The Planning Inspectorate

Appeal Decision

Site visit made on 24 March 2014

by Jonathan Hockley BA (Hons) DipTP MRTPI

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

Decision date: 3 April 2014

Appeal Ref: APP/H1033/D/14/2214429
13 Peveril Avenue, New Mills, High Peak SK22 4EB

- 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 & Mrs P Heyes against the decision of High Peak Borough Council.
- The application Ref HPK/2013/0695, dated 16 December 2013, was refused by notice dated 11 February 2014.
- The development proposed is a new 2 storey side and rear extension.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs S Heyes against High Peak Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are as follows:

   - The effect of the proposed extension on the character and appearance of the area.
   - The effect of the proposed extension on the living conditions of the occupiers of Nos 11 and 15 Peveril Avenue, with particular reference to outlook.

Reasons

Character and appearance

4. Peveril Avenue is a residential street comprising largely of pairs of two storey, pitched roofed semi-detached properties, often joined to neighbouring pairs by attached garages. The street is situated on a steep hill and as a consequence the properties are staggered in terms of ridge heights.

5. No 13 Peveril Avenue is attached to No 11 Peveril Avenue on its eastern side, and its garage on its western side abuts the garage to No 15 Peveril Avenue. The properties back on to Whitle Road. This road is set at a lower level than the back of the gardens of the Peveril Avenue properties, making the rear of these houses particularly prominent from this street. The garage is set back off the main building line. The proposal seeks to construct a 2 storey side and

rear, extension on top of and slightly forward of the existing garage to the side of the property. The two storey element of the side extension would then 'wrap around' half of the rear of the property, supported by a steel column. The proposal would be flat roofed, set slightly higher than the existing eaves line, and clad with Western Red Cedar to compliment the existing buff brick.

6. Although the existing garage has a flat roof, this is a single storey feature and the set back nature of the siting of the garage means that this element of the house remains secondary to the main property. Whilst I agree that the materials proposed would compliment the existing house, the scale and flat roof design of the proposal would not respond to, nor respect the scale and design of the original property. This effect would be particularly noticeable from the rear of the house, where the proposal would obviously be set above the eaves line with a conflicting roof design. I do not agree that the proposal would be subservient to the main dwelling, and consider that when viewed from Whitle Road, the proposed extension would dominate the existing building and adversely affect the character and appearance of the area.

7. The appellant considers that the proposal accords with paragraph 60 of the National Planning Policy Framework (the Framework), which states that planning decisions should not stifle innovation, originality or initiative, and that the High Peak Local Plan, March 2005 (the Local Plan) is not consistent with the Framework in this respect. However this paragraph also states that it is proper to seek to promote or reinforce local distinctiveness, and paragraph 58 of the same section of the Framework states that developments should reflect the identity of local surroundings. In this respect I consider that Policies GD4 and H14 of the Local Plan conform to the general thrust of Section 7 of the Framework. These policies state in essence that permission will be granted for development or domestic extensions which are sympathetic to the character of the area and the original building, and do not cause undue detrimental effect on the visual qualities of the locality.

8. The appellant considers that the design of the proposal is the only way to provide a further bedroom for the property whilst maintaining the size of the rear western bedroom as a double bedroom. However, this point does not outweigh the adverse effect the proposed extension would have on the character and appearance of the area.

9. I note that the appellant considers that a substantial rear extension could be constructed to the property under permitted development powers. However, be that as it may, in my view any such extension would not be as substantial as the proposal now before me.

10. I therefore conclude that the proposed extension would have an adverse effect on the character and appearance of the area. The proposal would be contrary to saved policies GD4 and H14 of the Local Plan. The proposal would also be contrary to the Framework.

Living conditions

11. Due to the topography of the area, No 13 sits higher than its semi-detached neighbour, No 11, but lower than No 15. The Council consider that the proposed extension would be overbearing to both No 13 and No 15 by virtue of its height and projection from the existing rear elevation, and that this effect would be accentuated by the material proposed.

12. Although No 11 is set lower than No 13, only the two storey element of the proposed extension would wrap around the rear of No 13. The extension would also only wrap around approximately half of the rear house. When combined with a projection from the rear of only around 1.7m (according to the appellant's figures), I consider that any effect on the outlook from No 11 would be slight. Only the side of the extension would be visible from No 11, and the effect on light would be minimal.

13. The setting of No 15, set considerably higher than the appeal site, would minimise any overbearing effect of the proposed extension on this property. The extension would not protrude beyond the existing rear wall of the garage, and only the top section of the two storey extension would be visible from No 15 due to the higher nature of No 15's garage.

14. I therefore conclude that the proposed development would not have an adverse effect on the living conditions of No 11 and No 15 Peveril Close, with regard to outlook. The proposal in this respect would comply with Policies GD4 and H14 of the Local Plan which state, amongst other things, that proposed extensions should ensure adequate amenity for neighbouring properties.

Conclusion

15. I have concluded that the proposed extension would not have an adverse effect on the living conditions of the adjoining properties. However, this does not outweigh my concerns over the effect of the proposed extension on the character and appearance of the area.

16. The Government's Planning Practice Guidance was published on 6 March 2014. The content of the Guidance has been considered but in the light of the facts of the case the document does not alter my conclusions.

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

Jon Hockley

INSPECTOR