



# Appeal Decisions

Hearing held on 17 September 2009

Site visit made on 17 September 2009

by **Paul Griffiths BSc(Hons) BArch IHBC**

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

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**Decision date:**  
**13 November 2009**

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## Appeal A: APP/H1033/E/09/2103184

### 33 St John's Road, Buxton SK17 6XG

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Sycamore Developments against the decision of High Peak Borough Council.
- The application Ref.HPK/2008/0706, dated 11 November 2008, was refused by notice dated 12 February 2009.
- The demolition proposed is described as 'The existing 2 storey house is to be demolished. The materials will be removed from the site. Tree protection will be provided by fencing the line of the root protection zone. Access will be via the existing access points from St John's Road.'

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## Appeal B: APP/H1033/A/09/2103177

### 33 St John's Road, Buxton SK17 6XG

- 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 Sycamore Developments against the decision of High Peak Borough Council.
- The application Ref.HPK/2008/0700, dated 11 November 2008, was refused by notice dated 12 February 2008.
- The development proposed is described as 'The project is to construct a 3 storey residential building facing St John's Road. Access will be from the existing access points. Private gardens will be situated to the rear. Car parking will be to the front as existing and sides of the property. A similar building line to St John's Road will be adopted for the new property. A landscape scheme is proposed to ensure a satisfactory relationship with properties to either side and the Serpentine Gardens at the rear'.

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## Decisions

1. I dismiss the appeals.

## Main Issues

2. These are (1) whether the proposals would preserve or enhance the character or appearance of The Park Conservation Area; (2) the effect of the proposal on the setting of Serpentine Walks listed as part of the Pavilion Gardens as Grade II\* on the Register of Historic Parks and Gardens; and (3) the effect of the proposal on the living conditions of adjoining occupiers with reference to visual impact, potential overlooking and potential noise and disturbance.

## Reasons

3. The Buxton Conservation Areas: Character Appraisal identifies No.33 St John's Road as a neutral building in conservation area terms.
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4. From what I saw, this is a fair description. No.33 has no intrinsic architectural merit but it is a 'quiet' building that has a scale that is consistent with its similarly neutral neighbours, forming a distinct group to the west of the larger hotel building at the corner of St John's Road and Burlington Road.
5. Paragraph 4.17 of Planning Policy Guidance: *Planning and the Historic Environment* (PPG15) tells us that the replacement of buildings that make no positive contribution to the character or appearance of a conservation area should be a stimulus to imaginative, high-quality design, and seen as an opportunity to enhance the area.
6. The building proposed as a replacement for No.33 would have a bigger footprint, extending further back into the site, and a greater height. The size and arrangement of the fenestration, particularly on the main elevation fronting St John's Road, would give the building a scale far greater than the more domestic scale of its neighbours. Fundamentally, I consider that the size and scale of the building proposed, in terms of its footprint, height and fenestration, would appear alien in relation to the size and scale of neighbouring buildings. It would disrupt the uniformity of the group No.33 sits within. In my view, this incongruity would be significantly harmful and as a consequence, the proposal would fail to preserve or enhance the character or appearance of the conservation area.
7. I recognise that there are buildings of similar scale to that proposed in close proximity to the appeal site. However, the hotel at the corner of St John's Road and Burlington Road has a scale that responds to the townscape importance of its corner site. The appeal site does not have the same status. Similarly, larger buildings on the north side of St John's Road form a group that is distinct from the group of which No.33 forms part. It seems to me that it would be wrong to transpose a size and scale from a very different group of buildings into the group of which No.33 forms part.
8. Points have also been raised about the design of the proposed building. To my mind, there is nothing inherently wrong with a contemporary approach to design. However, I take the view that the proposed building is hamstrung by its inappropriate size and scale and these are matters that the contemporary design cannot disguise.
9. When viewed from Serpentine Walks, the group of buildings within which No.33 sits is recessive in terms of size and scale and the degree of separation from the common boundary. This allows the landscape within Serpentine Walks to be appreciated as the dominant element.
10. Notwithstanding opportunities for landscaping on the southern site boundary, the size and scale of the proposed building, and its greater proximity to the common boundary, would give it a more dominant quality that would compete for supremacy with the landscape of Serpentine Walks. The resulting tension would, in my view, detract significantly from the setting of Serpentine Walks.
11. The proposed building has a relatively deep plan form that would penetrate much further into the appeal site than the existing dwelling. I accept that the proposed building would be set in from the boundaries and there would be opportunities for screening from existing trees and shrubs that could be augmented by condition.

12. Nevertheless, I consider that the proposed building, because of its size and scale would have a visual impact that would dominate the outlook from the rear of the adjoining dwellings and their rear gardens.
13. The relatively deep plan also leads to a requirement for glazing in the flank walls. Again, despite the degree of separation, the opportunities for planting, the possibility of some obscure glazing, and the presence of existing views into these gardens from Serpentine Walks, the degree of overlooking and the perception of overlooking would be significant. This would make the rear gardens of the adjoining dwellings far less attractive spaces.
14. The degree of site coverage involved in the scheme means that most of the car parking would be dispersed along the western and eastern boundaries of the site. While planting could provide some visual screening, and an acoustic fence could offer some relief, the coming and goings of vehicles serving 12 apartments would in my view lead to a level of noise and disturbance that would have significant implications for the neighbouring occupiers. I noted garages in rear gardens serving other residences nearby. However, the effect of the comings and goings to one or two garages would be far less than those associated with 12 apartments. On this basis, the existing presence of garages in rear gardens offers little support for the specific proposal before me.
15. Against this background, I consider that the proposed apartment building would have a significant detrimental impact on the living conditions of adjoining occupiers through its visual impact, overlooking and noise and disturbance.
16. To summarise, the proposed apartment building would fail to preserve or enhance the character or appearance of the conservation area, cause significant harm to the setting of Serpentine Walks listed as part of the Pavilion Gardens as Grade II\* on the Register of Historic Parks and Gardens, and have a significant detrimental impact on the living conditions of adjoining occupiers.
17. On that basis, the proposal covered by Appeal B falls contrary to Policy BC5 of the High Peak Local Plan that requires development proposals to preserve or enhance the character or appearance of conservation areas and Policy GD5 that seeks to protect the living conditions of local residents from any unacceptable impacts as a result of development. It also fails to accord with advice in PPG15 and paragraph 4.17 in particular. In that context, the proposed demolition of No.33, covered by Appeal A would be contrary to Policy BC6 that requires acceptable redevelopment proposals (or other environmental improvements) to be in place before demolition in a conservation area is sanctioned.
18. I appreciate the points made about making the best use of previously-developed land and the approach of Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) and Planning Policy Statement 3: *Housing* (PPS3). However, there is no suggestion in the guidance that this best use should take place at the expense of conservation areas, the setting of Historic Parks and Gardens or the living conditions of nearby residents.
19. For the reasons given above I conclude that the appeals should be dismissed.

*Paul Griffiths*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Ian Gidley BA(Hons) BTP MRTPI  
Paul Bennett

### FOR THE LOCAL PLANNING AUTHORITY:

Sue Ashworth BA(Hons) BPI	Principal Planning Officer HPBC
Joanne Brooks	Principal Design and Conservation Officer HPBC
Moya Smith	HPBC

### INTERESTED PERSONS:

Councillor Tony Kemp	Ward Councillor and Local Resident
Mark Sisson	Local Resident
James Tobias	Local Resident

## DOCUMENTS

- 1 Extract from Buxton Conservation Areas Appraisal
- 2 Photographs of Site in Winter
- 3 Buxton Conservation Areas Character Appraisal (complete copy)

## PLANS

- A 08-178-01 – Location Plan
- B 08-178-02 – Proposed Site Plan
- C 08-178-03 – Proposed Plans
- D 08-178-04 – Proposed Elevations
- E 08-178-05 – Measures Taken to Preserve Neighbours' Amenity