



# Appeal Decision

Site visit made on 7 September 2010

by **Roland Punshon BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**27 September 2010**

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## Appeal Ref: APP/H1033/D/10/2132706

### Leicester House, 8 Leek Road, Buxton, Derbyshire SK17 6UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Adam Peach against the decision of High Peak Borough Council.
- The application Ref HPK/2010/0236, dated 10 May 2010, was refused by notice dated 29 June 2010.
- The development proposed is erection of timber decking.

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## Decision

1. I dismiss the appeal.

## Main issue

2. I consider that the main issue in this case is the effect of the proposal on the living conditions of the occupiers of 1 and 2 Leicester Mews by reason of overlooking and loss of privacy.

## Reasons

### Overlooking and loss of privacy

3. The appeal premises comprise a substantial 2 storey detached house fronting on to Leek Road with a basement garage with access from Macclesfield Old Road at the rear. Nos. 1 and 2 Leicester Mews comprise a pair of modern, 2 storey, semi-detached houses facing Macclesfield Old Road. The appeal property is built at a much higher level than the pair of houses at the rear. Were it not for the provision of dense evergreen planting on the bank between the properties, there would be uninterrupted views at close range from the paved terrace and ground floor windows at the rear of the appeal property down into the ground and first floor windows and small garden at the rear of the Leicester Mews properties. As it is, when standing on the terrace there are views into the neighbours' first floor windows and photographs submitted with the appeal documents show that similar views can be obtained from the appellant's first floor windows. In these circumstances there is already a considerable degree of overlooking of nos. 1 and 2 Leicester Mews from the appeal property and the privacy of the neighbours is already substantially compromised. The existing planting provides some screening but cannot wholly prevent the overlooking. If the planting was allowed to increase in height, the additional effect on natural lighting at the rear of nos. 1 and 2 would be, in my opinion, unacceptable

4. At the time of my site visit, the supporting framework for the decking had already been installed. The decking would be at the same level as the existing terrace and would result in an extension of the accessible platform along the side of the nearest Leicester Mews property's small rear garden. Again direct views down into the rear garden and windows of no. 1 would be partly screened by evergreen planting. However, any gaps in the planting would allow occasional glimpses into these areas.
5. In my opinion the proposal would have an unacceptable effect on the living conditions of the neighbours. I accept that the privacy of the occupiers of nos. 1 and 2 Leicester Mews is already adversely affected by reason of overlooking of the rear areas and windows from the terrace and windows of the appeal property. However, at present these properties are only overlooked from one direction. The proposal would also allow overlooking from the side. Even though planting would provide some screening, those walking on the decking would obtain glimpsed views of the neighbouring property from close range. Allowing the existing planting to increase in height or the provision of screens would be unacceptable on natural lighting grounds. In such close proximity to the windows and garden of the nearest Leicester Mews property, the sounds of activity on the decking would be disturbing even if direct views were not available. In my view the effect would be that the rear areas of the nearest Leicester Mews property would be made uncomfortably oppressive by the presence of activity at a higher level on 2 sides. I accept that, in relative terms, the proposal would have an effect on the Leicester Mews properties that would be no worse than the existing situation. However, in my view it is the additional effect of the proposal when added to the effect arising from the existing layout which would make the proposal unacceptable.
6. In these circumstances I conclude on the main issue that the proposal would have an unacceptable effect on the living conditions of the occupiers of 1 and 2 Leicester Mews by reason of overlooking and loss of privacy. It would, therefore, be contrary to Policies GD5 and H14 of the High Peak Saved Local Plan 2008.

#### Other matters

7. Whilst I have considered the potential effect of the proposal on the living conditions of the occupiers of other houses on Macclesfield Old Road, I do not consider that any harm which would arise in this regard would, by itself, justify the refusal of planning permission.

#### Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

*Roland Punshon*

INSPECTOR