The Planning Inspectorate

# Appeal decision

Site visit made on 18 December 2012

**by Mike Croft MA DipTP MRTPI**

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

**Decision date: 27 December 2012**

**Appeal ref APP/H1033/D/12/2184611**
**175 Hayfield Road, Birch Vale, Stockport, SK22 1DA**

- 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 Robin Pimlott against the decision of the High Peak Borough Council.
- The application (ref HPK/2012/0285), dated 15 May 2012, was refused by notice dated 10 July 2012.
- The development proposed is the construction of an access and driveway.

## Decision

1. I dismiss the appeal.

## Inspector's reasons

2. The appeal site lies within the Green Belt. Although the Council refers to this in its representations, the thrust of its objection to the appeal project (as indicated in its decision notice) does not involve the Green Belt. The main issue, therefore, is whether the appeal project would fail to be sympathetic to the character of the area.

3. The Council's concern is with that part of the appeal project that consists of removing part of the stone frontage wall at the appeal property. I saw when I visited Birch Vale that much of the wall has already been removed. The Council points out, and my site inspection confirmed the point, that such a wall is a typical feature in Hayfield Road, adding to the character and distinctiveness of the area. In the Council's eyes, therefore, the appeal project would have a detrimental impact on the character and appearance of the frontage of the existing dwelling and the wider street scene.

4. The appellant says that the character, form and design of the houses here are very varied. In my assessment, however, the frontage walls add an important element of unity in the scene. The bulk of the appellant's representations are concerned with putting forward a scheme that involves the demolition of a section of wall and a parking arrangement that would be different from that which he submitted to the Council. In relative terms this would be a substantially different scheme compared with that for which he applied. My function in an appeal against a refusal of planning permission is

to consider whether the scheme applied for ought to be permitted or not. It is not to consider the merits of a different scheme.

5. In addition, it is my perception that the appellant, in developing his alternative, has misunderstood the comments of Derbyshire County Council, which were made solely from a highway safety perspective. It seems to me that the County Council was suggesting the removal of **the entire** frontage wall and not just a different part of it, as its stated concern was "to **maximise** the available space for vehicles to enter and exit the site and access the parking space …" (my emphasis). This illustrates the clear conflict here between highway safety concerns and those relating to visual character.

6. I am satisfied that the Borough Council's concerns are well founded and that the appeal project fails in relation to the main issue. The project would conflict with policy GD4 of the High Peak Local Plan, adopted in 2005. This says that planning permission will be granted for development provided that its scale, siting, design and other elements will be sympathetic to the character of the area and that there will not be an undue detrimental effect on the visual qualities of the locality. My decision above follows from that.

*Mike Croft*

Inspector