



Appeal Decision

Site visit made on 26 June 2026

by **Sarah Colebourne MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 July 2026

Appeal Ref: 6010369

3 Jubilee Gardens, New Mills, Derbyshire, SK22 4PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Vadym Skakun against the decision of High Peak Borough Council.
 - The application Ref is HPK/2026/0117.
 - The development proposed is described as a 'rear dormer'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character of the dwelling and the street scene.

Reasons

3. The appeal site comprises a modern mid terrace dwelling that is sited at the bottom end of a sloping street that ends in a cul-de-sac. It forms part of a modern development of dwellings along this side of the road and around the corner on another section of the road that had permitted development rights removed by condition on the original 1989 planning permission. The dwellings have a distinctive character and materials of light buff brick and dark coloured tiles, fascia boards and windows in contrast to the red brick dwellings to the south on Bakehurst Close.
4. The dwellings in Jubilee Gardens follow the slope of the land with ridge and eaves levels generally stepping down towards the end of the cul-de-sac. The dwelling forms part of a block that has a prominent tower and catslide roof element that, together with a similar block opposite, marks the entrance to the other part of the development. There is a general consistency of pitches and slopes that are unbroken by dormer windows, resulting in an attractive and cohesive composition.
5. The dormer which is the subject of this appeal has already been constructed. It is sited on the rear elevation which is bounded by a fence enclosing a garden. Nevertheless, the rear elevation has many similarities to a front elevation because it directly faces the highway and the end of the cul-de-sac and is seen as a continuation of the development along the upper part of the street. It is highly prominent in the street scene and is seen very clearly in the descent down Jubilee Gardens and in the approach from Bakehouse Close. The front elevation is much less visible in the street scene because it is sited at 90° to the road and accessed

by a pedestrian path. As such, the rear elevation forms the principal elevation to the property and it seems likely that this was the reasoning behind the condition to restrict permitted development rights.

6. A previous scheme submitted following an enforcement investigation was refused by the Council on the grounds of size, scale and materials. This proposal differs from the previous scheme in its proposed materials. As existing, the dormer is constructed of red brickwork with a flat roof, dark coloured windows and white fascia boards. This scheme proposes plain roof tiles in grey to replace the existing brick slips and match the existing roof.
7. The dormer occupies almost the full width of the roofslope and is set down only very slightly from the main ridge. As such, it is excessive in its size and scale. This has resulted in a 'top heavy' elevation that is at odds with the character of the dwelling and its immediate surroundings. The size and scale of the dormer, given its prominent position, results in an overly dominant development that significantly detracts from the street scene. The proposed materials in this scheme, although an improvement on the existing, previously refused materials, would not make a sufficient difference and would not make the dormer acceptable.
8. The applicant contends that there was no substantive justification for the historic removal of permitted development rights at the site and that those rights should now be considered for reinstatement. However, the condition restricting those remains binding unless it is formally removed and that has not been sought under this proposal. The planning status of the examples shown in the appellant's photograph at Yates Road are unclear to me but it is likely that those were constructed as permitted development, as is the case for many rear dormers elsewhere on properties that do not have permitted development rights removed. However, that is not the case here. Those matters do not, therefore, provide justification for the harm that would be caused by this proposal.
9. I conclude then that the proposal, by reason of its size and scale, would result in significant harm to the character and appearance of the dwelling and the street scene. As such, it would be contrary to development plan policy EQ6 of the High Peak Local Plan (2016) which requires that development contributes positively to an area's character.

Conclusion

10. For the reasons given above, I conclude that the proposed development would be contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

INSPECTOR