



Appeal Decision

Site visit made on 7 March 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2022

Appeal Ref: APP/H1033/D/21/3285866

9 Hayfield Road, Chapel-En-Le-Frith, SK23 0JF

- 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 Dr Claire D'Arch Smith against the decision of High Peak Borough Council.
 - The application Ref HPK/2021/0367, dated 21 June 2021, was refused by notice dated 8 September 2021.
 - The development proposed is replacement fencing and construction of lean-to timber bike store/ greenhouse/shed adjacent to side.
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Decision

1. The appeal is dismissed insofar as it relates to the construction of a lean-to timber bike store/greenhouse/shed. The appeal is allowed insofar as it relates to the replacement fencing and planning permission is granted for replacement fencing at 9 Hayfield Road, Chapel-En-Le-Frith, SK23 0JF in accordance with the terms of the application, Ref HPK/2021/0367, dated 21 June 2021, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as relevant to that part of the development hereby permitted: Site Plan Drawing Number 02.01; Original and Proposed/As-built Plans Drawing Number 03.01 Rev A; and Original and Proposed/As-built Elevations Drawing Number 03.02 Rev A.

Procedural Matter

2. The fencing and lean-to structure have already been erected at the appeal site and I have determined the appeal on this basis.

Main Issue

3. The main issue in the appeal is whether or not the development preserves or enhances the character or appearance of Town End Conservation Area and the host property.

Reasons

4. The appeal property is located within Town End Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area.
5. The conservation area appeared to be largely residential in character but contains a variety of commercial uses as well, particularly on Market Street.

Whilst there are brick and rendered buildings in the area, the common use of stone and slate for the construction of many of the buildings is a key characteristic of the conservation area and gives a strong sense of unity to it. In addition, along Hayfield Road and Bowden Lane, stone boundary walls are also a common feature.

6. The appeal property, like the majority of houses on this side of Hayfield Road, is a stone semi-detached dwelling with a ground floor bay window on the front elevation. The front boundary wall, continues to the side and rear of the property, increasing in height towards Bowden Lane. The attractive architectural detailing on the house and the fact that it displays many of the key characteristics of the conservation area means it makes a positive contribution to the character and appearance of the area.
7. With a small area of open land to the side and being close to the junction of Hayfield Road, Bowden Lane and Hayfield Road East, the dwelling occupies a prominent position, with its gable end being clearly visible when approaching from the south or south-east.
8. The wooden lean-to structure is utilised as an outbuilding that is accessed from the garden rather than the property. However, being attached to the side of the building, and having a large window that is domestic in character, means that it is read as an extension to house. As a consequence, its construction from timber boarding makes it an unsympathetic addition which is out of keeping with the traditional stone property.
9. Furthermore, the scale, materials and design of the window does not respect the fenestration on the dwelling and is an incongruous feature on the gable of the property which otherwise only has one small opening.
10. Whilst the timber will age with time, even if painted a recessive colour, the lean-to structure will remain a prominent and uncharacteristic addition to the house. Given its visibility, it is detrimental to the character and appearance of the wider area as well.
11. The fence sits behind the boundary wall and projects above it. It encloses the rear garden of the dwelling which would otherwise have little privacy. Although not a common feature within the conservation area, I observed that other houses within it, whose main garden areas bordered the public realm, also had fences enclosing the garden space. Its domestic character and modest height, means it does not detract from the character of the street. As the fencing is clearly severable from the lean-to structure, I consider that it can be allowed on its own.
12. Overall, I consider that the replacement fencing preserves the character and appearance of Town End Conservation Area and the host property, but the lean-to structure does not. Accordingly, the lean-to structure conflicts with Policies S1, S6, EQ6 and EQ7 of the *High Peak Local Plan (adopted April 2016)* which require that developments should be well designed to respect, and respond positively to, the character of the built and historic environment and that they should take account of the distinctive character of the conservation area. Having regard to paragraph 202 of the *National Planning Policy Framework*, whilst the harm caused to the conservation area would be less than substantial, there are no public benefits which would outweigh the harm caused.

13. In support of the appeal my attention was drawn both to the fact that there were no objections to the development from the Parish Council and to the fact that a nearby commercial property has some timber cladding. However, I do not know whether this cladding required planning permission or not and, in any case, this represents an isolated example of the use of timber on a building within the area. As such, it does not set a precedent to be followed.

Conclusion and Conditions

14. For the reasons set out above, I conclude the appeal should be allowed in respect of the replacement fencing but dismissed in respect of the lean-to bike store/greenhouse/shed. As the fence has already been constructed the only condition necessary is one to define the plans with which it should accord to provide certainty.

Alison Partington

INSPECTOR