



Appeal Decision

Site visit made on 26 September 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal Ref: APP/H1033/W/23/3318927

Buxton & High Peak Golf Club, 27 Town End, Fairfield, Buxton, Derbyshire SK17 7EN

- 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 Buxton & High Peak Golf Club against the decision of High Peak Borough Council.
 - The application Ref HPK/2021/0686, dated 30 November 2021, was refused by notice dated 28 December 2022.
 - The development proposed is glass fronted balcony extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form removing wording that does not constitute an act of development, in the interests of clarity.
3. The appeal site is located within the Fairfield Conservation Area (the CA). As such, I have had regard to the duty set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing its character or appearance.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the host building and the CA; and
 - the living conditions of the occupiers of neighbouring dwellings with particular regard to overlooking, noise and disturbance.

Reasons

Character and appearance

5. The appeal site comprises a clubhouse which serves the Buxton & High Peak Golf Club. The building is a prominent Victorian two storey gritstone building with some architectural detailing of the period, located on the southern side of Town End. It has been altered and extended in the past. There is a mix of materials used in the construction of buildings within the vicinity of the appeal site including stone, whitewashed stone, brick, render and pebble dash.

6. I have little information about the significance of the CA, but from my own observations, it would appear to be derived from a range of architectural styles adding to the historical interest of the area, including the presence of Victorian buildings with more ornate architectural detailing. The relationship between the built form along Waterswallows Road and Town End and the open land of the common opposite also contributes to the character of the area.
7. The appeal site is clearly visible from Town End and Waterswallows Road as well as being visible in longer views from the public footpath that runs through the golf course where there are breaks in the vegetation. All of these viewpoints are within the CA boundary, and I viewed the appeal site from them during my site visit.
8. I recognise that unsympathetic alterations and additions have been carried out to the host building in the past. A previous extension to the front elevation at first floor has resulted in a window arrangement with timber cladding beneath that creates a more horizontal visual impact that is out of keeping with the proportions of the original building. However, the existing first floor alteration does not compete entirely with the form of the original building. The most prominent part of the front elevation of the building remains the two projecting gables and their associated bay windows at the ground and first floor levels, along with the architectural detailing. These features are all still readily visible and understood when viewing the host building.
9. The submitted Heritage Statement provides very limited information on the significance of the host building or the CA. However, in my view, whether or not the host building is identified as a non-designated heritage asset, it still retains a level of architectural quality that contributes positively towards the significance of the CA.
10. Whilst I recognise that a property, which appears as a converted barn, located further along Town End does sit at the back edge of the footpath, this is not the case for the host building, nor the dwellings directly adjacent which do have a set back from the footpath that runs alongside Town End. The proposed balcony would therefore represent a prominent addition to the building, particularly given its location, projecting from the front elevation and extending out to the back edge of the footpath.
11. Overall, it would not be sympathetic to the host building, and would appear as an incongruous, dominant and modern addition. Whilst the proposed toughened glass balustrading would obscure views of the unsympathetic timber cladding present on the building, the horizontal window arrangement above the timber cladding would remain visible. This in combination with the location and extent of the proposed balcony would be visually more harmful than the existing situation. Given the proposal would be clearly seen from public viewpoints, the proposal would fail to preserve or enhance the character and appearance of the CA.
12. I understand that the appellant approached the Council to discuss the potential for using stone for the external face of the pillars rather than the steel columns identified on the drawings. This proposed change to the use of materials would not overcome the overly dominant appearance arising from the scale, depth and location of the proposed balcony extension.

13. The appellant asserts that the appeal proposal is the most suitable location to construct a balcony, given the functional constraints of the appeal building and the need to extend the lounge area. However, I have very limited information before me to suggest what other options have been investigated and subsequently discounted.
14. I have been referred to an example at The Crescent Hotel in Buxton which is a designated heritage asset, where the appellant asserts that a glass balcony has been installed. The presence of furniture in the main shopping area in the town centre Conservation Area is also highlighted as having a visual impact. However, I have no further information on either of these other examples in order to make a comparison to the appeal proposal before me.
15. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development upon the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification.
16. In terms of the Framework, I find that the harm I have identified above would be less than substantial harm. Paragraph 202 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
17. I acknowledge that the proposal would provide some additional space for those members of the golf club that use the clubhouse, particularly in the summer months. I also understand that the proposal could provide some public benefit in the form of additional spending in the local area and the continuation of the clubhouse and golf course. However, there is no indication that the continued use of the building as a clubhouse is reliant upon the provision of the balcony space. I am also not satisfied that other options to extend the lounge area of the clubhouse have been adequately explored. Accordingly, I afford this benefit limited weight.
18. Given the above, I find that the proposal would be harmful to the character and appearance of the host building and the CA. I conclude that the public benefits would be insufficient to outweigh the great weight to be given to the harm to the designated heritage asset.
19. The proposal would not comply with Policies EQ6 and EQ7 of the High Peak Local Plan Adopted April 2016 (LP). These policies seek, amongst other things, to ensure developments are well designed and respect the character, identity and context of the townscape and contribute positively to the character of the built and historic environment.
20. In this regard, the proposal would also fail to comply with the advice provided in the High Peak Borough Council Design Guide Adopted as Supplementary Planning Document 20 February 2018 which identifies that extensions should harmonise with the parent building. The proposal would also conflict with paragraphs 199, 200 and 202 of the Framework as discussed above.

Living conditions

21. There are existing views towards the nearest neighbouring dwellings from the side windows serving the lounge area in the clubhouse, therefore there is a degree of mutual overlooking from and of the host building. The proposed balcony would be largely screened from view from the windows in the front elevation of the neighbouring dwelling 25 Town End due to the set back of the dwelling compared with the front building line of the existing projecting gable of the clubhouse. The balcony would allow overlooking of the initial part of the driveway and front garden area of No 25 but given this is already open to public view from Town End, it would not form private amenity space and would be therefore less sensitive in this regard.
22. The nearest neighbouring dwelling to the north-east has a private rear garden space that would be in the line of sight of potential future users of the proposed balcony. However, the hedgerow surrounding that private space is substantial currently and this along with the separation distance would protect the occupiers from any significant issues of overlooking.
23. However, the balcony space would allow for people to stand or sit in an elevated position, outside of the confines of the walls of the building which means that the associated noise would be more noticeable for those occupying neighbouring dwellings. The appellant states that the balcony would only be used during daylight hours. However, during the summer months, when the balcony is likely to be more actively used, the effect of the use on the neighbouring dwellings would be experienced most, as occupiers of those dwellings are more likely to have windows open and be using their gardens.
24. It is asserted that there is an adopted policy implemented by those managing the clubhouse relating to the windows in the lounge area in that they must be closed at agreed times to protect neighbours from noise. I do not have that adopted policy before me nor any noise assessment. The appellant has confirmed that they are open to the use of planning conditions relating to privacy and amenity issues, including the one suggested by the Council in its Planning Appeal Statement. However, without more specific information about the current restrictions on the use of the premises and how these would work in relation to the use of the proposed balcony I am not satisfied that planning conditions would be precise enough, reasonable or enforceable in this regard.
25. I am referred to the situation of residents who live above shops and cafes in the town centre where there are outdoor eating and drinking facilities. However, in a town centre location, a certain level of external noise is expected. The appeal site is not within a town centre location and as such is not comparable in this regard.
26. In conclusion, I do not consider that the proposal would be sufficiently harmful with regard to overlooking to warrant refusal of planning permission. Nevertheless, I find that it is likely that the proposal would be harmful to the living conditions of the occupiers of neighbouring dwellings, with regard to noise and disturbance. The proposal would not comply with Policy EQ6 of the LP in this regard, which seeks, amongst other things, that developments do not cause unacceptable effects of noise in relation to local character and amenity.

Other Matters

27. The appellant has identified that additional drawings requested by the Council and subsequently submitted by them were not referenced on the decision notice. The Council has confirmed that these were drawings of the existing situation and were received and considered in the assessment of the application. I have had sight of those drawings in determining this appeal.
28. The appellant asserts that there has been poor communication on the part of the Council and that discussions about the application and objections received from third parties were not forthcoming nor was a response to a complaint about the handling of the application. Whilst this is unfortunate, the conduct of the Council is not a matter for consideration in this appeal.

Conclusion

29. I conclude that the proposal would conflict with the development plan as a whole in respect of its adverse impacts on heritage and the living conditions of neighbours. There are no material considerations that indicate I should take a decision other than in accordance with it. Therefore, the appeal is dismissed.

G Dring

INSPECTOR