



High Peak Borough Council

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Ms Sarah Bolsover
Smashbox Architecture
97 Alderley Road
Wilmslow
Cheshire
SK9 1PT

Mr and Mrs Smith
10 Robertson Road
Buxton
Derbyshire
SK17 9D

Application no: HPK/2022/0563

Determined on: 28/02/2023

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

10, Robertson Road, Buxton, Derbyshire, SK17 9D

Description of Development:

Demolition of existing outbuildings and the addition of a single storey side / rear extension with associated internal alterations, to include the construction of detached ancillary accommodation and alterations to the boundary wall fronting the highway

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 refs: 7029_PL01, 7029_PL02, 7029_PL03, 7029_PL04, 7029_PL05, 7029_PL06, 7029_PL07, 7029_PL08, 7029_PL09, 7029_PL10, 7029_PL11, 7029_PL12, and 7029_PL13

for the reason(s) specified below:-

1. The proposed outbuilding, by reason of its significant scale, height and proximity to the site boundary, along with the change in land levels with No.8 Robertson Road would result in an unacceptable relationship with that property. The proposed relationship is considered to be un-neighbourly and would give rise to adverse overshadowing, overbearing to that property and its private amenity space, along with an unacceptable loss of outlook. As such, the development would have a detrimental impact on the amenity 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.





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2. The site is located within the Buxton Conservation Area, which is a designated heritage asset. The proposed outbuilding, by reason of its significant scale and height, along with its siting, would result in a prominent and incongruous form of development that would be at odds with its context, and would cause demonstrable harm to the character and appearance of the streetscene and Conservation Area. The proposals would cause less than substantial harm to the significance of the heritage asset, where no public benefits exist to outweigh the harm. The development proposals would therefore be contrary to Policies S1, EQ6 and EQ7 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 and 16 of the NPPF.
3. The proposed siting and inclusion of windows to the rear elevation of the proposed outbuilding would cause direct overlooking to number 7 College Road and would result in loss of privacy and an unacceptable relationship with that property. 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.

Informatives

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 amendments to the scheme to overcome the concerns would not be minor and as such have not been suggested. The applicants were given the opportunity to remove the element of concern from the application but provided no confirmation.

X 

Signed by: Jane Colley Signature





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On behalf of High Peak Borough Council

NOTES

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





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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.

