

Appeal Statement

February 2025

New access door to front elevation and proposed first floor rear extension at

152 Station Road, Hadfield SK13 1AA

- **Applicant**
M. Hussein
- **Planning Authority**
High Peak Borough Council
- **Proposal**
New access door to front elevation and proposed first floor rear extension
- **Location**
152 Station Road, Hadfield SK13 1AA
- **Agent**
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1.00 Introduction

This appeal statement is submitted on behalf of Mr M. Hussein, the appellant, following the refusal of HPK/2022/0390 by High Peak Borough Council issued on 31st December 2024.

The application description on the refusal of HPK/2022/0390 states:

‘New access door to front elevation and proposed first floor rear extension.’

The reason for refusal stated on the decision notice of HPK/2022/0390 is as follows:

‘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 & 200B for the reason(s) specified below:-

1. The proposed development, by reason of its siting, scale and design would result in an unsatisfactory separation distance between the proposed rear habitable room windows and the rear boundary of the site shared with the rear garden area of no. 14 Station Street. The proposal would result in an unsatisfactory standard of occupier amenity for the future occupiers of the application site and neighbouring properties and would therefore be contrary to LP Policy EQ6, the High Peak Residential Design Guide SPD and paragraph 135 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. Amended plans were sought but were insufficient to address all of the concerns as identified above.’

It is important to point out an error in the above in that is assumed ‘14 Station Street’ is in fact referring to 14 Railway Street. This error also appears in the delegated report of HPK/2022/0390.

Furthermore, the plan reference 200B stated on the decision of HPK/2022/0390 is incorrect in that a further revision, 200C, was sent to the Authority on 13th December 2023. Emails confirming this ‘Email dated 13th December 2023’ and the complete email trail of correspondence with the Authority during HPK/2022/0390 ‘Email correspondence during hpk 2022 0390’ are submitted with this appeal.

Furthermore, neither revisions 200A, 200B or 200C, or any of the information submitted by email to the Authority during HPK/2022/0390 were or have been uploaded to the High Peak Borough Council Planning Portal. The screen shot ‘Planning Application Front Page 21.02.25’ submitted with this appeal confirms this.

2.00 Background

The property lies within the Built up Area Boundary and not within a Conservation Area.

The site area is 150m². The site is fairly level and there are no trees on site.

The property functions as a shop (Class E (a)) on the ground floor and a 1 bedroom flat on the first floor.

Figure 1 is an extract from the Ordnance Survey map showing the relationship with #152 and the adjacent properties. The green hatched area indicates the garden area of #14 Railway Street. Dimensions to the boundary (9.4m), gable (18.4m) and single storey rear extension (16.4m) of #14 Railway Street from #152 are shown in Figure 1.

The rear areas of 146, 148, 150, 152 and 154 Station Road are accessed adjacent #154

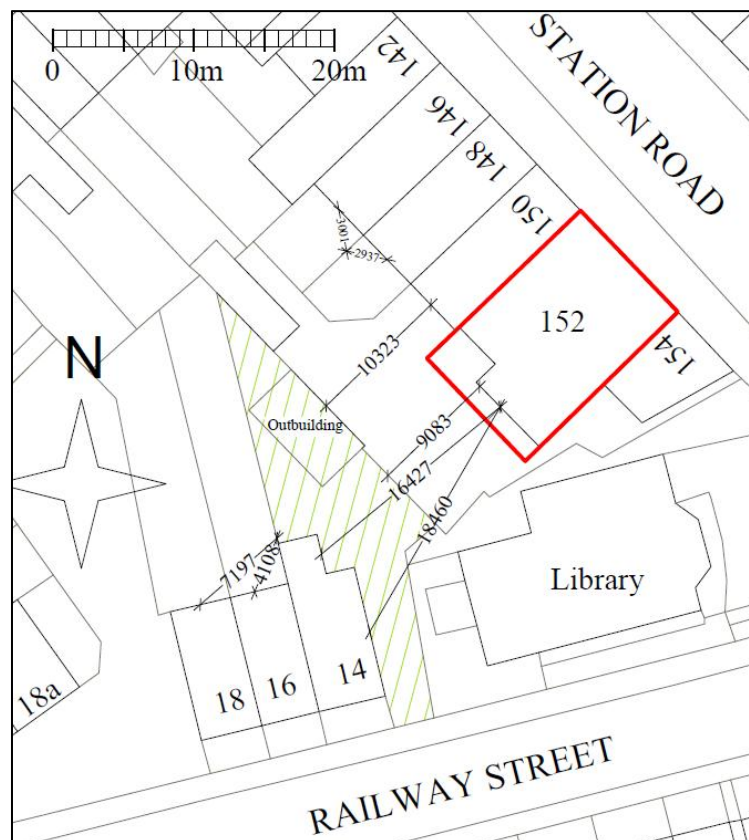


Figure 1: Site Location Plan

Figure 2 shows the existing first floor rear windows of 148, 150 and 152 Station Road.



Figure 2: First Floor rear Windows of 148, 150 and 152 Station Road

Figure 3 shows the Freehold Title Plan of 146, 148, 150, 152 and 154 Station Road. Figure 4 shows the leasehold title plan of #152 Station Road and Figure 5 shows the leasehold title plan of #154 Station Road. These title plans are submitted with this appeal.

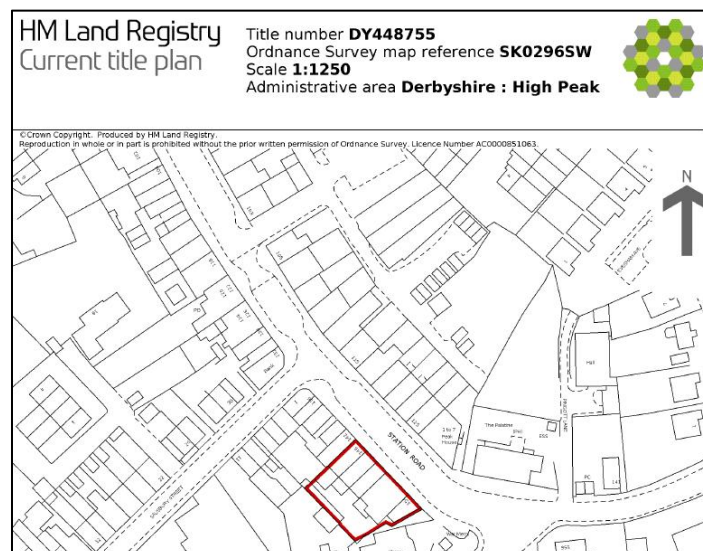


Figure 3 : Freehold Title Plan of 146, 148, 150, 152 and 154 Station Road

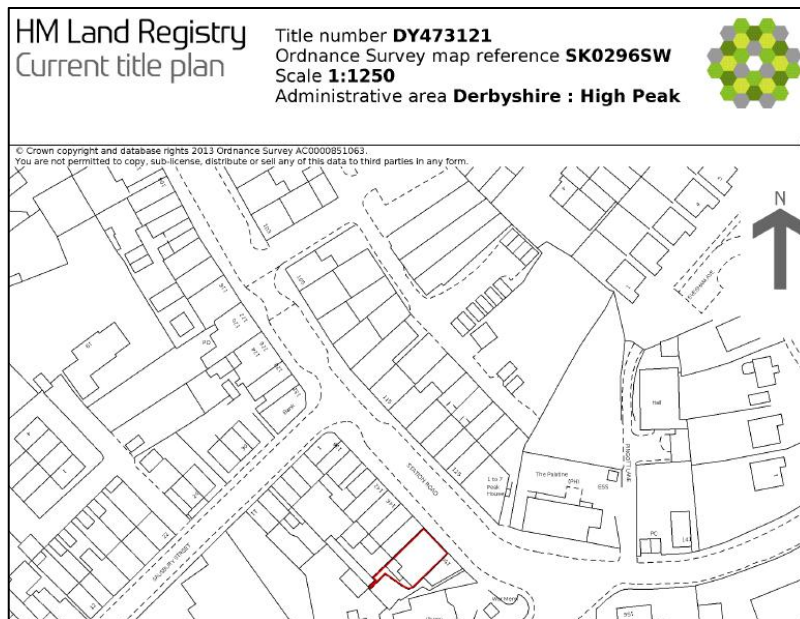


Figure 4 : Leasehold Title Plan of 152 Station Road

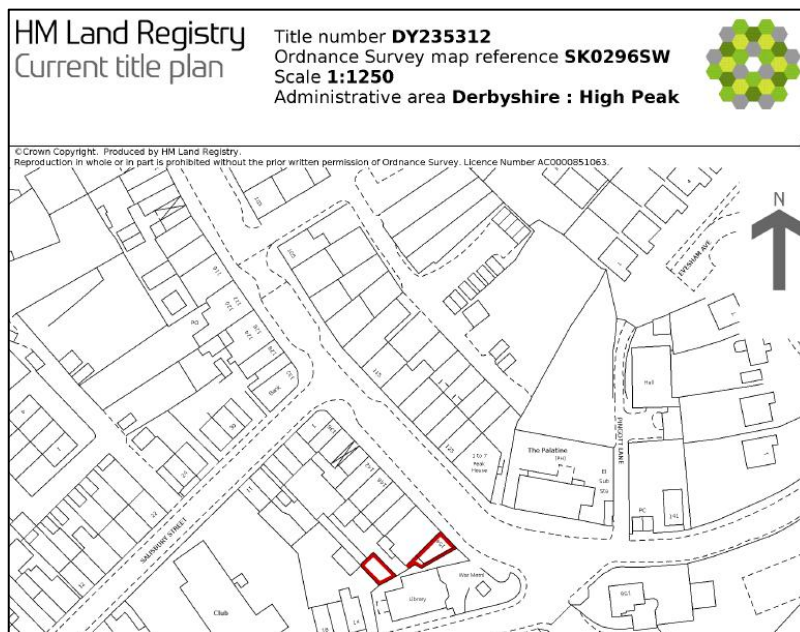


Figure 5 : Leasehold Title Plan of 154 Station Road

What is clear from Figures 2 to 5 is that there is shared rights of access and amenity spaces existing to the rear of 146, 148, 150, 152 and 154 Station Road.

3.00 The Case for the Appellant

As stated, the reason for refusal of HPK/2022/0390 was:

‘The proposed development, by reason of its siting, scale and design would result in an unsatisfactory separation distance between the proposed rear habitable room windows and the rear boundary of the site shared with the rear garden area of no. 14 Station Street. The proposal would result in an unsatisfactory standard of occupier amenity for the future occupiers of the application site and neighbouring properties and would therefore be contrary to LP Policy EQ6, the High Peak Residential Design Guide SPD and paragraph 135 of the NPPF.’

The above reasons for refusal and those detailed in the delegated report of HPK/2022/0390 will be dealt with here along with the email correspondence between the agent and Local Authority during HPK/2022/0390.

Siting, Scale and Design

Figures 6 and 7 shows the existing (100) and proposed (200C) plans and elevations submitted during HPK/2022/0390.

By comparing 100 and 200C the following is observed:

- No alterations are made to the the front elevation except for the introduction of a door to the ground floor level and roof lights.
- Rear and southeast side - the existing eaves and roof level to the out-rigger is raised to meet the existing main roof. First floor windows and roof lights are introduced to the extended out-rigger.

The siting of the extended out-rigger is within the confines of the existing footprint and extends upward of 2m from the existing outrigger eaves and upward of 0.5m at the top edge abutment.

The scale of the extension is proportionate to the existing and adjacent properties and is sufficiently distanced form the adjacent #14 Railway Street not to cause overbearing issues.

The design of the extension is in-keeping with the existing and adjacent properties with stone walls and a pitched blue slate roof.

The siting, scale and design of the extension is proportionate and in-keeping with the host dwelling and adjacent properties with no change to the separation distances between the adjacent properties as a result of the development.

The new habitable windows at first floor level are 9m from the boundary of #14 Railway Street. As can bee seen from Figure 1, the existing distances from #'s 18 and 16 Railway Street are much closer to #14 Railway Street that that of #152.

The distances from the new habitable windows at first floor of #152 to the gable (18.4m) and single storey rear extension (16.4m) of #14 Railway Street are satisfactory separation distances to cause no unsatisfactory standard of occupier amenity for the future occupiers of the application site or #14 Railway Street. The photographs on Sheet 1 and Sheet 2 submitted to the Authority on 13th December 2023 show the garden areas, gable and rear extension at #14.

Furthermore, as can be seen from Figure 1, the existing 10.3m separation distance between the first floor windows of 146, 148 and 150 Station Road and the boundary of #14 Railway Street is an existing situation with the new first floor windows at 152 only 1.3m closer to #14's boundary. There is also an outbuilding on this boundary on the side of #14.

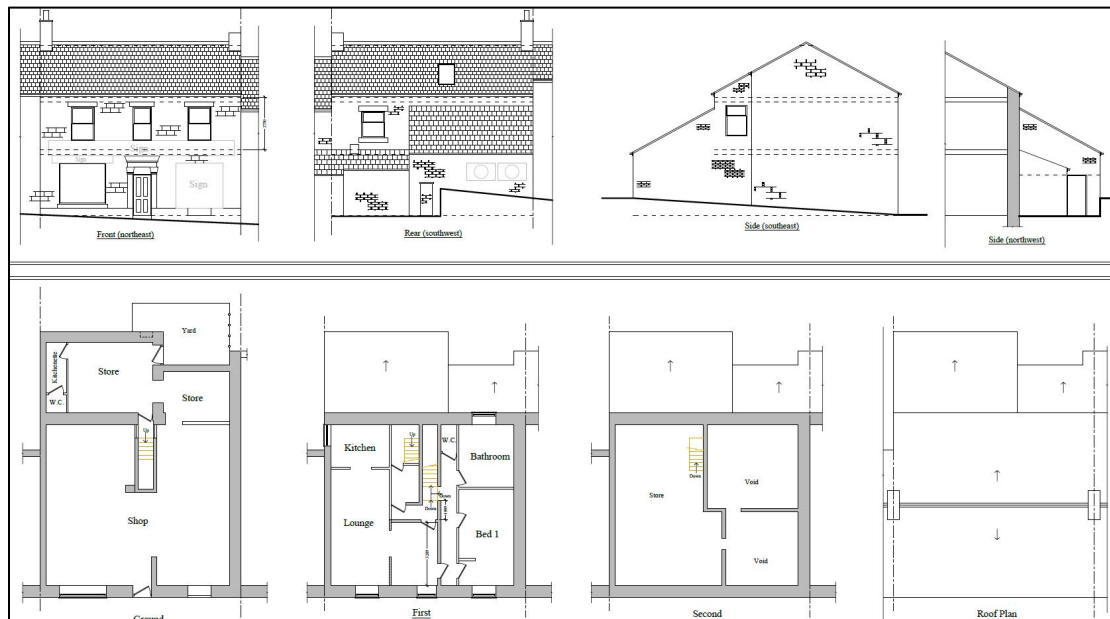


Figure 6 : Extract from Drawing 100

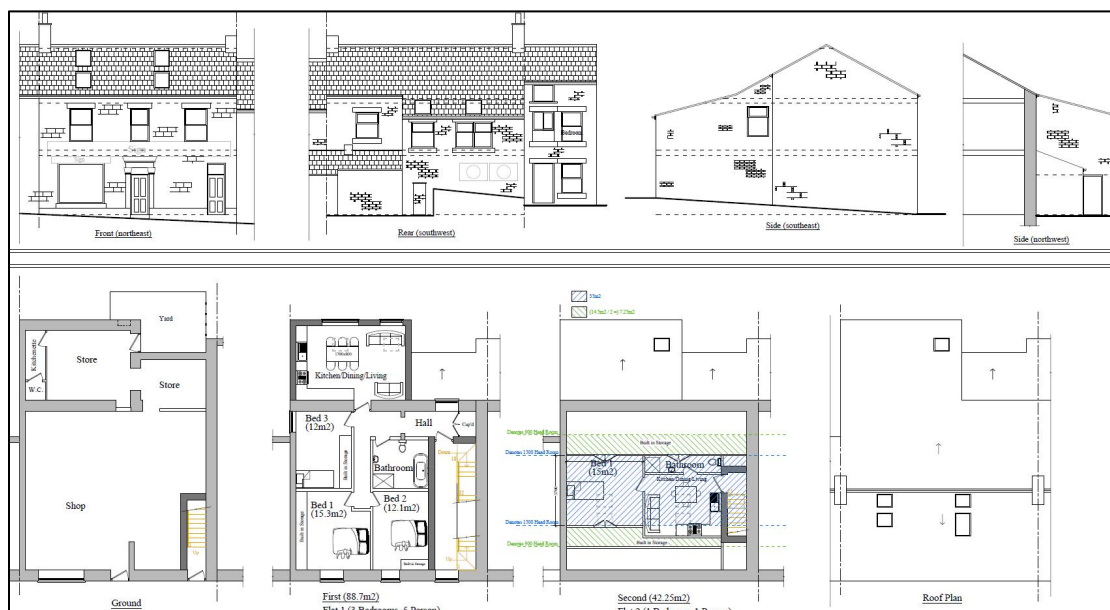


Figure 7 : Extract from Drawing 200C

Delegated Report

This section deals with comments made in the Delegated Report (shown in italics) dated 31st December 2024 and our response to these comments.

Principle of Development

‘Taking account of the presumption in favour of sustainable development outlined by the NPPF and accordance with policies S1, S1a, and H1, the principle of development is considered to be acceptable subject to all other policies in the Local Plan and National Planning Policy Framework.’

Our Comment

The principal of development is acceptable

Design

‘Whilst the revisions to the front elevation of the building would lose the legibility of the double fronted shop front, the creation of a new doorway to serve the flats would not result in an unacceptable design or layout when viewed in the context of neighbouring properties which includes terraced dwellings with similar front entrances. The use of skylights in the front roof space is also not a common feature along this section of Station Road however, on balance, these can be considered an acceptable addition also and details of these can be secured by means of condition in the event of an approval.’

The proposed development is therefore acceptable and complies with Policy S1, EQ6 of the adopted High Peak Local Plan and the National Planning Policy Framework.’

Our Comment

The development is acceptable in design terms.

Residential Amenity

‘The arrangement as originally proposed would have resulted in an unacceptable separation distance between the rear the new dwellings and existing properties along Station Street as well as the shared space to the rear of the application site and the rear of adjoining properties as highlighted by the public comments submitted alongside this application. While the revised layout attempts to overcome this concern a further assessment of amenity for future occupiers of the proposed dwellings has to be taken into consideration.’

Our Comment

The report refers to Station Street and this is an error and should be Railway Street. The issue appears to be the separation distance of 9m between the new first floor windows and the garden of #14 Railway Street and the shared space to the rear of #s 146 to 154 Station Road.

As stated, the new habitable windows at first floor level are 9m from the boundary of #14 Railway Street. As can be seen from Figure 1, the existing distances from #'s 18 and 16 Railway Street are much closer to #14 Railway Street than that of #152.

As can be seen from Figure 1, the existing 10.3m separation distance between the first floor windows of 146, 148 and 150 Station Road and the boundary of #14 Railway Street is an existing situation with the new first floor windows at 152 only 1.3m closer to #14's boundary. The existing first floor windows of 146, 148 and 150 Station Road already overlook the shared space to the rear of #'s 146 to 154 Station Road.

Therefore, an existing situation exists and the introduction of the new first floor windows, 1.3m closer than the existing windows, do not adversely affect the amenity of the adjacent properties or for future occupiers of the dwelling.

The report contains a photo showing the view and existing arrangement from the rear of the application property at #152 Station Rd towards #14 Railway Street.

'The above photo highlights the existing outlook from the rear of the application property based on the existing arrangement and layout. The proposed layout of the proposed first floor dwelling would result in a separation distance significantly shorter than the existing layout with a distance of approximately 9m between the rear elevation of the first floor flat and the boundary shared with the rear garden area of no. 14 Station Street. Furthermore, this elevation will contain windows to a proposed combined kitchen and living space which is highly likely to cause an intense overbearing and overlooked relationship into the rear garden area of no. 14 Station Street. While it is acknowledged that the existing relationship demonstrates a degree of overlooking owing to the open aspects and lack of formal boundary treatment to the rear, the proposed first floor extension and first floor layout would cause a detrimental impact to the amenity of occupants of no. 14 Station Road.'

Our Comment

The new first floor window will serve a kitchen/dining living space and will be 9m from the boundary of #14 Railway Street. As can be seen from Figure 1, the existing 10.3m separation distance between the first floor windows of 146, 148 and 150 Station Road and the boundary of #14 Railway Street is an existing situation with the new first floor windows at #152 only 1.3m closer to #14's boundary.

The proposed first floor extension and first floor layout would not cause a detrimental impact to the amenity of occupants of #14 Railway Street because the new windows are only 1.3m closer to the boundary of #14 than existing windows. The existing first floor windows of 146, 148 and 150 Station Road already overlook the garden of #14 Railway Street at a distance of 10.3m. As can be seen from Figure 1, the existing separation distances from #'s 18 and 16 Railway Street's boundaries are much closer to #14 Railway Street than that of #152.

'When looking to the neighbouring property at no. 154 Station Road, the presence of an existing Kitchen window to the party wall at first floor is noted, overlooking the rear yard/garden area of adjoining no. 154. The proposed layout would see this window serving a bedroom as shown by the proposed drawings. The existing flat at first floor features a living space away from the kitchen meaning that a change to a habitable room would naturally result in a great chance of overlooking and loss of privacy to occupants at adjacent no. 154.'

Our Comment

The existing kitchen at #152 immediately and directly overlooks the 'garden' space of #154 and is clearly a habitable room. The proposed development changes this kitchen to a bedroom which is arguably a much less intense use in terms of the affect on amenity because for the majority of the time the occupants of #152 would be asleep with curtains closed. The comments *'The existing flat at first floor features a living space away from the kitchen meaning that a change to a habitable room would naturally result in a great chance of overlooking and loss of privacy to occupants at adjacent no. 154'* make no sense as kitchen space already overlooks #154 and the proposed kitchen space will not 'immediately' overlook the garden space of #154 because the land immediately behind #152 is the garden space of #152. Therefore, the amenity 'situation' is made no worse by the proposals.

'Combined with the change from kitchen to bedroom the first floor extension, projecting some 4.3m from the rear first floor elevation of the application property would result in a two storey massing along the boundary shared with no. 154. Chapter 9 of the High Peak Residential Design Guide SPD can be applied in this instance which explains 'an extension should not unduly reduce outlook from a main habitable room window or produce a tunnelling affect. To prevent this, extensions affecting neighbouring property should not normally extend more than 2.5 m from the rear of the affected home. All planning applications for domestic development should be careful to include scaled plans indicating the position of neighbouring property.'

When looking at the proposed layout and resulting impact on the rear elevation of no. 154, it is considered that the proposed first floor extension would have an adverse impact on the amenity of occupants at this neighbouring address by means of loss of outlook and creation of a perceived tunnelling affect.'

Our Comment

The distance from the rear wall of #154 to the rear wall of #152s outrigger is 6.2m: the rear outrigger wall is not extended outward it remains on the existing footprint but extended upward by 2m upward from the existing outrigger eaves and upward extension of 0.5m at the top edge abutment where the outrigger meets the 'main' house rear wall.

The 'two storey massing' referred to is an existing situation and the existing kitchen window on this southwest elevation of #152 looks directly to the rear (southwest) elevation and first floor windows of #154. Furthermore, first floor windows of #154 look directly onto the southwest wall and first floor window of #152. The modest 2m

upward extension from the existing outrigger eaves and upward extension of 0.5m at the top edge abutment, does not create a 'perceived tunneling effect' or unduly reduces the outlook of #154.

As established in Paragraph 7 of the appeal case APP/H1033/D/24/3340663 (submitted with this appeal) the High Peak Residential Design Guide SPD is only a guide:

'The SPDs clearly carry weight as material considerations in decision making but they contain recommendations as opposed to planning policy and should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site.'

'While it is appreciated that the applicant has gone some way to try and address the concerns raised by the LPA during the determination period, the revised plans do not address the concerns raised in respect of impacts on neighbouring occupiers.'

Our Comment

The applicant has addressed the concerns raised in respect of impacts on neighbouring occupiers as is clear from the email correspondence with the Authority during the application.

CONCLUSION / PLANNING BALANCE

'The local planning authority considers that the proposed development is unacceptable in principle at this location. While some amendments were secured it has not been possible to work with the applicant in a positive and proactive way to secure a development that will improve the economic, social, and environmental conditions of the area in line with the NPPF.'

Our Comment

The comment '*unacceptable in principle at this location*' contradicts the earlier comment that '*the principle of development is considered to be acceptable subject to all other policies*'

The applicant has worked with the Authority in a positive and proactive way throughout the protracted application period. The amendments submitted during the application, as detailed above, have resulted in a development that will improve the economic, social, and environmental conditions of the area in line with the NPPF.

4.00 Conclusions

In light of the above, the Appellant respectfully requests that the appeal is upheld.

5.00 Appendices

Appendix 1 - EH Comments

Appendix 2 - Highways Comments

Appendix 3 - 100 - Location and Site Plans (submitted under HPK/2022/0390)

Appendix 4 - 101 - Existing Plans (submitted under HPK/2022/0390)

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Appendix 12 - Sheet 2 Photographs - (submitted during HPK/2022/0390)

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