



High Peak Borough Council
working for our community

Mr Simon Jones
SJ Design Ltd
The Old Co-Op Building
Church Street
Hayfield
Derbyshire
SK22 2JE

Kathryn And Trevor Rogers
26 Wood Gardens
Hayfield
Derbyshire
SK22 2HQ

Application no: HPK/2022/0533

Determined on: 23/01/2023

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order
2015

REFUSAL OF PLANNING PERMISSION

Location of Development:

26, Wood Gardens, Hayfield, Derbyshire, SK22 2HQ

Description of Development:

Two storey extension over existing and conversion of garage

High Peak Borough Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: 101 Existing Plans, and 200 Rev A Proposed Plans for the reason(s) specified below:-

1. The proposed two storey side extension, by reason of its height, scale and positioning, along with its orientation and juxtaposition to No.27 Wood Gardens, would result in an unacceptable relationship with that property. The proposed relationship is considered to be un-neighbourly and would give rise to adverse loss of light to habitable rooms; overshadowing, overbearing to the property and its private amenity space; and an unacceptable loss of outlook. As such, the development would have a detrimental impact on the amenities enjoyed by residents of that property. The development proposals would therefore be contrary to Policies S1 and EQ6 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 of the NPPF.
2. The site is covered by an Area TPO 153. Within the rear garden of the site and to the side boundary are trees covered by the order which may be affected by the development. No Tree Report or Arboricultural Impact Assessment has been provided with the application to enable the Local Planning Authority to satisfactorily determine the impact of the development on these trees during or post construction. The proposals are therefore contrary to Policy EQ9 of the High Peak Local Plan 2016.

Informative(s):

P O Box 136 Buxton SK17 1AQ
Phone 0845 129 77 77 or 01298 28400 Fax 01298 27639 Minicom 0845 129 48 76
E-mail customer-services@highpeak.gov.uk Website www.highpeak.gov.uk
Mobile Text No. 078 0000 2262





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1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. In this instance the issues were raised with the applicants, however amendments to the scheme to overcome the concerns would not be minor and as such have not been suggested.

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council

NOTES

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1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
1. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
2. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
3. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
4. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
5. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



