



Appeal Decision

Site visit made on 28 September 2009

by **David Kaiserman BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
13 October 2009**

Appeal Ref: **APP/H1033/A/09/2107896**

Nithen, 121 Park Road, Buxton SK17 6SP

- 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 K Georgiou against the decision of High Peak Borough Council.
- The application Ref HPK/2008/0696, dated 15 November 2008, was refused by notice dated 2 January 2009.
- The development proposed is the erection of a detached house.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues in this case are the effect which the scheme would have on the character and appearance of the Buxton Park Conservation Area and on the living conditions of adjoining residents.

Reasons

3. The appeal site is a level area of lawn and associated planting, part of the extensive grounds of a large Victorian house now divided into four flats. The house itself lies at a noticeably higher level than the appeal site, the transition being effected by a series of shallow terraces. The plot is in a prominent location at the corner of Park Road and Carlisle Road.
4. There is no doubt that the character of the conservation area has not always been respected by developments which have taken place over the last 30 years or so, a good example being Chatsworth Lodge, a high-density three-storey series of apartments which faces the appeal site to the south, albeit immediately outside the conservation area boundary. One of the harmful aspects of some of these more recent schemes is the extent to which several of them have built on land which originally formed part of the spacious setting to the villas, something to which the Council's conservation area appraisal draws particular attention. The significance of the generous setting of Nithen itself is specifically mentioned in this document.
5. I am clear that the development of the site for an additional house would be harmful in principle, irrespective of the qualities of its design. This conclusion goes further than that reached by a previous Inspector in 2006 (Inspectorate reference APP/H1033/A/06/2013976), who did not at that time have the benefit of the character appraisal document (published in April 2007), and which I view as an important material consideration. The loss of the lawned area, especially given its location at an important road junction within the conservation area, would remove a fundamental characteristic of the original design concept for the setting of large

villas such as Nithen, and would make it more difficult for the Council to resist similar schemes which would further erode the character and appearance of the area. In addition to the loss of the lawned setting to the original building, harmful in its own terms, the new building would be separated from the original one by less than 13m, resulting in a layout which would appear cramped in comparison with the spacious character of much of the rest of the conservation area. This effect would be compounded by the creation of an engineered retaining wall within 3m of the prominent south-facing bay window of the original house, replacing the attractive open terracing.

6. I have therefore concluded that the scheme would fail to preserve or enhance either the character or appearance of the conservation area, in conflict with Local Plan policies GD4 and BC5.

7. As to the second issue, the scheme clearly fails to meet the Council's normal guidelines governing the separation of habitable room windows. There is a large number of such windows on the rear elevations of both floors of Nithen and no 39 Manchester Road, which would be separated from windows in the appeal scheme by (according to the Council) between 12.6m and 15m; this compares with the guideline distance of 21m. While I do not consider this figure to be in any sense an immutable standard, the loss of privacy which is likely to result from the development contributes to my decision to dismiss the appeal.

David Kaiserman

INSPECTOR