
Appeal Decision

Site visit made on 18 November 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/M9496/D/20/3259025

4 Bank Cottages, Swallow House Lane, Hayfield SK22 2EY

- 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 & Mrs Burrows against the decision of Peak District National Park Authority.
 - The application Ref NP/HPK/0320/0249, dated 26 February 2020, was refused by notice dated 23 June 2020.
 - The development proposed is a rear facing first floor balcony with glass balustrade.
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Decision

1. The appeal is allowed and planning permission is granted for a rear facing first floor balcony with glass at 4 Bank Cottages, Swallow House Lane, Hayfield SK22 2EY in accordance with the terms of the application, Ref NP/HPK/0320/0249, dated 26 February 2020.

Procedural Matter

2. The development has been undertaken and therefore I am considering this appeal retrospectively.

Main Issues

3. The main issues are the effect of the proposed development on 1) the character and appearance of the area 2) the living conditions of occupants of neighbouring dwellings with regard to privacy, noise and disturbance, and 3) the environmental impact with regard to carbon usage and climate change.

Reasons

Character and appearance

4. The appeal property is located in a terrace of two storey properties. The terrace sits in a commanding position above the lane with wide ranging views from their front elevation. It is located in a quiet rural area which forming part of the Peak District National Park, is nationally recognised for its landscape and scenic beauty. The terrace of properties on which the appeal property is located is locally recognised for its historic significance and forms a non-designated heritage asset.
5. The development subject to the appeal is confined to the rear elevation. Due to its size and scale in terms of its height and projection from the dwelling, when combined with the landform at the rear of the properties, it is not readily

visible from any public vantage points. On my site visit I also ascended the footpath that runs to the rear of the property where I observed that, due to the land levels, only very limited views of the French doors, some of the glass and the metal balustrade are possible, which was over a long distance.

6. The impact of alterations on the significance of non-designated heritage assets and in a wider sense, in relation to character and appearance, can however extend beyond what can be seen from public viewpoints. That said, I find that in this instance, the significance of the terrace and its visual contribution lies predominantly in its commanding stone frontages that overlook the lane, which is unaffected by the development. The rear elevation takes on much less significance, primarily due to it being largely concealed and of less interest visually.
7. The development therefore due to its siting at the rear, combined with its overall size and scale, does not cause harm to the character and appearance of the area or the significance of the non-designated heritage asset. It conserves the scenic beauty of the National Park. It complies with Policies DMC3, DMC5 and DMH7 of the Peak District National Park Development Management Policies (2019). Collectively these policies require, amongst other things, that developments, including house extensions, respect, conserve and enhance all valued characteristics of the building including having regard to scale, form and mass; and that extensions to dwellings do not detract from the character and appearance of the original building.
8. The proposal also complies with guidance contained in The Peak District National Park Design Guide Supplementary Planning Document (SPD) which outlines that all extensions should harmonise with the parent building, and an extension should respect the dominance of the original building.
9. It also complies with the requirement in the National Planning Policy Framework (2019) (the Framework) that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

Living conditions

10. The rear elevation of the terrace contains a number of habitable room windows that overlook an area of shared access. This narrow area does not appear to be used for sitting out akin to a private garden area but appears primarily as a functional area providing access and for storing bins and wood. Although the balcony overlooks this area, due to its function and what it is used for, I do not consider that it causes harm to the privacy of occupants of surrounding properties.
11. The Council consider that balconies are used in a different manner than private gardens and are used more formally for sitting out, dining and socialising, often later into the evenings, leading to potential for noise and disturbance. No evidence is submitted to support this view. In terms of the development subject to the appeal, due to its relatively small area and the fact that it is solely for domestic purposes for the enjoyment of the host property, I do not consider that it results in unacceptable levels of noise and disturbance.
12. Therefore, the development does not have an unacceptable impact on the living conditions of occupants of neighbouring dwellings with regard to privacy, noise and disturbance. It complies with Policies DMC3 and DM7 of the Peak

District National Park Development Management Policies (2019) which require, amongst other things that development pays particular attention to privacy and amenity of neighbouring buildings.

13. The development also complies with the SPD which outlines that all alterations and extensions should be designed to protect internal privacy for occupants of existing dwellings and their private outdoor space.
14. It also complies with the requirement in the Framework that planning decisions ensure a high standard of amenity for all users.

Carbon usage and climate change

15. Policy CC1 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document (2011) requires that in order to build in resilience to and mitigate the causes of climate change all development must, amongst other things, reduce the need for energy and achieve the highest possible standards of carbon usage.
16. The environmental objective is one of the overarching objectives to achieving sustainable development. The Council's case appears to focus on the fact that as the development has been undertaken no measures that would ensure the scheme contributes to a reduction in the need for energy and achieve the highest possible standards of carbon usage, are possible.
17. No analysis has been provided as to what harm the development causes in relation to carbon usage and climate change, or what, if any, measures could have been incorporated. The supporting text of the policy outlines that its purpose is to reduce carbon emissions. It is not clear how, if at all, the development increases carbon emissions.
18. I find that due to the minor scale of the development in terms of its size and extent of materials used, it does not undermine one of the fundamental principles of planning decisions in terms of the environmental objective to achieving sustainable development.
19. I therefore conclude that the proposal is not contrary to the aims of Policy CC1 in terms of the need to reduce energy consumption and carbon emissions.

Conditions

20. As the development has been undertaken there is no need to impose conditions requiring it to be commenced within 3 years of the date of decision or be carried out in accordance with the approved plans. A condition relating to the use of materials to match is also not required for this reason, although in any event, due to the nature and design of the structure the materials do not match those of the host dwelling.

Conclusion

21. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR