



Appeal Decision

Site visit made on 11 April 2019

by R. Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2019

Appeal Ref: APP/H1033/W/18/3219099

Avening, Adderley Place, Dinting, Glossop SK13 6PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C Wilson against the decision of High Peak Borough Council.
 - The application Ref HPK/2018/0320, dated 20 June 2018, was refused by notice dated 8 October 2018.
 - The development proposed is erection of one detached dwelling (resubmission of HPK/2017/0553) to include additional balcony and use of Cedar cladding as one of the materials of construction.
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Decision

1. The appeal is allowed and planning permission is granted for erection of one detached dwelling (resubmission of HPK/2017/0553) to include additional balcony and use of Cedar cladding as one of the materials of construction at Avening, Adderley Place, Dinting, Glossop SK13 6PA in accordance with the terms of the application, Ref HPK/2018/0320, dated 20 June 2018, and subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The proposed development is the resubmission of a similar scheme for the erection of a detached dwelling granted planning permission in March 2018 (LPA reference HPK/2017/0553), but now includes an additional balcony and the use of Cedar board cladding. It was clear from my site visit that the construction works pursuant to the March 2018 planning permission are now substantively complete. I have considered the appeal proposal on that basis.

Main Issues

3. The main issues are 1) the effect of the use of Cedar board cladding on the character and appearance of the area, and 2) the effect of the additional balcony on the living conditions of future occupiers of the adjoining allocated housing site.

Reasons

Character and appearance

4. The proposal is for the use of Cedar board cladding on elements of the north, west and south first floor elevations of the detached house. The rest of the

house is built in a combination of stone and render. The High Peak Borough Council Design Guide Supplementary Planning Document (2018) (SPD) states that 'there is no tradition of external timber boarding in High Peak'. It also recognises however that high quality modern material may be used as substitutes for traditional materials in circumstances where appropriate to the design or setting, provided they harmonise well.

5. The appeal site is located to the rear of 'Avening' which is a large detached bungalow principally constructed with a stone finish, with elements of render and a slate or slate effect tiled roof. Whilst I note that one of the most distinctive qualities of traditional buildings in High Peak is the use of locally sourced natural stone and slate for roofs, both Avening and the appeal house use traditional materials or traditional effect materials in a contemporary way. The elements of Cedar board cladding would provide a contrast to the more traditional stone and render and would reflect the contemporary character of its host house and immediate neighbour.
6. Opposite Avening is a small row of traditional cottages on Adderley Place that are a mixture of red brick and render with slate roofs. The appeal site itself is surrounded on three sides by open countryside, but is seen in the context of the brick built modern housing estate of Valley Road and Kestrel View a distance to the south. There is therefore some variation in the use of materials in the area and in this case, given its limited use within the overall elevations, I consider Cedar board cladding would complement the facing materials of buildings in its surroundings.
7. Further, if carefully sourced, Cedar board cladding can result in a high quality finish and that quality can be controlled through the use of a planning condition.
8. Consequently, I find no conflict with the SPD or Policies S1 and EQ6 of the High Peak Local Plan (2016) (LP) because the development is well designed and respects the character of the area. It would also be consistent with the guidance at Section 12 of the National Planning Policy Framework (the Framework) in respect of achieving well-designed places.

Living conditions

9. The proposal is for an additional balcony to a first floor bedroom, extending around 1.2m from the south elevation of the house and less than 10m from the boundary of the site.
10. LP Policy DS4 allocates 6.3ha of land at 'Adderley Place, Glossop' for residential development of approximately 130 dwellings. The Council have not provided a plan indicating the extent of this allocated site, but Figure 3 of the appellant's Statement shows it extending between Adderley Place and the modern housing estate to the south and directly adjoining the appeal site.
11. Whilst the proposed balcony would be close to the common boundary, in the absence of an approved, or even indicative, layout for the housing allocation I am not persuaded there would be significant harm to the living conditions of future occupiers by reason of overlooking. The proposed site plan and GA drawing shows a 1,500mm high obscure privacy panel to the balcony edge to prevent overlooking to the east. However, the appellant's evidence suggests this could be 2,000mm. I am therefore satisfied that any harm to living

conditions could be made acceptable through the use of a planning condition requiring a privacy panel to be installed and thereafter retained.

12. Further, it is not uncommon for the layout of new housing development to respond to existing housing and I do not therefore consider the balcony would prejudice the delivery of the site for the number of houses envisaged.
13. I therefore find the development is consistent with LP Policy S1 and EQ6 because it secures a high standard of amenity for future occupiers and achieves a satisfactory relationship to adjacent development. There are no material considerations before me that indicate that the proposals should be determined other than in accordance with the development plan. I therefore find no conflict with LP Policy S1a.

Conditions

14. As set out in the Preliminary Matter, the house built pursuant to the March 2018 planning permission is now substantively complete.
15. The Council have suggested a total of 22 conditions, the majority of which reproduce the conditions attached to the earlier consent. I have considered the conditions in light of the tests of conditions within the Framework and guidance in the Planning Practice Guidance (PPG). The advice in the PPG is that pre-commencement conditions should only be used where the requirements of the condition are so fundamental to the permitted development that it would have been otherwise necessary to refuse the whole permission.
16. As the house is built, I am not satisfied that the proposed pre-commencement conditions can be considered necessary, particularly as it can reasonably be assumed the details have been submitted and discharged pursuant to the March 2018 consent. For this reason, I have not attached the Council's suggested conditions 7, 10, 11, 12, 13, 14, 17 and 18.
17. In addition to the standard implementation condition, I have imposed a condition specifying the approved plans to provide certainty. A condition requiring details of the Cedar board cladding is necessary to ensure a satisfactory quality and appearance, but I do not consider it necessary for samples of all external walls and roofs to be resubmitted. I have amended the Council's suggested condition accordingly.
18. Conditions requiring details of hard and soft landscaping and boundary treatment are also necessary to ensure a satisfactory appearance. Conditions are imposed in respect of tree protection; ecological enhancement; constructions hours; and dust emissions. These are necessary in the interest of the health and amenity of trees, to safeguard and enhance ecology and to protect the living conditions of neighbouring occupiers.
19. For reasons of highway safety, a condition is necessary to ensure the parking areas are provided before the dwelling is occupied.
20. The PPG indicates that conditions to restrict permitted development rights should only be used in exceptional circumstances. In the absence of any such justification, I am not persuaded that it is necessary to remove the permitted development rights as suggested by the Council.

21. In the interests of the living conditions of future neighbouring occupiers, I consider it necessary to impose conditions requiring the first floor windows of the east facing elevation to be obscured and details to be submitted and approved of the privacy panel to the balcony serving Bedroom 2.

Conclusions

22. For the reasons given above, I conclude the appeal should be allowed and planning permission granted as set out in the formal decision, subject to the conditions in the attached schedule.

R. Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: GTP1A Location Plan and Dwg No 017-154-0001.
- 3) Prior to the erection of the cedar board cladding, sample(s) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved sample(s).
- 4) Within 3 months of the commencement of development on site, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - (a) indications of all existing trees and hedgerows on the land;
 - (b) details of any to be retained, together with measures for their protection in the course of development;
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (d) finished levels and contours;
 - (e) means of enclosure;
 - (f) car park layouts;
 - (g) other vehicle and pedestrian access and circulation areas;
 - (h) hard surfacing materials;
 - (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - (k) retained historic landscape features and proposed restoration, where relevant.
- 5) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

- 6) Within 3 months of the commencement of development on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the building is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.
- 7) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.
 - b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - c) No fires shall be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
 - d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
 - e) No development or other operations shall take place except in complete accordance with the approved protection scheme and Arboricultural Method Statement.
- 8) Within 3 months of the commencement of development on site, details of ecological enhancement measures that shall include details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full prior to first occupation of the development and maintained thereafter.
- 9) No construction/demolition work at the site shall take place outside the following hours:-
 - (i) 07:00 hours to 19:00 hours Mondays to Fridays.
 - (ii) 08:00 hours to 13:00 hours on Saturdays.
 - (iii) At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
 - (iv) All deliveries to the site shall be limited to within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed in writing with the Local Planning Authority.

No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays
- 10) There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site.

- 11) No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted site plan drawing for 3 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.
- 12) The first floor windows in the east facing elevation of the dwelling hereby approved shall be fitted with obscure glass and shall not be altered to clear glazing without the prior approval in writing of the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently may be amended or re-enacted) this/these window(s) shall not be re-glazed with any transparent materials or enlarged or otherwise altered, nor shall any additional door, window or other opening be formed in that elevation.
- 13) Notwithstanding the details shown on Dwg No. 017-154-0001, prior to the erection of the balcony serving Bedroom 2, details of the privacy panel to the balcony edge shall be submitted to and approved in writing by the Local Planning Authority. The privacy panel shall thereafter be provided in accordance with the approved scheme prior to the first occupation of the house and retained for the lifetime of the development.