



Appeal Decision

Site visit made on 17 December 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2020

Appeal Ref: APP/H1033/D/19/3240793

35a St Johns 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 Mr James Tobias against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0145, dated 28 June 2019, was refused by notice dated 23 August 2019.
 - The development proposed is demolition of existing rear conservatory and construction of a new single storey sun room.
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Decision

1. The appeal is allowed, and planning permission granted for the demolition of existing rear conservatory and construction of a new single storey sun room at 35a St Johns Road, Buxton SK17 6XG in accordance with the terms of the application Ref: HPK/2019/0145, dated 28 June 2019 and subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Site Location Plan, 01A Proposed Ground Floor, 02A Proposed First Floor, 03A Proposed Roof Plan, 04A Proposed Foundation, 06A Proposed Rear Elevation, 07A Proposed Side Elevation, 08A Proposed Side Elevation.
 - 3) No development above ground level shall commence until joinery details and samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
 - 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issues are i) whether the proposal would preserve or enhance the character or appearance of The Park Conservation Area (TPCA) and ii) the effect of the proposal on the setting of Pavilion Gardens, a Grade II* Listed Historic Park (LHP).

Reasons

3. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of CAs. Paragraphs 193 and 197 of the National Planning Policy Framework (The Framework) requires decision makers to afford great weight to the conservation of a designated heritage asset. Similarly, Policy EQ7 of the High Peak Local Plan 2016 (LP) seeks to conserve heritage assets in a manner appropriate to their significance, requiring development proposals to demonstrate, amongst other things, how they have taken account of design, form, scale, mass and use of traditional materials and detailing in accordance with the character appraisals, where available.
4. The Buxton Conservation Areas Character Appraisal (BCACA) 2007 identifies the main characteristics of the TPCA to include large detached & semi-detached villas set within large mature gardens, soft-planted boundaries, level lawns surrounded by planted shrubberies and houses raised up on building platforms. The St Johns Road area is described as being part of the area set aside for Buxton Park but which overlooks Pavilion Gardens (LHP) although does not benefit from the same quality of views as nearby Broad Walk. The BCACA goes on to describe the north side of Pavilion Gardens as becoming a secondary frontage when it was created from the earlier Serpentine Walks. It further notes the very high quality, south facing detached villas that sit on the north side of St Johns Road.
5. The appeal property at 35a St Johns Road is a relatively modern two storey, detached property which sits on the southern side of St Johns Road. It is finished in render and stone with modern, generally three pane, vertical fenestration. The rear of the property is finished in stone at ground floor level, with render above and is relatively plain except for the large upvc conservatory which sits on a raised patio area overlooking the garden and the Serpentine Walks parkland beyond.
6. The appeal proposal would introduce a contemporary single storey rear extension with a flat roof, raised parapet and glazed roof lantern insertions. The extension would be constructed in materials to match the existing property and would have three sets of three pane glazed doors opening onto the garden. I acknowledge that the design of the fenestration details of the proposed extension were amended during the application process to accord with the advice of the Council's Conservation Officer who has raised no objection to the revised scheme.
7. I appreciate that the proposed extension would occupy a greater proportion of the rear elevation than the existing conservatory however, it would remain subordinate to the main property and would reflect the existing design, proportions and materials of the host dwelling. Given the generous size of the host dwelling and spacious plot, I consider that, even with its modern design, the extension would appear sympathetic and proportionate to the scale and design of the host property overall.
8. I accept that due to the relatively open aspect at the rear of the property, the proposed extension would be visible from the LHP to the south however, I noted on my site visit that the public footpaths running through the Serpentine Walks parkland to the south of the site are set at a lower level than the appeal

site and consequently, the proposed extension would only be visible in short glimpses from limited vantage points along the route. Furthermore, in the context of the modern host property and the adjacent new build houses to the east it would not appear prominent or out of keeping with the immediate surrounding area.

9. Taking the above matters into account, I consider that the proposed extension would not represent a discordant addition. I conclude that it would not harm the character and appearance of the host property or the surrounding area. It would therefore, preserve the character and appearance of the Pavilion Gardens and Serpentine Walks CA. I consider that the proposal would therefore, have a neutral effect on the setting of the Grade II* LHP. I therefore find no conflict with Policy EQ7 of the LP or the Framework.
10. Taking into account paragraph 196 of the Framework, no harm would be caused to the heritage assets and therefore it is not necessary to weigh the balance of public benefits. Therefore, I conclude that the proposal would accord with the conservation aims of Section 16 of the Framework.

Conditions

11. In the interests of clarity and certainty I have imposed the standard time limit in which the development should be commenced and a condition specifying the approved plans. In the interests of safeguarding the character and appearance of the CA, I have imposed a condition requiring external facing materials and joinery details to be agreed by the Council and one that requires materials used to construct external surfaces match the host property.

Conclusion

12. For the reasons set out above, and taking into account all other matters raised, I therefore conclude the appeal should be allowed.

J Hunter

INSPECTOR