



Appeal Decision

Site visit made on 24 August 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2021

Appeal Ref: APP/M9496/W/21/3272113

17 Windses Estate, Upper Padley, Grindleford, Hope Valley S32 2HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Emma Walker against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0221/0114, dated 29 January 2021, was approved on 19 March 2021 and planning permission was granted subject to conditions.
 - The development permitted is proposed porch extension.
 - The conditions in dispute are Nos 3 & 4 which states that: (3) Notwithstanding what is shown on the approved plan, no permission is hereby granted for the submitted lean-to roof form which shall hereby be omitted and replaced by a hipped roof in accordance with a revised drawing that shall first have been submitted for approval in writing by the Authority. Once agreed the development shall be carried out in full accordance with the approved details. (4) The slit window as proposed in the front elevation of the porch shall be omitted and replaced with a window in the west elevation, to match the proposed window in east elevation in terms of size, scale, timber frame and gritstone heads and cills.
 - The reasons given for the conditions are: (3&4) To ensure the proposed porch complements the host dwelling and makes a positive contribution to local character and the adjacent conservation area.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted for the erection of a porch, subject to conditions. The appellant seeks to remove conditions 3 & 4 from the approval which require changes to the porch by altering the roof profile and changing the position of a window. In this respect, the main issue in the appeal is whether the condition is necessary and reasonable.

Reasons

3. Paragraph 56 of the National Planning Policy Framework (the Framework) states that 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' The Planning Practice Guidance (PPG) states that the 6 tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

4. In accordance with the PPG a key question in respect of whether a condition is necessary, is that it must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms.
5. The Environment Act 1995 sets out the statutory purposes of National Parks, including to conserve and enhance their natural beauty. In carrying out these purposes, national parks also have a duty to seek to foster the economic and social well-being of local communities within the national park. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
6. In regard to the conditions appealed against, I find that the Council have been very precise in the wording of the condition in terms of protecting the quality and character of the property and the nearby Conservation Area.
7. The existing property is one of six pairs of semi-detached properties, some of which have been altered and extended. The design proposed is similar to some of those on the row of twelve properties but the porch extensions with hipped roofs and traditional window glazing positions are more in keeping with the simple traditional design of the properties.
8. Whilst the appellant has forwarded other examples of porches on the row of properties, I have no further details of these schemes in order to understand the reasoning behind them and these examples do not justify the removal of conditions that control development and would allow the appellant to construct a porch that would not respect the character of the main dwelling and the nearby Conservation Area. In any event, each case should be considered on its own merits.
9. With regard to construction projects, the finished product should be constructed in a manner that benefits the dwelling and utilises respectful design features. I find that the condition is fair, reasonable and necessary for the planning approval.
10. Based on the above, I consider that Conditions 3&4 are reasonable and necessary in their current form in order to protect the character of the dwelling, the quality of the National Park and the nearby Conservation Area. It is drafted in a precise manner and is enforceable, reasonably imposed and consistent in respect of guidance in the Framework.

Conclusion

11. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR