaded that it is unsuitable location for this, or an alternative business use.
- Further, although I have sympathy that it could be a costly exercise to undertake, I have no marketing evidence at all before me to demonstrate that No.11a is no longer suitable or commercially viable for its current use.
- There are two existing windows on the north-west elevation of No 11a which are proposed to be retained, providing the only window to a utility/bicycle store and a window to a bedroom at ground floor. The north-west elevation of the building forms the boundary with No 11 and the existing windows directly overlook its back garden. Although I do not have details of the internal layout of No 11, from my site visit I saw that there are habitable rooms at ground floor, which the windows of No 11a also overlook.
- It is proposed to obscure and permanently fix shut the two existing windows. The ground floor bedroom would be dual aspect, with two further windows on the front elevation. The utility/bicycle store would, however, have no other means of natural ventilation and I have concerns regarding the practicality of permanently fixing the window shut. The level of activity associated with the proposed dwellinghouse would also be higher than the existing workshop use. This would include activity later in the evening when particularly the bedroom would be in use with the lights on. Even with obscure glazing, the

use of these rooms would be visible and intrusive for the occupiers of No 11 resulting in harm to their living conditions.

- 12. The approved planning application drawings for The Stables which faces No 11a shows windows to a kitchen and lounge at ground floor. I saw on my site visit that the new dwelling has not been built in accordance with the approved drawings and this has subsequently been confirmed by the Council. Should the ground floor windows be added, then the kitchen window of The Stables and the living room windows of No 11a would directly overlook each other. The separation distance between the two dwellings would be only around 5.4m and given this very close proximity there would be overlooking to an extent that would result in a loss of privacy to both dwellings.

Application No. HPK/2016/0516

Location: Elnor Farm, Elnor Lane, Whaley Bridge

Proposal: Outline planning permission with all matters reserved (except access) for proposed residential dwellings

Level and Date of Decision: Committee

Recommendation: Refuse

Decision: Refuse

Appeal Decision and Date: Appeal Dismissed

Method of Decision: Written Representations

Main Issues:

- The main issue is the effect of the proposal on the character and appearance of the surrounding area, including the setting of the Peak District National Park.

Conclusions:

- The topography of the site rises steeply from the point where it adjoins the Buxton Road, then plateaus out towards the Shallcross Incline. Due to the rise of the land, it would be necessary to excavate a substantial cutting in order to accommodate the new access road at a reasonable grade. The size of the cutting would be such that retaining walls of up to around 4m in height would be required. Additional fencing would be needed along the top edges of these drops for public safety, which would further increase the visual impact of these walls. Although the retaining walls could be faced in materials to resemble dry stone walling, this would not mitigate their sheer scale.
- As one travels south on the Buxton Road, past the buildings at Manor Road, the towards the appeal site suddenly opens up into a pleasant rural landscape. The appeal site therefore marks a key transitional point at which the built-up character of the settlement gives way to the attractive countryside beyond. Within this context, the extensive cutting needed for the new road would protrude incongruously into the landscape, resulting in a highly visible and intrusive feature

- The housing development would be located in the north field, and would therefore be substantially hidden from the surrounding roads. However, views across the land are readily available from the PROW to the north, and from the Shallcross Incline.
- I saw that the Shallcross Incline is well used, being relatively wide and well maintained. Although the terrain of the PROW is more challenging, I understand from local residents at the hearing that it is also regularly used. The housing development would cover the entirety of the north field, extending to just south of the PROW, and close to the Incline. As a result, it would have a serious adverse effect on the ability of locals and visitors to enjoy the views, and thus the experience of using these paths.
- The proposed dwellings, together with the infrastructure, including the roads and street lighting, as well as the domestic paraphernalia associated with residential use would significantly harm these views.
- I consider that the proposal would have a seriously adverse effect in terms of the environmental dimension of sustainability with regard to the impact on the character and appearance of the surrounding area, contrary to LP Policies S1 and S1a.