The Planning Inspectorate

Appeal Decision

Site visit made on 31 August 2011

by Claire Sherratt DipURP MRTPI

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

Decision date: 16 September 2011

Appeal Ref: APP/H1033/A/11/2150242
Land adjacent to 8 Dinting Lane, Glossop, Derbyshire SK13 7GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr John France against the decision of High Peak Borough Council.
- The application Ref HPK/2010/0604, dated 12 November 2010, was refused by notice dated 3 February 2011.
- The development proposed is 2 No. Dwellings forming semi detached block.

Procedural Matters

1. A representative for the appellant did not attend the Site Visit. With the agreement of all the parties, I proceeded on the basis of an unaccompanied site visit. Following a request to view from 18 Dinting Lane, I was given access to the garden of this property on an unaccompanied basis.

2. The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. No representations were made by the parties in relation to this document. Although a material consideration, as the consultation process may result in amendments, it carries limited weight at this stage.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issue are:
   (a) the effect of the development on the living conditions of the occupiers of the neighbouring bungalow, 18 Dinting Lane, by reason of any unacceptable loss of outlook, light and overbearing impact; and
   (b) whether the proposed development would be acceptable in terms of layout and form and provides adequate off street car parking.

Reasons

5. Outline planning permission is sought with all matters reserved for subsequent approval except means of access and layout. The appeal site comprises an area of land adjacent to 8 Dinting Lane. The site is currently overgrown and accommodates a single garage that was previously used by number 12.

6. The development of the site is somewhat constrained by existing properties to the north and south of the site. Number 18 is a single storey detached bungalow, situated at a higher level, to the north of the appeal site. All of its

main habitable windows face south towards the site. The rear boundary of a row of three terraced properties abuts the southern boundary of the site.

7. Given the proposed layout of the site, the flank wall of any two storey property would be in relatively close proximity to the boundary with number 18. Providing no windows are placed in the flank wall, there would be no loss of privacy. However, despite the difference in levels, the overall scale and mass of a building in such close proximity would have an overbearing and oppressive impact when viewed from number 18 and result in an unacceptable loss of natural light. The proposed development would unduly compromise the living conditions of the occupiers of this property, contrary to policies GD5 and H11 of the High Peak Saved Local Plan Policies 2008 (HPSLP).

8. An existing garage on the site was associated with number 12 but is now in separate ownership. Whilst the loss of this off street car parking space could potentially result in additional on street parking, I do not consider the displacement of one space would result in undue congestion and parking problems along Dinting Lane or in the surrounding area to such an extent as to justify permission being withheld on these grounds. I find no conflict with policies GD4, H11 and TR5 of the HPSLP in this respect.

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

Claire Sherratt
INSPECTOR