The Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2012

by P Willows BA MRTPI DipUED

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

Decision date: 11 December 2012

Appeal Ref: APP/H1033/D/12/2185739
14 Goyt Rd, Whaley Bridge, High Peak, Derbyshire SK23 7DF

- 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 Mrs Dorinda Gilman against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0272 was refused by notice dated 26 July 2012.
- The development proposed is described as: *In retrospect. White UPVC fully sculptured double glazed conservatory to rear of 14 Goyt Road, Whaley Bridge.*

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:

   - the effect of the development on the character and appearance of the area; and
   - its effect on the living conditions of the occupiers of the neighbouring property.

Reasons

Character and appearance

3. The conservatory is about 3.8m in height, depth and width according to the Council. These figures are not disputed, but it is apparent in any event that the conservatory, which has already been built, is a substantial addition to No 14, an end of terrace house. Indeed, it is nearly as wide as the house and the height is such that the ridge projects above the level of the sills to the first floor windows. Overall, it appears excessive in scale and harms the simple form of the original house. Moreover, the white UPVC of the conservatory clashes with the stone of the house, resulting in an incongruous, excessively strident addition to the building.

4. I appreciate that the conservatory cannot be seen from the road, and accept that this limits the harm arising from its appearance to a degree. However, it is in view from nearby dwellings and gardens as well as from the allotments to the rear. Thus it harms the character and appearance of the area. This brings the development into conflict with policies BC1, GD4 and H14 of the adopted

High Peak Local Plan, which deal respectively with materials, design and domestic extensions.

Living conditions

5. Although the attached neighbouring property has a ground floor window to the rear, it is set in from the boundary. Consequently, it benefits from a reasonable degree of separation from the conservatory, which is also set away from its side of the boundary. Moreover, the eaves of the conservatory are significantly lower than the ridge, which limits its impact on the neighbouring property. Overall, therefore, despite its significant projection from the rear elevation of the house, I do not regard the conservatory as harmfully overbearing in relation to its neighbour. Furthermore, I agree with the appellant that the Council's concerns regarding overlooking could be addressed with different glazing and/or fencing. This could have been secured with a planning condition if the appeal were allowed.

6. For these reasons I conclude that the conservatory has not materially compromised the living conditions of the occupiers of the neighbouring property, and find no conflict with the amenity aims of Local Plan policy GD5.

Other matters

7. The appellant refers to a conservatory for which planning permission was recently granted at a nearby terraced property. However, it has no bearing on the merits of the proposal before me and I am unable to conclude, on the limited information before me, that the Council has been inconsistent in its approach.

Conclusion

8. While I have not found the development to harm living conditions in relation to the neighbouring property, I have found that it causes significant harm to the character and appearance of the area, and therefore conclude that the appeal should be dismissed.

Peter Willows

INSPECTOR