The Planning Inspectorate

Appeal Decision

Site visit made on 6th August 2012

by Jonathan G King BA(Hons) DipTP MRTPI

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

Decision date: 11 September 2012

Appeal Ref: APP/H1033/A/12/2173154
Land occupied by workshop and garages adjacent to 32 Dale Road, Buxton, Derbyshire SK17 6ND

- 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 John Faugno against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0016, dated 5th January 2012, was refused by notice dated 14th February 2012.
- The development proposed is the demolition of the existing workshop and garages and the erection of 2 two-bedroom, semi-detached houses.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:

   (a) the living conditions of the occupiers of nearby properties; and

   (b) the character and appearance of the locality.

Reasons

3. Planning permission for the demolition of the existing garages and workshop on the appeal site and their replacement by a single detached bungalow was granted in 2008 and renewed in 2011 (ref 2011/0090). Consequently, there is no objection in principle to residential development on this land.

Living conditions

4. The site is located between Nos 30 and 32 Dale Road and is presently occupied by a block of garages and a small workshop, together with a forecourt and manoeuvring space. The proposed houses would be located towards its rear and occupy virtually the whole of its width.

5. No 30 Dale Road sits on the corner with Bennett Street. It has a short yard to the side which separates it from the western boundary of the appeal site. Adjoining, and at a similar distance from that boundary, are terraced houses in Bennett Street which rise to the south. Nos 88, 90, 92 and 94 all back on to the site.

6. The outlook from the rear windows of Nos 90 and 92 would be directly towards the proposed western gable, which would be situated very nearly on the common boundaries. The potential for creating an overbearing impact would be limited by the new houses having a lower floor level, shown as around 1 metre difference on the submitted elevations. The potential would also be somewhat less than under an earlier proposal for which permission was refused. The roof would be lower and would incorporate half-hips that would reduce its mass. However, I am certain that the very short yards and the rear-facing ground floor windows of the existing houses would be physically and visually dominated to an unacceptable degree. They could also be deprived of some sunlight, especially in the morning. The effect on the outlook from the upper floors would be less but still significant. To my mind, the proposed houses would be in un-neighbourly proximity to these properties.

7. The occupiers of Nos 88 and 94 Bennett Street, while not having the proposed building directly on their boundaries, would nonetheless have angled views of it at very close range. The impact on them would not be so great, but would still be unacceptable. From No 32 Dale Road, the outlook to the rear would be affected insofar as the eastern gable would be located very nearly on the side boundary to the back garden. The occupiers would be clearly aware of the new houses but, as oblique views are already affected by the intervening garage to the property, I am satisfied that the impact would be broadly acceptable. The occupiers of No 30 would also be aware of the new houses in angled views to the rear, but I believe that the relationship of the properties would be comparable to what may frequently be found in housing layouts and would also be acceptable.

8. The position of the proposed houses only about 5 metres from the rear boundary of the site would permit overlooking from the upper windows towards the back gardens of dwellings in Heath Park Road behind, notably Nos 2 and 4. Unlike the permitted bungalow design, views would also be obtainable towards the rear-facing windows of those properties. I do not accept the appellant's argument that this situation would be similar to having the proposed roof-lights in the permitted bungalow: not only are there no rooms shown in the roof of the bungalow, but there is no staircase that would give access to it. That said, a degree of overlooking of garden space is a common and largely unavoidable feature of urban development; and while the relationship between the houses would not be ideal, the views between windows would be oblique rather than direct. In summary, I do not believe that the occupiers would suffer any significant loss of privacy.

9. Though the degree of impact on the surrounding houses would vary depending on their individual relationship with the appeal proposals, I conclude overall that the proposed development would have an unacceptable effect, most particularly on the living conditions of the occupiers of Nos 88-94 Bennett Street. This would be contrary to the objectives of saved Policies GD5 *Amenity* and H11 *Layout and design of residential development* of the High Peak Local Plan (LP). I regard these policies as being consistent with the newly-published National Planning Policy Framework, which among other things seeks positive improvements in people's quality of life, and to secure a good standard of amenity for existing occupants of land and buildings.

Character & appearance

10. Development on Dale Road to the west of the site is mostly characterised by nineteenth century stone built houses and shops within 2- or 3-storey terraces, either at the back of the pavement or set only a short distance behind it. To the east, beyond Grange Road, the residential buildings date from the twentieth century and are mainly 2-storey and semi-detached set back behind small gardens. The buildings are well-spaced. The neighbouring houses of the appeal site in this direction, Nos 32 and 34 Dale Road, are finished in render with stone facades to the front at ground floor level; and those around the corner in Heath Park Road are also rendered. Opposite, the houses are of brick.

11. I take the view that the area does not display any single dominant character. The appeal site lies where the transition is made between the older and newer building styles and layout. Against that background, I consider the design of the proposed houses unexceptional but unexceptionable. They would have no greater effect on the character or appearance of the area than do the other more modern properties in the vicinity, with which they share the semi-detached form and the render finish. Equally, I am satisfied that the use of half-hipped roofs, in common with Nos 32 and 34 Dale Road and some of the closest houses in Heath Park Road, is acceptable even if that style is uncommon in Buxton.

12. However, the plot, to be occupied by 2 houses, would be very narrow: narrower indeed than the individual plots of all or most of the semi-detached houses locally. Notwithstanding that in the street scene the development would be flanked by the driveway of No 32 and the side of the yard to No 30, I agree with the Council that the development would appear very cramped, both in absolute terms and in comparison with the existing semi-detached housing. This appearance might be limited to some degree by the intention to place the building well back into the plot. Nonetheless, and notwithstanding the objective of national policy and LP Policy H11 to promote the efficient use of land, I am in no doubt that the scale of the development would be excessive on such a narrow plot. It would thereby be contrary to LP Policy GD4 in that it would not be sympathetic to the character of the area in terms of layout, density and form.

Other matters

13. In reaching my conclusions, I have had regard to all other matters put forward, both in support of and opposing the development. I note that, unlike an earlier refusal of permission for a pair of dwellings on the site, the potential for harm to road safety has not been cited. Although concern on this issue has been expressed by some local residents, I am content that the amount of traffic likely to use the access would not exceed what could be generated by the use of the existing buildings. I recognise that there could be some disruption to local residents during the construction phase of development, but that would be short-term and is not sufficient reason to oppose it. I also acknowledge that placing the proposed houses so close to the side boundaries could create maintenance problems for adjoining property owners. While this is a very real concern to those involved, it would be a matter for them to address privately rather than through the planning system.

14. For the appellant it is argued that what is presently proposed would be superior in design to the permitted bungalow. I agree that a bungalow would not be characteristic of the area. But neither would it give rise to the harm to the living conditions of local residents that I have identified. Moreover, although permission was first granted for the bungalow over 4 years ago, there is no evidence to show an intention for it to be built in the event that the present appeal is dismissed. I cannot assume that it should be regarded as the "fall-back" position. I have therefore considered the present proposal on its own merits rather than by way of a comparison with the bungalow.

Conclusion

15. I conclude with respect to both of my main issues that the proposed development is unacceptable for the reasons set out above. Consequently, the appeal fails.

Jonathan G King

Inspector