



Appeal Decision

Site visit made on 9 March 2021

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/H1033/D/20/3263945

Wildes Crossing Cottage, Garrison Road, Birch Vale SK22 1AL

- 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 Nigel Eastwood against the decision of High Peak Borough Council.
 - The application Ref HPK/2020/0273, dated 8 July 2020, was refused by notice dated 30 September 2020.
 - The development proposed is demolition of existing rear conservatory and construction of two storey rear extension with balcony to side elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site lies within an area of Green Belt. Therefore, the main issues are:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The design of the extension and its effect on the landscape character of the area and on the significance of a non-designated heritage asset, the Sett Valley Trail;
 - If the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

3. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings within the Green Belt is inappropriate development but lists certain forms of development which are not regarded as inappropriate. This includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy EQ4 of the Adopted High Peak Local Plan (April 2016) (the LP) indicates that national policy will be followed with respect to development in the Green Belt.
4. The Framework does not define 'disproportionate' and makes no reference to the effect on openness of the Green Belt in relation to this particular exception

to inappropriate development. The Council does not refer me to any definition of 'disproportionate' in its LP or any supporting guidance. Therefore, there is discretion in the assessment of whether the proposal would meet the exception in this case. This assessment is solely concerned with the size of extensions, rather than design quality or visual impact, which are separate considerations.

5. The evidence before me indicates that the dwelling has been subject to extension in the past. The appellants have provided calculations which indicate that the original dwelling had a volume of 235m³, and previous additions have added 78.09m³, an increase of just over 33%. The appellants state that the proposal would result in a net loss of volume following removal of the conservatory (42.9m³) and erection of the two storey extension (36.52m³), resulting in a total volume of 307.09m³, an increase of just over 30% on the original dwelling.
6. The Council suggests that the dwelling has been otherwise extended, citing a reference to work in a report for a 2015 application. However, the Council has not explained exactly which part of the dwelling it considers an extension, and no evidence has been adduced to substantiate its claim. The Council does not otherwise challenge the appellants' calculations and, in the absence of contrary evidence, I see no reason to doubt their accuracy.
7. The proposal would replace a low, wide single storey lean-to conservatory with a two storey extension of one of the two existing rear gables. This elongation of the northern gable would result in a less compact form than at present, adding volume at a higher level; however, there would be a commensurate reduction in the footprint of the dwelling, and in the overall volume. Taking these considerations together, it is my judgement that the proposal would not result in disproportionate additions over and above the size of the original building.
8. Therefore, I find that the proposal would not be inappropriate development in the Green Belt and would accord with Policy EQ4 of the LP and the provisions of the Framework.
9. With respect to openness and the purposes of the Green Belt, given my findings that the proposal would not be inappropriate development in the Green Belt, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it.
10. As the proposal does not amount to inappropriate development, there is no requirement to assess if there are other considerations that amount to very special circumstances in this case.

Design and effect on landscape character

11. The appeal dwelling is located within wooded countryside to the north of Birch Vale toward the end of a narrow, descending lane and immediately adjacent to the Sett Valley Trail, a 2.5 mile recreational trail for walkers, cyclists and horse riders between New Mills and Hayfield which follows the path of a former railway line. A pair of semi-detached dwellings stands further down the lane, beyond which is an area of industrial uses screened by trees.
12. The site lies within the Dark Peak – Settled Valley Pastures Landscape Character Type, as detailed in the Landscape Character Supplementary Planning Document (SPD) (March 2006). It is characterised as a pastoral landscape with a strong network of winding lanes and roads and railways along

the lower slopes above the floodplain. It is a well wooded, enclosed landscape, including along roads and railway lines, with views filtered by trees.

13. The appeal site exhibits these characteristics, being located within wooded surroundings which line the former railway line and current trail, and it is users of the trail who would most readily experience the building in its surroundings. Other development is discernible from the trail, including the neighbouring dwellings and the industrial complex to the north, but the appeal dwelling forms an immediate focal point next to the trail.
14. The Council's adopted Design SPD (February 2018) sets out that extensions should harmonise with the parent building, should respect the dominance of the original building and be subordinate in terms of size and massing. At present, the dual gable design of the rear elevation, which is prominent in views from the trail, shows consistency and symmetry. The depth of the gables appears proportionate to the main body of the dwelling, and the recess of the gable from the southern elevation, facing the trail, adds further articulation. The conservatory does not reflect this symmetry, being offset to one side, but it is low in height and lightweight in form, with its massing largely screened by the boundary fencing and foliage outside the site. Consequently, and contrary to the appellants, I find the conservatory to be a subordinate element which does not stand out prominently in views from the trail and does not upset the overall balance of the rear elevation.
15. Conversely, the proposal would extend the northern gable substantially rearward, resulting in a clear loss of symmetry to the rear elevation and an unbalanced shape to the dwelling. The extension would continue the roof of the gable at the same level, creating a tall, deep extrusion without articulation between the old and new elements of the building and which would stand in stark contrast to the other gable which would remain its present size. The substantial additional massing to the side elevation would appear conspicuous and dominant from the trail and from the neighbouring dwelling and garden to the north, from where the effect would be exacerbated by the difference in ground levels. For these reasons, the extension would fail to harmonise with the parent building, or respect its dominance, in conflict with the guidance of the Design SPD.
16. The proposed balcony and French doors at first floor level to the side elevation would occupy an awkward offset position within the side gable, and would be set close to much smaller windows below. The result would be a cluttered and jarring arrangement to the fenestration which would unbalance the side elevation and would severely detract from the appearance of the building in views from the lane and neighbouring gardens.
17. For these reasons, the proposed extension would be an incongruous form of development which would fail to respect or enhance the surrounding natural landscape character. Therefore, the proposal would conflict with Policies S1, S1a, S6, EQ2 and EQ6 of the LP. Together these policies set out the sustainable development principles for the Borough, including taking account of the distinct Peak District character and landscape, with development proposals to be informed by, and sympathetic to the distinctive landscape character areas; and resisting development which would harm or be detrimental to the character of the local and wider landscape.

Effect on Non-designated Heritage Asset

18. The Council also considers the Sett Valley Trail to be a non-designated heritage asset (NDHA), though the only explanation of heritage significance is that it forms the historic route of the former Sheffield & Midland Committee Railway. I have no further evidence as to its significance, nor how the appeal dwelling may contribute to that significance. Based on its location adjacent to the railway, and its name, it may be that it had a functional role in the operation of the railway at one point, but this is unsubstantiated by evidence.
19. Even if I were to consider the trail a NDHA, Paragraph 197 of the Framework states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This is reflected in Policy EQ7 of the LP. The trail, though stated to have local significance, does not possess wider documented importance in heritage terms. Harm in this case would be limited to the adverse visual impact of the extension in views from the trail. In light of this, and that the proposal would not directly affect the trail itself and would only affect a small part of its overall setting, I conclude on this issue that harm arising from the adverse effect on its setting should be afforded no more than limited weight in the overall planning balance.

Other Matters

Fall-back position

20. The appellants assert that a fall-back position exists in that Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits extensions of more than a single storey up to 3 metres beyond the rear wall of the original dwellinghouse. As the proposed extension would be 3.4 metres deep, the appellants state that a reduction of only 400mm would be required to bring the proposal under permitted development (PD).
21. The existence of a fall-back position is a potentially significant material consideration. However, in this case it is established that the dwelling has already been extended, which can have a bearing on the extent to which PD rights remain available. I do not have a lawful development certificate or other information before me to establish whether any potential extensions would in fact be PD once other extensions are taken into account. Also, the PD right in question, at Paragraph A.1.(h)(ii), precludes a two storey extension where it would be within 7 metres of the opposite boundary of the curtilage of the dwellinghouse. From my observations on site, I have reservations that this requirement of the GPDO is achievable.
22. In any event, an extension as described by the appellants would be shallower than that proposed under the present appeal. Therefore, even if I were to accept that PD rights could be implemented as indicated by the appellants, the fall-back scheme would not present an equivalent or greater degree of harm to the landscape character of the area than the appeal scheme. Consequently, the fall-back scheme would not justify granting the appeal proposal. For these reasons, I afford limited weight to the potential PD fall-back position.

Matters not in dispute

23. The proposal was not refused in respect of its effect on highway safety or the living conditions of neighbouring occupants. The evidence before me does not lead me to conclude otherwise on these issues. However, the absence of harm in these respects is a neutral factor weighing neither for nor against the proposal in the planning balance.

Planning Balance

24. I have found that the proposal would not amount to inappropriate development in the Green Belt. However, the proposal would result in significant harm to the landscape character of the area, and limited harm to the setting of a non-designated heritage asset, resulting in overall conflict with the development plan.
25. The proposal would offer no more than limited economic benefits from the construction work generated, which would also be temporary. The potential fall-back position, for the reasons given, is also afforded only limited weight. These other considerations, taken together, would not outweigh the identified conflict with the development plan, and do not indicate that permission should be forthcoming in spite of this conflict.

Conclusion

26. For these reasons, and having regard to all relevant matters raised, the appeal is dismissed.

K. Savage

INSPECTOR