

# **Planning, Design and Access Statement**

in respect of:

**Land between 35 and 37 Bowden Lane,  
Chapel-en-le-Frith**

on behalf of:

**Kapetil Ltd**

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**Appendix A** – Previous Appeal Decision Notice APP/H1033/A/04/1153470



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URBAN DESIGN | TOWN PLANNING

<b>Document Title / Job No.:</b> 12-009D_PDAS_August2012
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## 1.0. Introduction and Background

- 1.1. This Planning, Design and Access Statement (PDAS) have been prepared to provide a planning justification in support of a full planning application for a single dwelling on a site adjacent to 35 Bowden Lane, Chapel-en-le-Firth, High Peak. This document is also designed to fulfil the requirements of a Design and Access Statement as set out in circular 01/06 DCLG, and reflects best practice in that regard.
- 1.2. This Planning, Design and Access will demonstrate that:
- a. The scheme is in accordance with the relevant development plan policies;
  - b. The design is based on the local character;
  - c. The development is based on robust sustainability principles; and;
  - d. The development is appropriate in all other regards.
- 1.3. This statement is one of a number of documents and drawings prepared to support this application, and should be read in conjunction with the following reports and drawings:
- a. Site Plan, Floor Plans and Elevations prepared by Parr Associates;
  - b. An energy, sustainability and waste statement prepared by BPUD Limited;
  - c. A traffic and transportation note prepared by SCP Transport
- 1.4. The plan below shows the location of the application site within the context of Chapel-en-le-Frith.



Extract from the location plan [Not to scale]

### **Development Proposals**

- 1.5. This application for full planning permission seeks to provide an additional three bed residential dwelling including garden space and associated off-street parking for a site adjacent to 35 Bowden Lane, Chapel-en-le-Frith. This site was once part of an informal pedestrian and cycle access to the Ferodo Works for employees. It may therefore be considered to be a brownfield and previously developed site.
- 1.6. In brief the dwelling will include three double bedrooms (one en-suite master), living room, dining room and kitchen / utility. The design is set back from the road, broadly aligning with the plot to the south (35 Bowden Lane) and allowing no loss of amenity to the dwelling to the north (37 Bowden lane).
- 1.7. In order to comfortably accommodate the necessary visibility for entering and leaving the site, a highways build-out has been incorporated in the identical fashion to that proposed as part of an earlier planning application. This solution was previously acceptable to the Inspector.
- 1.8. For clarity the application comprises of the following drawings:
  - a. Drawing Ref: 257.01 – Site and location Plan
  - b. Drawing Ref: 257.02 – Ground Floor plan and Elevations
  - c. Drawing Ref: 257.03 – First Floor Plan and Elevations

### **Planning History**

- 1.9. A previous application for this site was refused in 2004 (ref: HPK/2004/0284) and subsequently Appealed and dismissed by the Inspector. In short this dismissal was based on policy H1 and the housing oversupply, which had resulted in the ‘housing moratorium’. The Council had previously recommended refusal based on non-compliance with Local Plan policies H1 and GD4 / GD5.
- 1.10. Inspector consider that there were two principle issues that were addressed at the Hearing;
  - i. Whether the scheme accorded with the housing location policy (namely policy H1);
  - ii. And the impact on the amenity of the surrounding properties (namely GD.5)
- 1.11. With regard the point i., the Inspector ruled that this site did not offer an exception to the planning policy H1 whereby it was stated that exceeding the structure plan targets (as set out in 2003) did not allow for any additional housing in the central area. This was the so-called ‘Housing Moratorium’ that has now been lifted and

therefore this application is submitted in that light, and now is no longer can be seen as a reason for refusal.

- 1.12. With regard to point ii., in reference to policy GD.5, the Inspector noted that whilst there would be little injury to the privacy enjoyed by the neighbouring properties, the distance between the side windows of number 37 and the new dwelling would injure the amenities of the existing residents through loss of light and an overbearing effect. This application seeks to address these points through a sensitive design and careful placement of the new dwelling on the plot.

## 2.0. Site Context and Surroundings

### Site Description

- 2.1. The site is relatively flat 0.02 ha, measuring approximately 6 metres across the front of the plot and some 45 metres front to rear. The site was previously the staff entrance associated with Ferodo works and therefore may be classed as a brownfield site. The site sits approximately 1 metre above Bowden Road but is otherwise relatively flat. The site has remained vacant, untidy and overgrown over a decade, which undermines the quality of the nearby Town End Conservation Area.
- 2.2. To the rear of the property a number of overgrown Ash and Sycamore trees form the rear boundary these have recently been managed. Beyond this are a number of modern built detached dwellings, many built in the late 1990's. To the front, Bowden Lane, now culs-de-sac since highways works restricted it just to the north of the site, provides the boundary to the Town End Conservation Area. The site can therefore be considered to be adjacent to the Conservation Area.



A general view of the application site showing the raised semi-detached properties (No. 35) (left)



The adjacent red brick built terrace (No. 37) showing clearly the habitable room windows in the elevations



The rear of the site showing the mature trees to the rear boundaries and some of the overgrown ground cover



A general site view taken from the current access point from Bowden Lane showing the unkempt nature of the site

- 2.3. To the north of the site, a terrace of brick built properties built during the Victorian era to the back of the pavement, which sits for the most part 0.7m below the current site level. This terrace is taller than a contemporary two-storey dwelling. The gable end of this terrace facing the site, includes some windows. These dwellings are within the Chapel-en-le-Frith Town End Conservation Area which is drawn specifically around these properties.
- 2.4. To the south, a range of two-storey, interwar semi-detached dwellings bound the site. These are set higher than the site and set back some 6 – 7 metres from Bowden Lane. A garage for the nearest of these properties is built on the application site boundary, with a driveway / garage wide between the property and the application site.

### **Site Accessibility**

- 2.5. The site is accessible for vehicular traffic along Bowden Lane. This is now, as a result of highways works implemented as part of the Chapel Bypass, a cul-de-sac. Bowden Lane is a reasonably lightly trafficked route, and is sufficiently wide for two vehicles to pass in either direction with ease.
- 2.6. The site is easily within 800m (or 10 minutes) walk of the centre of Chapel through a network of off-street routes and pavements, many of which are along lightly vehicular trafficked routes. The town centre offers access to a range of shopping, educational and recreational facilities.
- 2.7. Using the footpath routes to the west (particularly the Warmbrook Footpath) provide access to Hayfield Road, offers a series of local bus routes within 5 minutes walk of the site. Other, longer distance bus routes are available in the centre of Chapel.

### 3.0. Response to Relevant Policy

- 3.1. This is not designed to be a comprehensive policy assessment but highlights what are considered to be the most important policies for this development, and those that have been used to assist in the design and development of this planning application.
- 3.2. We acknowledge that the RSS still remains part of the operational development plan until removed by legislation, however, in this instance, only the National Planning Policy Framework (NPPF) and the 2005 High Peak Local Plan are relevant to this scale of development.
- 3.3. A study of the emerging Joint Core Strategy Draft (2010) does not appreciably change the policy climate for the determination of this application, however, where relevant demonstrates the most up-to-date policy context and is referenced alongside the current Local Plan.
- 3.4. The paragraphs in *italics* demonstrate how this proposal accords with the relevant policy.

#### The National Planning Policy Framework (2012)

- 3.5. **Paragraph 49** of the Framework reiterates the presumption in favour of sustainable housing development [my emphasis]; specifically where the local authority has an out-dated plan cannot demonstrate a 5 year housing supply. The presumption in favour of sustainable development is further reiterated in **paragraph 197** within the instructions for determining planning applications.
- 3.6. *This is a highly sustainable development, which offers an opportunity to deliver a development on a windfall brownfield site within the very heart of the Chapel urbanised area. The scheme both is sustainably located and exhibits high quality design, as well as being designed to deliver Code for Sustainable Homes Level 4 and Lifetime Homes.*
- 3.7. **Paragraph 56** sets out the importance of high quality design in new development. **Paragraph 57** goes on to stress the importance of inclusive designs for new development. **Paragraph 61** states that high quality design goes beyond the physical appearance of a building, but is importantly about addressing the connections between new development and the natural, built and historic environment.
- 3.8. *Section 4 provides more information on these matters; however, in summary this development is able to offer a high quality design solution for this site, reflecting the two different building styles to the north and south. The design responds to the local character, replicating the scale and mass of the adjacent dwelling to the north, but through careful siting ensures that the privacy and amenity of the neighbour are retained.*

- 3.9. *It is considered that this development will improve the overall setting of the adjacent Conservation Area through the redevelopment of this derelict and overgrown site and through the proposals careful choice of materials (see section 4.0 for further details).*

### **The High Peak Local Plan (2005) and Associated Documents**

- 3.10. **Policies GD4, BC1 and H11** state that planning permission will be granted subject to the development exhibiting an sympathetic relationship with the local character in terms of scale, layout, density, form, height, proportion, design colour and materials. This is reflected in the Draft Joint Core Strategy in policy CS5 although this introduces an additional requirement to introduce waste management and renewable energy technology where possible.
- 3.11. *The design of this development has changed little from the original scheme submitted and appealed in 2004, using both a similar suite of materials and footprint. Some changes have been made to ensure that the amenity issues highlighted in the Inspectors report, setting the dwelling back further from the road protecting the amenity of the living room and the kitchen that overlook the site from the red-brick terrace to the north. The scheme has been designed to successfully bridge the change in character and typology between the semi-detached rendered properties and the red brick terrace.*
- 3.12. *The proposed dwelling also seeks to reinforce the building line and provides a clear sense of enclosure to the gable of the red-brick terraces which are within the Conservation Area. In terms of scale the height of the building reflects the buildings to the north and south and cross-sections have been developed to support this analysis.*
- 3.13. **Policy GD5** deals with matters of amenity to surrounding properties. The policy explains that planning applications that incur a loss of privacy, general amenity, loss of sunlight, are of an overbearing nature, or impact on traffic safety should not be approved. **Policy GD7** states that the design, layout and landscape of any proposal should aim to minimise the opportunities for crime.
- 3.14. *The design of this dwelling is further considered in chapter 4 of this statement, however, in short, it has been designed based on previous feedback from the Council and 2004 Inspectors report with regard to the protecting the amenity of the residents of the adjacent red-bricked terraced property. In sort the building is set slightly further back than the previous application / appeal scheme, exhibits less bulk as an underground garage( a feature of the previous scheme) has been omitted and ensures that the change in levels does not present an overbearing prominence to existing dwellings.*
- 3.15. *In terms of traffic safety, the accompanying note from SCP transport highlights the acceptability of proposals subject to the highways build out as shown on the site plan.*

- 3.16. **Policy GD6** states that all applications should exhibit a high standard of hard and soft landscaping which is within the character of the local area and uses native species. As this is an infill development within an urban location there is no guidance from the Landscape Character SPD on these matters.
- 3.17. *In terms of landscaping this scheme may be described in two parts. The rear garden seeks to retain the large trees along the rear boundary as part of the rear garden which is sufficiently large for a three bedroomed family home. To the front the landscape has a harder feel to accommodate the parking arrangements, the successful change in level (allowing for clear views to be maintained). A tree in the north-eastern corner of the site offers a strong contribution to the street scene and softens the relationship with the Conservation Area. The stone wall to the front is replaced to enhance the Conservation Area and provide a clear definition of public and semi-public space.*
- 3.18. **Policy H1** sets out the locational criteria for new housing development. It states that developments within the built up area boundaries (as defined by GD2) and on previously developed land will be accepted. Policy CS13 of the draft Core Strategy introduces the need to built 535 new dwellings in Chapel, Whaley Bridge and New Mills in the plan period with a focus on infill development.
- 3.19. *This scheme occupies a site that is surrounded by previous development on all four sides and may be described as brownfield having previously been an entrance to Ferodo works. It is within the centre of Chapel built-up area boundary. Whilst only a ‘windfall’ site, it will contribute to the provision of family homes within the centre area without having to resort to out-of-centre Greenfield development. It is therefore considered to be entirely in accordance with the overarching objectives within policy H1.*
- 3.20. **Policy BC5** is specially related to Conservation Areas and their settings. This site is directly adjacent to the Town End Conservation Area and therefore this policy is relevant. The policy requires all new developments to have regard to the special historical appearance and character of the Conservation Area.
- 3.21. *The Town End Conservation Area is not subject of a Conservation Area Character Appraisal, nevertheless, the character of the area adjacent to the site is characterisation by the Black Brook opposite as well as the red-brick terraces to the immediate north, which unlike much of the western side of Bowden Lane, are actually within the Conservation Area. The dominant materials are a mixture of red brick, local stone and render. As a result, these higher quality materials have been used on this development, rather than render (or in the case of dwellings immediately adjacent Pebble-dash) found elsewhere adjacent to the site.*

- 3.22. *The proposed dwelling seeks to reinforce the building line along Bowden lane, offering clear enclosure to the Black Brook Area and its treed embankments, whilst stepping back to allow for the presentation of the side of the terraced properties to be viewed when travelling north along Bowden Lane.*
- 3.23. *The proposal can therefore be considered to assist in forming enclosure (an important aspect of the Conservation Area as a whole) whilst maintaining an existing view to terminate on a building within the Conservation Area – framing the enclosed vista to the terminal feature.*
- 3.24. **The Interim Housing Statement (2009)** introduced in support of H1 introduces five point criteria (as part of a checklist) to determine the acceptability of housing development in High Peak. The five points can be summarised as follows:
- a. The suitability of the site for housing, including a consideration of environmental sustainability
  - b. Using land effectively and efficiently
  - c. Development in line with the local need and demand and will not undermine housing objectives;
  - d. To offer a good mix of housing, which reflects accommodation needs; and;
  - e. High quality housing – in terms of design and performance.
- 3.25. *The following five paragraphs explain the response to criteria a – e above and demonstrate how this development proposal is totally in accordance with the criteria where relevant to a single dwelling:*
- a. *The site is suitable to provide a three bedroomed family home in the centre of Chapel. This provides easy access to shops, services and public transport connections. The dwelling is also designed to meet Code for Sustainable Homes (CfSH) level 4 and further reduces its energy needs through the use of an air source heat pump. This is in line with the Council’s expectation for a 10% onsite generation.*
  - b. *This is a brownfield site within the built-up area boundary and a remnant of a previously developed site - the Ferodo Works access. The site is clearly within the built-up boundary of Chapel-en-le-Frith and removes some pressure for Greenfield development (albeit in a very small way).*
  - c. *The dwelling proposed is a three bedroomed family house with a medium sized garden space. The 2009 Housing Needs Survey highlights a need for family homes within Chapel-en-le-Frith and the 2007 Housing Needs Survey within the Peak Sub-Area as a whole.*
  - d. *This point is not applicable as this is a single dwelling – see response to criterion c.*

*e. The design of the dwelling is designed to reflect both the specific characteristics of the site and the nearby townscape, bridging the styles between the adjacent properties and reinforcing the building lines. The design and materials used are designed to pick up on Chapel's dominant building materials (a mix of local stone and red brick). The dwelling is designed to deliver the Code for Sustainable Homes level 4 as well as offering Lifetime Homes standards within.*

- 3.26. **Policy TR1** introduces a policy aimed at reducing the need for travel, including widening transport choice (beyond the private car) and successfully integrating transport with land use.
- 3.27. *This site is within easy walking distance of all the shops and services within Chapel centre. The public footpath network offer on and off-road connections to the centre and to the local bus services from Hayfield Road. The centre also provides access to all the bus route connections outlined in section 2. This site can therefore be considered sustainable, in terms of transport choices beyond the private.*
- 3.28. The **Chapel-en-le-Frith Housing Needs Survey** (2009) states that there is short term need for housing. Whilst mainly focusing on affordable housing, it identifies a shortage of family homes (3 bed) and smaller units for retired people.
- 3.29. *Whilst this is only a single dwelling it is of the three-bed family house type that is in line with the Housing Needs Survey making best use of the site and the current demand.*
- 3.30. **It is considered that this site is totally in accordance with the relevant national and local policy as set out in the paragraphs above, as well as addressing any previous concerns raised by the Inspector regarding the previous scheme. This planning application offers a family home, within the built up area of an existing well serviced settlement and is constructed to high sustainability standards.**

#### **4.0. Development Parameters**

- 4.1. The following paragraphs set out the details of the developments parameters as set out in circular 01/06.
- 4.2. Overall the building has been designed specifically for this site, reflecting the locally dominant materials (red brick, stone), offering a carefully considered relationship with the surrounding dwellings in terms of scale, mass and fenestration. The design is predominantly targeted towards addressing the points of concern raised by the Inspector in her report on the 2004 scheme. The scheme is designed to meet Lifetime Homes internal and external layout including DDA compliant access.
- 4.3. Overall, it is considered that this design is able to create an enhancement to its immediate setting, specifically responding to the character of the Conservation Area in both footprint, the re-establishment of a strong building line and through the materials used. The design of the dwelling can therefore be considered to enhance the character and appearance of the Town End Conservation Area.

#### **Use and Quantum**

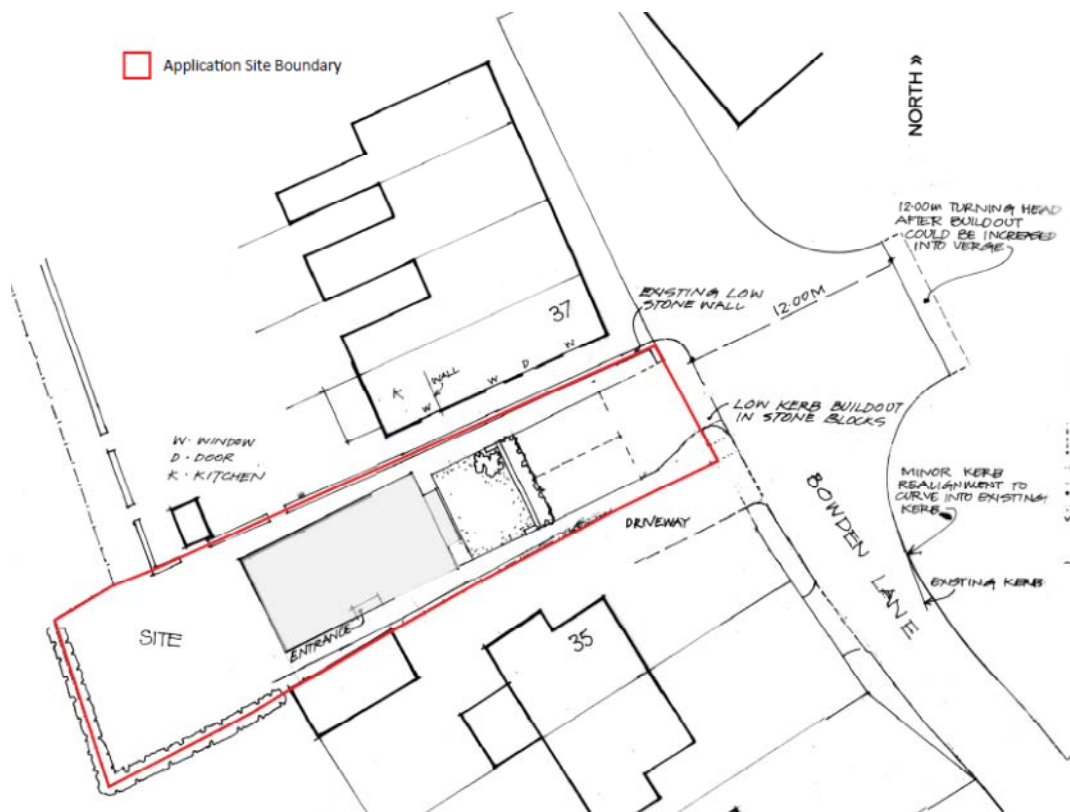
- 4.4. This application is for a single, detached residential dwelling use class C3. For completeness, this dwelling as a total floor area of 121 m/sq, and comprises of three bedrooms (including a master bedroom en-suite), a family bathroom, a kitchen / dining room, living room and small utility room. A medium sized garden is provided to the rear with space for two cars to the front of the dwelling, and the bicycle store within the front parking area.

#### **Layout**

- 4.5. The site is almost equally divided into three equal elements. The front element, offers an area to park two cars as well as some ancillary landscape treatment. This area is somewhat lower than the remainder of the site, accommodating allowing a gentle sloped access from Bowden Lane (for pushchairs and wheelchairs). Landscape is provided to soften the harder nature of this element, especially using a tree planting.
- 4.6. To the front, a stone wall currently forms the boundary, this is to be retained and repaired to ensure that the boundary with the Conservation Area is in-keeping and of the highest quality. A small retaining wall bridges the level between the parking area and the house, offering a small grassed front lawn.
- 4.7. The second element contains the principle dwelling with a 1.5 metre pavement around the edge of the property providing access. The building itself runs east-west

presenting a gable to the street. A further exit is provided to the rear of the property from the dining room via patio doors.

- 4.8. The property is positioned slightly behind, but ultimately to reflect the building line of the semi-detached property to the south (number 35). This ensures that the building is set back sufficiently so that it does not injure the residential amenity of number 37. The Inspector was previously concerned over the positioning of the new property specifically the overbearing effect rather than a simply loss of daylight. By setting the property further back it is considered to address this concern. This has the added advantage of opening up the elevation of the red brick building which is a key feature of the Conservation Area when travelling along Bowden Lane., ensuring the local character is retained.



Extract from the Site Plan [Not to scale]

### Scale

- 4.9. This development is a two-storey dwelling with a height to ridge of 218.75m AOD and a height to eaves of 216.80m AOD (approximately 7m to eaves and 5.6m to the eaves). This means that both the eaves height and the ridge height is below both of the adjacent dwellings. The scale and mass of the building is designed to reflect the adjacent dwellings, and whilst modern storey heights cannot compare to the red-brick terrace of Victorian origin, the heights do reflect the adjacent semi-detached properties. Given that the site is slightly raised, the eaves height in relative terms is almost identical to that of the red-brick terrace to the north.

- 4.10. The building measures 5.5 m wide by 11m deep, a typical size for a 3 bed detached dwelling built to the Lifetimes Homes internal standards.



Front Elevation showing scale and mass in relation to the adjacent dwellings

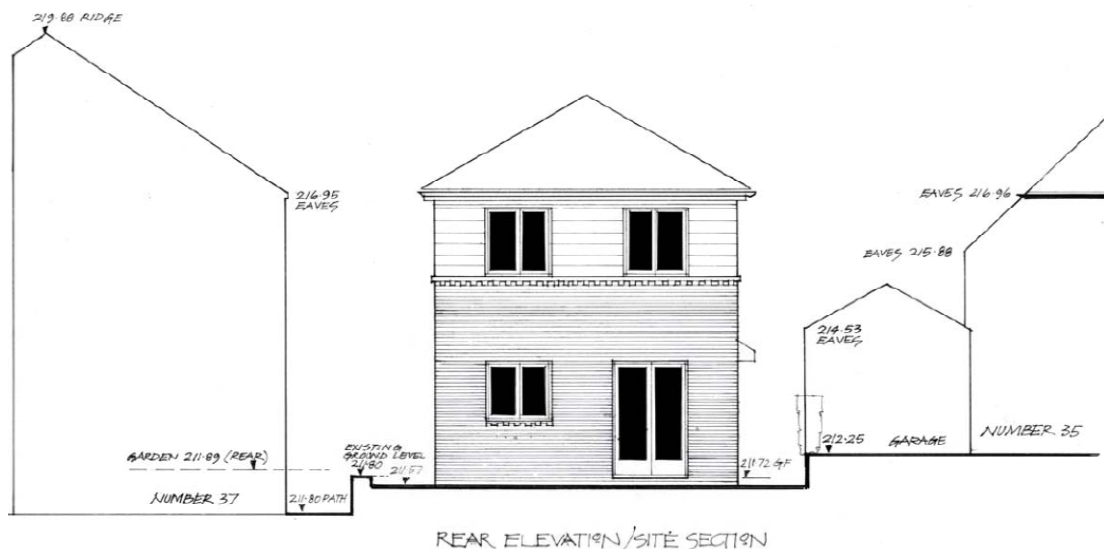
### Landscape

- 4.11. This application provides garden to the rear which will accommodate the large Ash and Sycamore trees to the rear boundary. Appropriate parking area to the front of the proposed dwelling which is accessed from the main highway.
- 4.12. The brick built, stone capped boundary wall with the semi-detached housing will, for the most part be a close boarded fence in order to accommodate security. The boundary with the red-brick property will seek to utilise the existing wall which will be repaired and retained. The front boundary will comprise a series of stone built walls to reflect the existing wall and present a locally distinctive material to the Conservation Area.
- 4.13. A wall half way between the road and the house, allows for the change in level to accommodate the car parking at the same level as the road. As a result, the car parking will not dominate the front of the property with sufficient space for additional grass landscaping.

### Appearance

- 4.14. The building is designed with a hipped gable to the street to make best use of the site and to ensure that sunlight is not interrupted to the adjacent dwellings, particularly those to the north. The roof is of a hipped design in order to reflect the roof pitches of both the adjacent dwellings and is constructed of gray tiles to reflect the local tile colour.

- 4.15. The building is designed to reflect the red-brick terraces to the north, using dominant building materials, and styles found within the Conservation Area whilst offering a contemporary design solution. Therefore, the top half of the building is in a smooth Ashlar-stone, separated from the lower red-brick construction by a decorative string course, with dentiling detail designed to reflect the decoration on the adjacent terraced properties.
- 4.16. To the front elevation a bay window is centrally placed on the ground floor elevation offering passive surveillance over the front garden and the street. Above this the fenestration offers a 1:2:1 pattern providing plenty of natural light into the master bedroom and the en-suite. This reflects the properties to the south which exhibit a high degree of symmetry in their design and fenestration (window arrangement).
- 4.17. The rear elevation offers three double windows and the rear patio doors from the dining room. This is also in a symmetrical arrangement (slightly offset by the patio doors), however, is simple and effective allowing maximum daylight to enter the property in the afternoon and evening – maximising the potential for passive solar gain.



Extract from the rear elevation showing symmetrical elevation and patio doors

- 4.18. The elevation to the south has the main front door, with recessed porch detail and a small bathroom window, whilst the north elevation has very few windows with the exception of the stair window and utility window.
- 4.19. For clarity, and in the avoidance of doubt, the final materials palette is as follows:
- *Roof tiles* – Dark grey concrete tiles
  - *Walls* – Ashlar Reconstituted Stone upper and red-orange smooth finish brick (Final brick to be agreed with the Local planning Authority).
  - *Details and Surrounds* – (Reconstituted) Natural Stone details
  - *Windows* – Wooden with white painted finish

## 5.0. Access and Movement

### Access and Parking

- 5.1. Vehicular and pedestrian access is taken directly from Bowden Lane. The site is provided with parking for two motor vehicles to the front of the property. A small store to the front of the property (adjacent to the parking area) allowing for the security of two bicycles in line with the Code for Sustainable Homes requirements.
- 5.2. Vehicle access to the site is taken from a simple drop kerb, an unlike previous applications, does not propose any additional highways works. This approach is totally in line with Manual for Streets. A small highways build out is proposed that will ensure that visibility is acceptable in all regard. It is therefore acceptable for vehicles to reverse either entering or leaving the property.
- 5.3. The front of the dwelling has been landscaped to deal with the change of levels at the front of the site. A long entrance pavement / ramp runs to the front porch door (in this case at the side of the dwelling) of the dwelling and is sloped to accommodate wheelchairs and pushchairs. Level access from this is provided throughout the ground floor.

### Inclusive Access

- 5.4. The design of the site and the building is designed to meet with part M of the Building regulations, with specific reference to BS8300 and the Disability Discrimination Act. The doors are either all wide enough to accommodate wheelchairs or other mobility impaired or can easily to accommodate to such.
- 5.5. The building has also been designed to accommodate Lifetime Homes standards, allowing ease of access and adaption of the property to accommodate the needs of the elderly and the mobility impaired throughout their lives.

## 6.0. Conclusions

- 6.1. It is concluded that in design terms this scheme is totally appropriate to its immediate context. The scheme also accords fully with all relevant policy and specifically addresses the concerns raised by the Inspector in her report from 2004. The scheme delivers a high quality, sustainable family home. The NPPF states that there should be a presumption in favour of sustainable housing development – this statement clearly demonstrates how this is the case.
- 6.2. This scheme has been designed to work effectively alongside number three neighbouring properties and the adjacent Conservation area (Town End), in particular ensuring that it does not impinge on the amenity and daylight enjoyed by the number 35 Bowden Lane, and ultimately ensuring that it does not form an overbearing presence at that location to either of the adjacent properties.
- 6.3. The design of the building and the site are totally in accordance with this location, particularly the need to deliver a development which enhances the character and appearance of the Conservation Area, helping to create a strong building line but infilling this brownfield site.
- 6.4. It is therefore considered that there is can be no reason why this planning application should not be given approval on this remnant site.



# Appeal Decision

Hearing held on 13 April 2005

Site visit made on 13 April 2005

by **M Middleton BA(Econ) DipTP DipMgmt MRTPI**

an Inspector appointed by the First Secretary of State

CASE COPIED BY  
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Date  
- 3 MAY 2005

**Appeal Ref: APP/H1033/A/04/1153470**

**Land between 35 and 37 Bowden Lane, Chapel-en-le-Frith, Derbyshire, SK23 0JQ**

- 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 W Little against the decision of High Peak Borough Council.
- The application Ref HPK/2004/0284, dated 29 March 2004, was refused by notice dated 24 May 2004.
- The development proposed is one detached dwelling.

**Summary of Decision: The appeal is dismissed.**

## Procedural Matter

1. At the Hearing the appellant submitted a plan and correspondence between his agent, the Council and the Highway Authority which indicated that subject to the carrying out of works within the highway, which the Council accepted could be secured by conditions, there would be no objection to this proposal on the grounds of highway safety. I have therefore not considered this matter any further in my determination of this appeal.

## Planning Policy

2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 says that where regard is to be had to the development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the area includes the *High Peak Local Plan 2005 (LP)*. Policy H.1 sets out the principles of housing provision and among other considerations points out that where an adequate supply of housing exists within a sub area to meet the structure plan housing provision, new residential development will only be permitted where it falls within one of the exceptional categories listed in the preamble to the policy.
3. Policy BC.7 says that within conservation areas and their settings planning permission will be granted for development provided that among other things, the scale, detailed design and external appearance of the development will preserve or enhance the character or appearance of the area. This policy generally reflects the duty imposed by Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which requires decision-makers to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. Policy H.11 also says that planning permission will be granted for residential development provided that it will incorporate good design that reflects its setting and local distinctiveness and makes efficient use of available land. Policy GD.5 says that planning permission will

be granted for development provided that it will not create unacceptable loss of privacy or general amenity, including daylight, sunlight and overbearing effect.

#### Main Issue

5. Against this background I consider the main issue in this appeal to be whether the appeal proposal accords with current housing location policy and if not whether there are any material considerations of sufficient weight to outweigh the presumption in favour of determining planning appeals in accordance with the development plan.

#### Reasons

6. The appeal site lies within the central sub area where the supporting text to Policy H.1 indicates that the building of more houses than the Structure Plan target for the area up to 2011 had commenced by 2003. The proposal does not fall within one of the exceptional categories listed in the preamble to the policy and the site's development with a dwelling is therefore inappropriate and contrary to LP Policy H.1.
7. I must now consider whether there are any material considerations sufficient to outweigh the presumption in favour of determining appeals in accordance with development plan policies. The appellant referred at the hearing to the length of time that had passed between making the appeal and the date of the hearing, pointing out that Policy H.1 was not a part of the emerging local plan in June 2004 when the appeal was made. In his opinion that fact should be a material consideration that outweighs Policy H.1.
8. However, although the new version of the local plan was not adopted until 31 March 2005, the Inspector's report on objections to the High Peak Local Plan, which highlighted the oversupply of housing land and recommended changes to housing policy, was received by the Council and published in the summer of 2004, soon after the appeal was made. Although I understand the appellant's frustration over the long period taken to determine this appeal and the changes in planning policy during that period, I can attach little weight to this consideration.
9. The appeal proposal, which would build a detached house on a narrow plot of land adjacent to a conservation area, is considered to be positioned incongruously far back into the site by the Council, an irregularity that in its view would be emphasised by the dwelling's unusual appearance and design. The appearance and relative location of dwellings along Bowden Lane, both within the Town End Conservation Area and outside, are varied so that in my view the location of the appeal dwelling, which would only be seen by the public from immediately outside the site, would not be harmful to the conservation area.
10. Similarly although I agree with the Council that the design of the upstairs front window would appear somewhat unusual in this area of conventional design, in the context of the advice in Planning Policy Statement 1: *Delivering Sustainable Development*, I do not consider that this is sufficient justification to deny planning permission on design grounds. In my view the proposal's design reflects its setting and the development would have a neutral effect on the character and appearance of the conservation area. It is therefore in accordance with LP Policies BC.7, H.11 and the national guidance.
11. Notwithstanding the above, I do not consider that there is an aesthetic need for this site to be developed or that the proposal's design is of such a quality that it would enhance the

character and appearance of the conservation area to an extent **that** outweighs the considerations in Policy H.1. I therefore conclude that the **appeal proposal** does not accord with current housing location policy and there are no material **considerations** of sufficient weight to outweigh the presumption in favour of **determining planning** appeals in accordance with the development plan.

#### **Other Matters**

12. In my view the relationship between the proposal, and the **neighbouring dwelling** at no. 37, most of whose main windows look over the appeal site, is **unsatisfactory** in terms of protecting living conditions. I accept that there would be little **potential** for direct overlooking and there would be no material harm to privacy. However, I consider that the distance between the front elevation of the appeal dwelling with its **projecting bay window** and the kitchen and bedroom windows in the side-on elevation of **the neighbour's** house would be such that there would be harm to the neighbour's living **conditions** in these rooms as a result of loss of light and overbearing effect. The proposal **therefore** does not accord with LP Policy GD.5. These considerations give added weight to my **conclusion** above that this appeal should be dismissed.

#### **Conclusions**

13. For the reasons given above and having regard to all other matters **raised**, I conclude that the appeal should be dismissed.

#### **Formal Decision**

14. I dismiss the appeal.



INSPECTOR