



Chartered Town Planners & Architectural Technicians

**APPEAL UNDER SECTION 78 OF THE
TOWN & COUNTRY PLANNING ACT 1990**

Proposed first floor side extension over existing
garage.

Appeal by: Toni Walton.

Property Address: 3 Shirebrook Drive, Glossop,
Derbyshire, SK13 8RF.

Planning Authority Ref: HPK/2025/0421.

March 2026

1.0 INTRODUCTION

1.1 This appeal statement is submitted on behalf of Toni Walton (the appellant) in respect of the refusal of planning permission by High Peak Borough Council for development comprising a first floor side extension over existing garage at 3 Shirebrook Drive, Glossop, Derbyshire, SK13 8RF. The appellant has retained the services of **4D Planning** to make this appeal.

1.2 The application was validated by the Council on the 24th October 2025. The application was determined on the 06th February 2025. Planning permission was refused for the following sole reason:

“Due to its depth, siting and proximity to the shared boundary with No.10 Derwent Close, the proposed rear extension would result in an unacceptable impact to the living conditions of neighbouring occupiers, by harmful overshadowing/loss of sunlight to the rear amenity space and rear-facing rooms of No.10 Derwent Close. The development is therefore contrary to the Council’s Residential Design SPD 2005 and the principles outlined in Policy EQ 6 of the adopted High Peak Local Plan 2016.”

2.0 SITE DESCRIPTION AND SURROUNDINGS

2.1 The property in question is located on the east side of Shirebrook Drive. The immediate surrounding area is residential in character.

2.2 The property itself is detached and two storeys in height.

2.3 Shirebrook Drive has a varied built form, with many properties having been extended, altered and personalised over the years. There are many buildings of the scale proposed in the immediate area including on surrounding streets of Hillwood Drive, Winnats Close, and Hathersage Drive. The following properties in particular have extended in a similar manner to that proposed:

7 Winnats Close - HPK/2021/0606
5 Winnats Close - HPK/0003/9083
2 Winnats Close - HPK/0003/5576
16 Hathersage Drive - HPK/0002/4411
18 Hathersage Drive - HPK/0003/7735
20 Hathersage Drive - HPK/0002/7195

2.4 The property is not statutorily or locally listed, nor does it lie within a conservation area.

3.0 PROPOSED DEVELOPMENT

3.1 The proposed works are relatively simple in nature and would comprise a small rear extension element and then a new first floor most of which would be above what is the existing garage and utility room. Only minimal new building footprint would be created (approx. 5.4m²) and the extension would match the existing roof form in terms of roof pitch. It would be no higher than the existing ridge height. The extension would be finished in materials to match the existing property.

3.2 The extension would facilitate the creation of an additional ensuite bedroom and downstairs wc. No windows are proposed in the side (north) facing elevation

4.0 PLANNING HISTORY

4.1 There is no recent planning history for the property.

4.2 Whilst it is noted that permission was refused for a first floor extension in 2001 (Ref. No. HPK/2001/0517), this was of a materially different design and form as that now proposed. Furthermore the refusal notice at this time also referenced design concerns.

5.0 GROUNDS OF APPEAL & CONSIDERATION OF PLANNING ISSUES

5.1 The sole reason for refusal cites concern with respect to unacceptable impact to the living conditions of No. 10 Derwent Close by reason of harmful overshadowing/loss of sunlight to the rear amenity space and rear-facing rooms of No.10 Derwent Close.

The reason for refusal is strongly refuted below by reference to relevant planning policy, and the established character of the area. It is emphasised that that the Planning Authority have no concern with the principle of development, design / appearance, nor to quality of internal living accommodation. It is also noted that the applicant had been informed by the case officer that her recommendation was for a grant of permission. It would seem however that her recommendation was over-turned at 'the eleventh hour'.

It is strongly considered that the sole refusal reason is an incorrect and over over-zealous interpretation and application of relevant planning policy and guidance.

The National Planning Policy Framework 2024

5.2 The National Planning Policy Framework 2024 (NPPF) seeks to promote a wide choice of house types and home ownership. Para. 61 states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

The proposed development would enhance the range of house types and house tenures available in the area.

High Peak Local Plan 2016

5.3 It is noted at the outset that the site is not affected by any adverse planning designations as per the High Peak Local Plan Proposals Map.

5.4 The refusal reason cites policy EQ 6 of the Local Plan. This is an over-arching and strategic policy about design and place making generally, although does set out that development should achieve ‘satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity’

It is set out below that there would be no material adverse overshadowing/loss of sunlight to the rear amenity space and rear-facing rooms of No. 10 Derwent Close.

High Peak Residential Design SPD 2005

5.5 This SPD sets out the following with regards to overshadowing:

- Excessive overshadowing of neighbouring habitable rooms windows, glazed doors and private garden/amenity areas should be avoided.
- If the centre of a main habitable room window is affected by the heavily shaded area, i.e. overshadowed on both a vertical and horizontal plane, then the extension may well cause a significant reduction in the skylight received by the window.

It is set out below that there would be adverse overshadowing/loss of sunlight to the rear amenity space and rear-facing rooms of No. 10 Derwent Close.

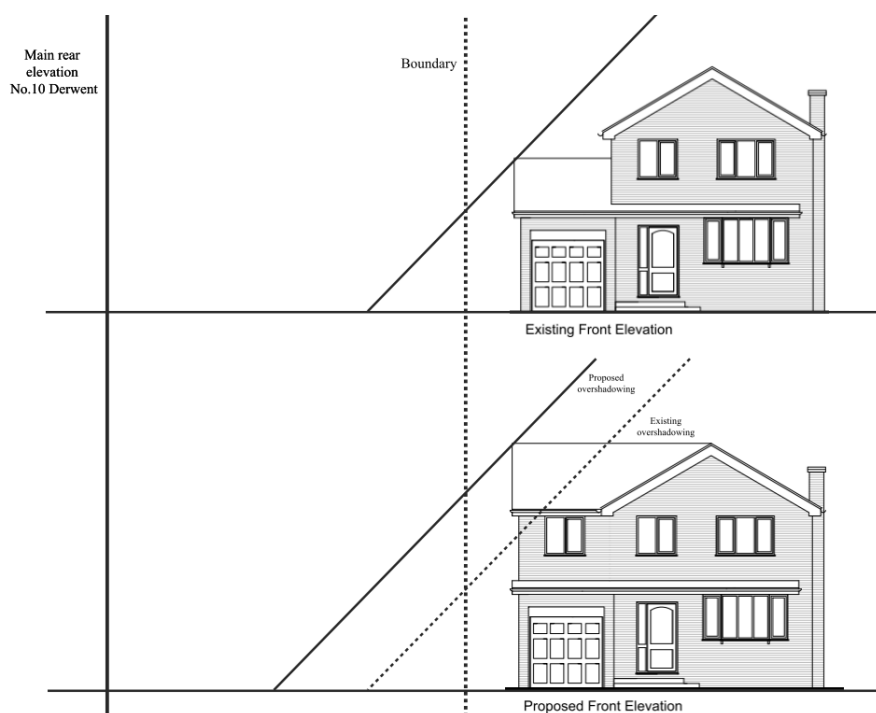
Refusal Reason - Adverse overshadowing/loss of sunlight to the rear amenity space and rear-facing rooms of No. 10 Derwent Close

5.6 The Planning Officer Delegated report gives little insight to this refusal reason. It would seem that the refusal reason was concocted at the 11th hour due to a line manager not being in favour of the proposal. The refusal sites adverse overshadowing to both (a) rear amenity space of No. 10 Derwent Close, and (b) rear-facing rooms of No. 10 Derwent Close. Each is discussed in turn below.

Rear Amenity Space of No. 10 Derwent Close: BRE guidance sets out that on the 21st March (the midpoint between the summer and winter solstices i.e. equinox), sunlight hours on this day for an amenity space area should be no less than 2 hours for at least 50% of the area.

On March 21st (the approximate date of the vernal equinox), the sun in UK reaches a maximum solar altitude of approximately 39° above the horizon at solar noon.

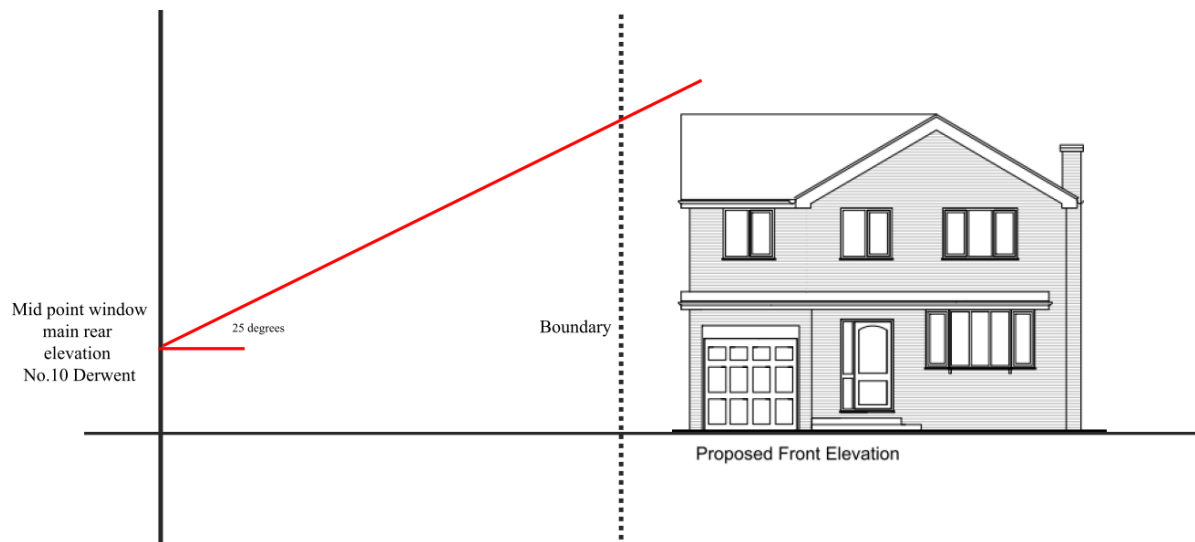
Visually this can be represented in the (to scale) sketch below. It should be noted that this shows proposed overshadowing at the peak ridge point for the extension roof whereas in actual fact the roof slopes down on either side from this ridge point. This same line taken from proposed eaves level would essentially have the same impact as the present built form). Other points to note include that much of the area within the overshadowing area to No. 10 is taken up with a thick mature hedge and two outbuildings and as such any overshadowing impact is significantly lessened in this regard (as space taken up by these is not usable garden area).



It is submitted that more than 50% of the rear garden in question will receive the minimum of 2 hours of sunlight on the 21st March. Notwithstanding and without prejudice to this, it is submitted that the 50% target is a benchmark rather than a strict rule.

Rear Amenity Space of No. 10 Derwent Close: BRE guidance sets out that if a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sun lighting of the existing dwelling may be adversely affected.

Visually this can be represented in the (to scale) sketch below. It should be noted that this shows proposed overshadowing at the peak ridge point for the extension roof whereas in actual fact the roof slopes down on either side from this ridge point).



It is submitted that a 25 degree angle taken from the mid-point of neighbouring habitable room windows on the main rear elevation of No. 10 would not be infringed upon by the proposed extension.

It is submitted that overshadowing concerns do not stand up to scrutiny and in no way justify a refusal. The extension would be no higher or wider than existing built form. Whilst it technically/physically speaking would have a ‘greater’ impact on the neighbouring property to the north, this impact is minimal and far from a threshold to justify a refusal. It is emphasised:

- There is a separation distance of approx. 12.1m to the main rear elevation of No. 10.
- Rear outlook from No. 10 in a southerly direction would remain completely un-impeded.

- No side (north) facing windows or openings are proposed.
- There are high and mature evergreen trees (on No 10's side) directly adjacent the boundary with the proposed extension.

6.0 CONCLUSION

6.1 In conclusion and having regard to the aforementioned issues as set out above in this Appeal Statement, it is submitted that the development would not result in development uncharacteristic of the wider locality, nor appear out of place here.

6.2 The works proposed are a logical and practical way of creating an additional residential floorspace in a residential setting.

6.3 It is submitted that the single refusal reason does not stand up to scrutiny:

6.4 It is submitted that the appeal should be allowed.