The Planning Inspectorate

Appeal Decision

Site visit made on 9 August 2011

by Gary Deane BSc(Hons) DipTP MRTPI

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

Decision date: 16 August 2011

Appeal Ref: APP/H1033/D/11/2155647
Underleigh, Eccles Road, Whaley Bridge, High Peak SK23 7EL

- 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 S Quinney against the decision of High Peak Borough Council.
- The application Ref HPK/2011/0165, dated 25 March 2011, was refused by notice dated 30 May 2011.
- The development proposed is a 2-storey rear extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the appeal property and the local area, and on the living conditions of the occupiers of neighboring properties, particularly with regard to visual impact.

Reasons

Character and Appearance

3. The appeal property is a semi-detached dwelling with a single storey to the front and 2-storeys to the rear. It is modest in size and scale. The proposal would remove the 1st floor rear balcony and external stairs leading to the garden and introduce a 2-storey rear extension. The proposed addition would be significant in scale, height and mass. It would project rearwards from the main rear elevation for much of the appeal building's width. As a result, the appeal scheme would result in a significantly larger property with the new 2-storey addition visually dominating the original building, to the detriment of its character and appearance.

4. The proposal would also disrupt the general symmetry between Underleigh and the attached dwelling that together comprise the semi-detached pair, which is similar in scale, design and appearance to the appeal property, by unbalancing their rear elevations. This would be evident when viewed from the rear of the properties on either side of Underleigh. As such, the proposal would be an obtrusive addition that in my view would be out of keeping with the character and the appearance of the local area.

5. Government guidance in Planning Policy Statement 1, *Delivering Sustainable Development*, advises that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. With that guidance in mind, I conclude that the proposed development would unacceptably harm the character and appearance of the appeal property and the local area, in conflict with Policies GD4 and H14 of the High Peak Local Plan (LP). These policies seek to ensure that development respects the character of the original building and is sympathetic to the character of the local area.

Living Conditions

6. The proposal would introduce additional 2-storey built form close to the shared boundary with the neighbouring properties on either side of Underleigh. In particular, the occupiers of the adjacent property to the west, denoted on the location plan as 3 Eccles Road, would be presented with a much longer 2-storey wall close to the shared boundary, which would be overbearing. Moreover, there would be some loss of sunlight to the rear of this adjacent property primarily caused by the overshadowing effect of the proposed extension. The effect of overshadowing would exacerbate the visual impact of the new addition. Existing vegetation along part of the shared boundary between these properties would partially shield the proposed extension when viewed from the side and rear of this adjacent property. However, the presence of soft landscaping cannot be relied on to mitigate the harmful effect of the proposed extension, particularly as trees and bushes can be lopped, topped and removed.

7. The proposal would also be in close proximity to the attached property to the east but I consider that neither its height nor depth would cause it to be overbearing or dominate the outlook from this dwelling. Hence the living conditions of the occupiers of this adjacent property would not be unacceptably affected. Notwithstanding, I conclude that the proposed development would significantly harm the living conditions of the occupiers of the adjacent property to the west of the site, in conflict with LP Policies GD4, GD5 and H14. These policies seek to ensure that development relates well to neighboring properties and does not result in an unacceptable loss of amenity.

Other matters

8. The proposal would provide a ground floor sensory room with additional living accommodation above. In this way, the special needs of the appellant's child could be met. I am sympathetic to this desire and have no doubt that the need for the proposed accommodation is genuine and well founded. Equally, I have no reason to dispute the fact that the benefits of the proposal to the well being of the appellant's family would be considerable. However, there is no detailed evidence before me to indicate that this need could only be met in the manner proposed. The Council has indicated that a rear extension that is reduced in size at 1st floor level and different in design may be acceptable and this would not necessarily be prevented by my findings. As proposed, the need for the development does not outweigh the harm that I have identified.

9. Interested parties raise several additional objections to the proposal including its possible future use, privacy, potential noise and general disturbance, vehicle

parking and highway safety. These are important matters and I have taken into account all of the evidence before me. However, given my findings on the main issues, these are not matters on which my decision has turned.

Conclusion

10. For the reasons set out above and having regard to all other matters raised including the representation in support of the proposal, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR