



Appeal Decision

Site visit made on 21 June 2022 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2022

Appeal Ref: APP/M9496/D/22/3295319

Hollytree Cottage, Bar Road, Curbar, S32 3YB

- 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 Jamie Swann against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0121/0054, dated 11 January 2021, was refused by notice dated 15 February 2022.
 - The development proposed is a two storey side extension and single storey lean to extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and single storey lean to extension at Hollytree Cottage, Bar Road, Curbar, S32 3YB in accordance with the terms of the application, Ref NP/DDD/0121/0054, dated 11 January 2021, 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: Proposed Layout, Elevations and Sections 2082-02 A and Block Plan 2082-500.
 - 3) 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.
 - 4) The proposed windows shall be recessed to match those on the existing house.
 - 5) The extension hereby permitted shall not be occupied until details of partially obscured glazing to the windows at first floor on the side elevation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the partially obscured glazing shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:

- The character and appearance of the host dwelling and whether it would preserve or enhance the character and appearance of the Curbar Conservation Area.
- The living conditions of the neighbouring occupiers in relation to privacy and massing.

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a detached stone built cottage, situated in the Curbar Conservation Area (CA) in a large plot with the front elevation facing Bar Road, and well screened from public vantage points. The property has existing single and double storey additions to the rear elevation and is surrounded by properties of a variety of architectural styles and ages with some of the 20th century development in this part of the village eroding the traditional character of the area.
5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework (the Framework) further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The significance of the CA is derived partly from the high stone boundary walls, many with hedges on top which creates a close-knit intimate feel within the streetscape, despite a low density of development. The significance is also derived from the orientation of the older dwellings in the village with gable ends facing the Hillock and Pinfold Hill providing an indication of the settlement's origins.
7. The Councils supplementary planning document for Alterations and Extensions (SPD) suggests that the proportion of an extension should ideally reflect the proportion of the parent building. I acknowledge that the proposed two storey side extension is taller than it is wide, in contrast to the horizontal emphasis of the parent building and therefore conflicts with the SPD in this respect. However, I am mindful that the SPD provides guidance only and the proposal does respect the host dwellings other horizontal features, such as maintaining the eaves height, utilising matching external materials and matching the existing window arrangements and proportions, therefore according with this element of the SPD. Furthermore, the ridge height is set marginally lower and the front and rear elevations are set back from those on the host property. These measures, taken together, ensures that the proposal integrates and does not detract from the character and appearance of the existing property, remaining subservient and respecting the dominance of the host property.
8. For the reasons above I do not agree with the Councils assertion that the development would detract from the valued character and appearance of the traditional house and I have also had regard to how the proposal would be

viewed from public vantage points in coming to this conclusion. The modest two storey side extension would be erected on the eastern elevation, close to the side boundary of the neighbouring property. The mature vegetation on this boundary prevents any realistic views of this elevation from Bar Road.

Additionally, the elevated position of the property, with the boundary wall and hedging means that there are very limited views of the front elevation from Bar Road with only glimpses of the roof and solar panels of the host dwelling being seen. Whilst the extension would be seen from distant views at the rear, it would be viewed in the context of the previous extensions that have occurred which has already changed the traditional appearance of the property.

9. Turning to the single storey rear extension, I note that no concerns have been raised in regard to this element within the officer's report, it is lean-to in style and represents an extremely modest form of development due to its size and scale and consequently would not result in a significant change to the buildings form nor would it be visible from public vantage points.
10. Paragraph 176 of the Framework requires me to give great weight to conserving and enhancing landscape and scenic beauty in National Parks. Due to the proposals limited visibility from wider viewpoints and for the reasons already set out above I do not consider that the proposed development would result in any adverse impacts on the wider landscape of the National Park. Moreover, the officers report states that as a result of the proposals being located within the main body of the village it would not have an adverse impact on the valued characteristics of the wider landscape. From my observations on site, I would agree with this.
11. In conclusion, for the reasons above, I am satisfied that the proposals would not harm the significance of the CA and would have a neutral effect on the character and appearance of the CA and host property. Accordingly, whilst there is some conflict with Policy DMC8 in respect of building form it would accord with its other aims in relation to preserving the significance and character and appearance of the Conservation Area. I find no conflict with Policies GSP1, GSP3 and DS1 of the Peak District National Park Core Strategy Development Plan (2011) and Policies DMC3, DMH7 and L3 of the Peak District National Park Development Management Policies (2019) (PDMP) which, amongst other things, require development to be of a high quality appropriate design, not to detract from its surroundings or the host building and to protect the character and appearance of Conservation Areas and the National Park.

Living Conditions

12. I have had careful regard to the existing situation in relation to privacy. Currently there are two clear glazed windows to the first floor of the existing eastern elevation which looks onto the boundary of mature, tall vegetation which is in the ownership of the neighbouring occupier. Whilst the proposal would result in the eastern elevation brought closer to the boundary, any potential overlooking into the amenity space of the neighbouring property would be limited by the existing boundary vegetation. Furthermore, the proposal would see a reduction in the size of the upper floor side windows which would restrict the degree of any possible or perceived overlooking. Any increased potential for overlooking could be mitigated by a condition to partially obscure the glazing to the windows on this eastern elevation. As a

result, I am satisfied that the proposal would not lead to unacceptable levels of overlooking over and above what could be experienced now.

13. Turning to the contention that the proposal would be overbearing for the neighbouring occupiers, the proposal would be shielded by the mature vegetation and the subordinate nature of the side extension further reduces any overbearing perception. I also note that the neighbouring property has a long front garden and the proposal would be stepped back from the boundary, approximately halfway down the garden, a considerable distance from the property, therefore any massing effects would be limited when viewed from the neighbouring property. As result of these factors, I find the proposal would not be unacceptably overbearing.
14. For the above reasons, I consider the proposal would have an acceptable effect upon the living conditions of the neighbouring occupiers. Consequently, it accords with policy DMC3 and DMH7 of the PDMP (2019) and GSP3 of the Peak District National Park Core Strategy Development Plan (2011) which requires proposals to consider the amenity of surrounding properties.

Other Matters

15. I observed that the property is set within a large plot and a significant amount of open space would still be retained following completion of the proposed development. I do not consider therefore that it would appear as overdevelopment of the site, despite the increase in overall floorspace. The Council also raised no objections in this regard, and I find no reason to disagree.
16. It has been asserted that the development could result in a loss of trees along the boundary. I have not been provided of any evidence to suggest that the development could cause any potential harm to the trees. From my observations on site, the base of the trees appeared to be at a lower level to the appeal property and also the extension would be set back from the boundary, therefore the proposal would be unlikely to cause damage to any tree roots.

Conditions

17. In addition to the standard conditions relating to timeliness and the identification of plans, the Council has suggested a condition requiring the external materials of the proposed development to match those of the existing building. I have modified the suggested condition for conciseness. The Council also requested the windows to be recessed to match the existing house. In the interests of the character and appearance of the host property and area, I agree that these conditions would be necessary.
18. The Council has also requested that the first floor side windows are obscurely glazed. I have taken into account the relatively small size of the windows but deem that in the interests of protecting the living conditions of the neighbouring occupiers, this condition is necessary. I have requested the glazing to be partially obscured as I am mindful that the proposal serves habitable rooms.
19. I have also given consideration to the Council's request to include a condition confirming the implementation of the climate mitigation strategy. However, I have not been made aware of any development plan policy requiring a climate

change statement, therefore I consider that this condition is not reasonable nor necessary based on the small scale of the proposal and so it will be omitted.

Conclusion and Recommendation

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

Tom Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR