The Planning Inspectorate

Appeal Decision

Hearing held on 27 February 2013
Site visit made on 27 February 2013

by I Radcliffe BSc(Hons) MCIEH DMS

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

Decision date: 10 May 2013

Appeal Ref: APP/H1033/A/12/2188226
Land south of 37 Beresford Road, Chapel-en-le-Frith (Grid Reference: Easting 4064230 Northing 3805680)

- 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 Jennings Design Associates Limited against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0516, dated 5 September 2012, was refused by notice dated 30 October 2012.
- The development proposed is the erection of 3 two storey houses (3 bedroom 5 person units) on a vacant plot of land in a residential area.

Procedural matter

1. It was clarified that notice had not been served on the owner of the site when the planning application was made. However, as the appellant was acting on the instruction of the owner his interests were not prejudiced by this. Furthermore, a month prior to the hearing the requisite notice that an appeal had been made was served on the owner as confirmed by the submission of an amended certificate of ownership. I am satisfied therefore that correct notification of the appeal has taken place and I shall determine the appeal on this basis.

Decision

2. The appeal is dismissed.

Application for costs

3. At the Hearing an application for costs was made by Jennings Design Associates Limited against High Peak Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this appeal are;
   - the effect of the proposal on the character and appearance of the area; and,
   - whether the proposed dwellings would provide acceptable living conditions for their intended future occupiers with regard to amenity space provision.

Reasons

Character and appearance

5. The appeal site is located in a residential area within the built up area of Chapel-en-le-frith. The southern section of Beresford Rd where the appeal site

is located is characterised by bungalows on spacious plots with open front gardens and low front boundary walls. More recent housing development along Beresford Avenue and Homestead Way is 2 storeys in height and more closely spaced. Nevertheless, the dwellings on the corner of these streets with Beresford Road are noticeably more spaciously set to complement the pattern of development along Beresford Road.

6. Gaps separating dwellings of 2m to 4m characterise development along Beresford Road. In contrast a gap of only 600mm would separate the semi-detached pair of houses on plots 1 and 2 from the house on plot 3. As a result, the proposed scheme would appear distinctly at odds with the established pattern of development on the southern half of Beresford Road.

7. An important feature of the street scene is that whilst off road car parking is provided to the front of a number of dwellings it is accommodated on the side of plots. As a consequence, the majority of the front elevations are open to view and attractively set behind soft landscaping. In contrast almost the entire width of the front of plots 1 and 2 would be covered in hard landscaping to allow 2 cars to park on each plot and provide a footway to the front door. This would result in a car dominated development with a harder, more urban edge that would detract from the spacious suburban streetscene. A condition was suggested to require a soft landscaping scheme to be agreed and implemented. However, once access and parking has been allowed for there would be simply too little space available for planting to alter the car dominated layout of the development.

8. The position of the houses on the site would be in line with dwellings to the north and south. The form of the roofs and the incorporation of gables within the front elevation of each home would provide interest. The stone exterior would also complement the appearance of houses on Homestead Way and the traditional vernacular of the area which is on the edge of the Peak District. However, these positive aspects of the development would not overcome the significant adverse effects that I have described.

9. Taking all these matters into account, I therefore conclude that the proposed development, in failing to reflect the layout of development on the road, would unacceptably harm the character and appearance of the area. This would be contrary to saved policies GD4 and H11 of the saved policies of the High Peak Local Plan. These policies require the protection of the character and appearance of a locality through high quality design that respects local design features. It would also be contrary to the Guidelines for the design and layout of development in Appendix 2 of the Local Plan and the emphasis on good design contained within the Framework.

Living conditions

10. All three of the proposed houses would have 3 bedrooms and although modest in size they would be capable of accommodating 5 people. The rear garden to plot 1 is 85sqm. The rear garden and space to the side of plot 3 totals 83sqm. The Council conceded at the hearing that the private amenity space to the house on plot 1 would be of sufficient size to provide satisfactory living conditions. It also conceded that subject to the rearrangement of parking spaces on plot 3 there would be sufficient private outdoor space also available on this plot.

11. The Council agreed as a result that its objection to the proposed development in relation to living conditions was restricted to the 39sqm amount of amenity

space provided to the house on plot 2. The Council has no adopted standards which it relies upon when assessing amenity space provision. In my assessment, although the amenity space is smaller than that normally provided for a modest 3 bedroom house, it is large enough to provide sufficient space for sitting out in fine weather, or for clothes drying. It would also provide a secure play area for young children. Its modest size would mean that it would be suitable only for limited play by older children. However, I note that the play area and recreation ground on Ashbourne Lane is a short walk away. Similarly public rights of way that give access to the open countryside are close by. These features compensate for the limited value of the small rear garden as a play area.

12. For all of these reasons, l therefore conclude that the proposed development in providing acceptable levels of amenity space would ensure that future occupiers experience satisfactory living conditions. As a result, it would comply with saved policy H11 of the Local Plan which, amongst other matters, seeks to prevent harm in this regard.

Other matters

Housing land supply and sustainable development

13. It was agreed at the hearing that the Council had less than 5 years housing land supply. Paragraph 49 of the National Planning Policy Framework (the Framework) advises that relevant policies for the supply of housing should not be considered to be up to date in such situations and that the presumption in favour of sustainable development should apply. In such circumstances paragraph 14 of the Framework advises that planning permission should be granted, unless the adverse impacts of doing so clearly outweigh the benefits when assessed against the policies in the Framework as a whole.

14. Policy H1 of the Local Plan, which supports the redevelopment of only previously developed land within built up area boundaries, together with other housing land supply policies in the Borough are therefore out of date. However, by virtue of the extant permission for a new house on the site (ref HPK/2010/0607) it is common ground that despite the site being green field land it is suitable in principle for residential development. The Council's position on this matter was established before the Framework was published due to the small size of the site and its residential location. The absence of a 5 year housing land supply does not therefore change the principle of development from one that was unacceptable to one that is.

15. In relation to sustainability, it is not a matter in dispute that as the shops, services and facilities of the settlement are within comfortable walking or cycling distance that it is a sustainable location for development. I concur with that assessment. In relation to the social benefits, the housing proposed would be suitable for families and would help meet the needs of the community. Turning to the economic benefits, new housing creates construction work and the resulting increase in the local resident population would boost the spending power of the community which would be of benefit to local services and facilities. These effects would contribute towards economic growth.

16. However, unlike the extant permission for 1 dwelling on the site (ref HPK/2010/0607), or the lapsed permission for a pair of bungalows (ref HPK/0002/7674), the appeal scheme would fail to protect or enhance the built environment. The unacceptable harm to the character and appearance of the

area that would occur would continue long after the economic benefits of constructing the development have faded. As a consequence, the scheme would not constitute sustainable development within the meaning of the Framework.

17. I recognise that the appeal scheme would supply 2 additional residential units in comparison to the extant permission. Be that as it may, the harm that would be caused to the character and appearance of the area would demonstrably outweigh the contribution that 2 extra houses would make to addressing the shortfall in housing land supply.

18. An appeal decision (ref APP/H1033/A/11/2159038) has been referred to in support of the appeal. This decision resulted in the grant of planning permission for residential development on open fields on the edge of Chapel-en-le-frith in the absence of a 5 year housing land supply. However, it was found that the effect of the proposed development on the character and appearance of the area in that appeal would not be one of unacceptable harm. As a result, it is materially different to the proposal before me and so I attach little weight to this decision in support of the appeal scheme.

Overall conclusions

19. Taking all these matters into account, the site is in a sustainable location and the development would have social and economic benefits. There would also be no material harm to living conditions. However, I consider that any presumption in favour of development is significantly and demonstrably outweighed by the comprehensive harm the proposal would cause to the character and appearance of the area. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

APPEARANCES

FOR THE APPELLANT:

Caroline Payne BA(Hons) Dip TP MRTPI	Emery Planning Partnership
Raimond Burgess	Owner of the appeal site

FOR THE LOCAL PLANNING AUTHORITY:

Shaun Wells Planning Officer BA(Hons) Dip TP MRTPI	High Peak Borough Council

DOCUMENT SUBMITTED AT THE HEARING

1 'Guidelines for the Design and Layout of Residential Development' Appendix 2 of the High Peak Local Plan

PLAN SUBMITTED AT THE HEARING

A Proposed Site Plan – Option 3 (ref E693-001) which the Council took into account when it determined the application but was not submitted with the appeal.