The Planning Inspectorate

Appeal Decision

Site visit made on 9 June 2014

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 8th July 2014

Appeal Ref: APP/H1033/A/14/2216360
Land adjacent 2 White Knowle Road, Buxton, Derbyshire, SK17 9NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Steve Balfe (Balfe Building and Construction) against the decision of High Peak Borough Council.
- The application Ref HPK/2013/0442, dated 15 July 2013, was refused by notice dated 1 October 2013.
- The development proposed is the erection of nine dwellings of mixed type and size, together with new access and landscaping at land off Fern Road / London Road, Buxton.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with matters of access, layout and scale for consideration at this stage. I have therefore determined the appeal on this basis, taking into account the appearance and landscaping of the scheme as indicative. I have also referred to the site address used on the Council's decision notice and notification of the appeal as this more accurately describes the location.

3. At the appeal stage the appellant submitted a revised plan; Drawing No. 03 Revision C which amended the proposed layout and position of Plots 3 and 4 and moved some of the car parking spaces to the south-west corner of the site. As the changes are relatively minor they do not materially alter the nature of the scheme. All parties have also had the opportunity to comment on them, and as it would not prejudice the interest of any party, I have determined the appeal on the basis of the revised layout.

Main Issues

4. The main issues are:

    - The effect of the proposal on the streetscene within London Road;
    - The effect of the proposal on the character and appearance of the wider surrounding area, having particular regard to protected trees; and
    - Whether or not adequate provision would be made for car parking, having particular regard to the effect of additional on-street parking on highway safety.

Reasons

Streetscene within London Road

5. London Road contains a mix of predominantly residential development which generally increases in density towards Buxton town centre. However, combined with the extensive woodland to the north-west the appeal site forms part of a clearly defined mature landscaped gap in the built up area. This verdant break dominates the western side of this part of London Road and contributes positively to the streetscene.

6. Although the appeal site only represents a relatively small proportion of the overall landscaped break, its importance and contribution to the streetscene has already been established at appeal. In dismissing a proposal for residential development on the site in 2008 the previous Inspector noted that it formed *"part of an open wedge of countryside and is an important visual break in the built up area along London Road"*. Moreover, *"the loss of the visual break along London Road would harm the character and appearance of the area"* (Appeal Ref APP/H1033/A/07/2055495).

7. I appreciate that the proposal before me contains the majority of development behind the group of protected trees in the centre of the site, and due to the spacing of properties would retain views through to the countryside beyond. The previous scheme also sought planning permission for terraced houses, which is a materially different form of development. Nonetheless, the detached and semi-detached 3-storey houses forward of the protected trees, combined with the new splayed access road would still take up the majority of the site frontage. As a consequence, built development would significantly erode part of the landscaped visual break which is an important feature along this section of London Road. In this regard, I find no persuasive evidence to suggest that the previous Inspector's concerns have been adequately addressed.

8. Furthermore, although a large care home has been erected opposite the site, the more immediate prevailing pattern of development along the western side of London Road consists of primarily large, traditional Victorian houses set back from the road within generous, landscaped plots. In contrast, the appeal proposal would introduce four, 3-storey houses along with a splayed access road, car parking areas and garages onto the front section of the site whilst seeking to avoid protected trees. In doing so, whilst the houses would be in two small groups, I consider that the layout and scale of the scheme would appear contrived, cramped and uncomfortable. When viewed in the context of the Victorian housing along this side of London Road, the proposal would result in an incongruous form of development that would be detrimental to the streetscene.

9. In reaching this view I have taken into account comments that modern housing no longer replicates the scale of traditional Victorian properties, and that changes in social, economic and demographic factors have given rise to different housing needs. In order to provide for future growth it is also likely that development in Buxton could change the appearance of areas.

10. Nevertheless, the National Planning Policy Framework ('the Framework') seeks to secure high quality design and recognises that it is proper to promote or reinforce local distinctiveness. In this case, by incorporating the scale of development proposed at the front of the site, whilst avoiding protected trees

and providing a new access, the relatively tall, narrow houses on restricted plots would fail to successfully relate to their surroundings. Although the appellant suggests that the difference in plot ratios would only be marginal, based on the evidence provided and observations at my site visit, I consider that it would be sufficient for the development to appear harmfully out of place.

11. I have also taken into account suggestions that the design is of a scale and size viable and marketable in the 21st century and has more design credentials than other houses approved nearby. However, no evidence has been provided to substantiate a correlation between the proposal and viability or marketability. Likewise, I have not been provided with any specific details regarding other houses in the area or the circumstances which led to them being there. Thus, I have not given these factors any significant weight in reaching my decision.

12. I therefore conclude that by reason of its layout and scale the proposal would fail to reflect its setting and would fail to be sympathetic to the character of the area to the detriment of the streetscene within London Road. As a result, it conflicts with *High Peak Local Plan* Policies H11 and GD4 which state that planning permission will be granted for development provided that, amongst others, it incorporates good design that reflects its setting and local distinctiveness, and that its scale, siting, layout, density, form, height proportions and design are sympathetic to the character of the area. In this regard both policies are broadly consistent with the Framework, which seeks to promote good design that reinforces and promotes local distinctiveness.

Surrounding Area and Trees

13. Towards the rear and beyond the group of protected trees the site opens up into a large swathe of countryside. In this location the remaining five houses proposed would be positioned behind the rear gardens of houses on White Knowle Road to the east. From London Road they would be largely screened from view, although from footpaths to the south-west they would remain clearly visible in the public domain.

14. Given the scale of the proposal it would be unlikely to undermine the wider landscape. Views of the countryside would also still be possible through the trees and by walking beyond the development. However, the site forms part of an open wedge of countryside that, especially behind the protected trees, is clearly demarcated by the boundaries of properties on White Knowle Road to the east. By introducing five new dwellings with associated turning areas and car parking spaces the proposal would visibly protrude into this area of open countryside. When viewed against the backdrop of the clearly defined linear boundary I am not convinced that the scheme would simply merge into the edge of the urban area. Instead, I consider that its visual intrusion into this distinctive and clearly defined open swathe of countryside would be demonstrable, and cause significant harm to the character of the surrounding area as a result.

15. Furthermore, the tall mature trees around the centre of the site also form an important part of the area's verdant character. In seeking to preserve this character I note that the revised layout demonstrates how Plots 1-4 would be situated outside of any associated root protection areas. In addition, only a single tree, which is already in poor health and is potentially dangerous, would need to be felled in order to facilitate the development. Information provided

with the appeal also demonstrates how construction of the development could be carried out without adversely affecting the health of retained trees.

16. However, Plots 1-4 would be situated within close proximity to trees on, and immediately adjacent to the site. Given that their large canopies would also be to the south-east, south, south-west and west of Plots 1-4, both the proposed properties and areas of their gardens would be significantly overshadowed. I appreciate that not all of the trees would be in leaf in winter and that the relationship would have some benefits, for example from temperature control, storm water attenuation and wind protection. However, based on the evidence provided I consider that their proximity, size and orientation would result in pressure from potential future occupiers to remove or substantially prune trees in order to enjoy a reasonable amount of sunlight. Given the positive contribution that the trees make to the character and appearance of the area this would also cause demonstrable harm.

17. In reaching this view I have taken into account comments that trees in gardens close to houses are a characteristic of the area. However, whilst the examples cited share some similarities with the appeal proposal, I have not been provided with any information to suggest that their level of protection or contribution to the character and appearance of the area is directly comparable to the situation before me.

18. Furthermore, the potential pressure to fell or prune trees was a determining factor in dismissing Appeal Ref APP/H1033/A/07/2055495. In particular, the Inspector found that *"the proximity of some of the protected trees would be likely to give rise to a significant degree of overshadowing at the rear of the dwellings. It would cause unreasonable inconvenience to future residents, inevitably leading to pressure to fell, or to prune the trees thus affecting their long-term viability."* As with concerns regarding the loss of an important visual break on London Road, I find no persuasive evidence to suggest that the previous Inspector's concerns have been overcome in this regard either. The presence of trees in other gardens elsewhere therefore does not justify granting planning permission given the harm that I have identified in this case.

19. I have also considered the findings of the *High Peak Local Plan Landscape Impact Assessment* (January 2014) which identifies the swathe of countryside extending up to London Road, and including the appeal site, as land with potential to accommodate development. However, it also states that development would have to be in keeping with the character of the adjacent properties and settlement, and that existing vegetation should be retained and strengthened in order to maintain/ensure low visual prominence. By placing direct pressure on the need to prune or fell protected trees the proposal would be directly at odds with its recommendations.

20. I therefore conclude that the proposal would not be sympathetic to the character and appearance of the wider surrounding area and would be likely to result in damage to and/or the loss of protected trees. As a result, it conflicts with *High Peak Local Plan* Policy GD4 which seeks to ensure that, amongst others, the layout and siting of development is sympathetic to the character of the area. The proposal also conflicts with Local Plan OC10 which restricts development that would result in the loss of, or materially injure the health of a significant individual or group of trees. Of the policies referred to by the Council I consider these to be the most relevant in this regard, and are broadly

consistent with the Framework which seeks to ensure that development takes into account the character of different areas and prevent the loss of aged or veteran trees.

Car Parking

21. As part of the scheme determined by the Council the space in front of the garage between Plots 3 and 4 would not be large enough to accommodate a parked car. The parallel spaces under the trees were also considered unsuitable due to the likelihood of falling debris and the distance to their associated properties.

22. However, as part of the revised layout the garage serving Plot 3 would be moved back behind the dwelling which would create more than sufficient space for vehicles to pull clear of the new access road. Similarly, the revised house type proposed on Plot 4 indicates how an integral garage would be used to allow vehicles to pull safely clear of the highway. Car parking spaces have also been moved from underneath the trees in the centre of the site to a dedicated area at the rear. Given the size of the site these spaces would not be so far divorced from any property that they would become underutilised.

23. I therefore conclude that adequate provision would be made for car parking and that the proposal would not prejudice the free flow of traffic or highway safety. As a result, there is no conflict with *High Peak Local Plan* Policy TR5 which states that planning permission will be granted for development provided that it includes a high standard of design and layout having regard to parking, access and manoeuvring.

Other Matters

24. Both parties confirm that the Council do not currently have a five-year supply of deliverable housing land. The appellant has also referred to sites in the area which have not come forward and identifies that the Council's new local plan has not yet been submitted for consideration. I have therefore taken into account comments regarding the delivery of housing in the *High Peak Local Plan*, and also borne in mind paragraphs 14 and 47-49 of the Framework.

25. In achieving sustainable development the Framework identifies three dimensions; the environmental, economic and social. It also confirms that these roles should not be undertaken in isolation because they are mutually dependant. With this in mind, the appeal proposal would contribute towards much needed housing in the area. The site is also within an accessible location and is no longer associated with the land opposite which has been redeveloped as a care home. It would therefore have some tangible economic and social benefits which weigh in its favour.

26. However, aside from the contribution that the proposal would make towards housing supply, no detailed evidence has been provided to substantiate the extent of the proposal's benefits. Moreover, whilst it would not adversely affect any protected species, the proposal would be harmful to the streetscene within London Road, would be harmful to the character and appearance of the wider surrounding area, and would place undue pressure on the long-term viability of protected trees.

27. On balance therefore, and based on the evidence provided, I consider that the adverse impacts of granting planning permission would significantly and

demonstrably outweigh the benefits when assessed against the Framework as a whole. For this reason, the proposal is not the sustainable development for which there is a presumption in favour.

Conclusion

28. The proposal would provide adequate car parking space and would not undermine highway safety. However, it would detract from the streetscene within London Road and would be harmful to the character and appearance of the area, including from the likely adverse impact on protected trees on the site. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR