

HIGH PEAK BOROUGH COUNCIL

RESPONSE TO DEVELOPMENT CONTROL CONSULTATION

CONSERVATION AREAS

Application Ref: 2017/0088	Reason: Conservation Area, Setting Listed Building
Site: 66/68 Old Road, Tintwistle	
Proposal: Single storey rear extension	
Application's Supporting Information. Is any adverse impact on a Listed Building/Setting raised? No	
<p>Comments:</p> <p>Please refer to the Tintwistle CA Character Appraisal. Please also be aware that there is a current application for an extension on the dwelling below (2017/0067). The building is identified in the character appraisal as a building making a positive contribution to the character and appearance of the area. It also identifies important views at the side of the dwelling.</p> <p>The plans show an additional garden structure which is identified as PD (Class 3 Exempt). Can you check this as in my view this is not permissible under Class E.3 as it is on Article 2(3) Land. This structure will be unsightly and not integrate with the building in this prominent roadside location.</p> <p>I also have concerns regarding the rear extension as this elevation is very prominent within the heart of the Conservation Area and can be viewed from most directions. The location for the proposed extension is in a set-back on the gable which currently has a raised patio just set back from the main gable and running back in front of a rendered lean-to. Historic maps show that the cottages previously continued around the corner, explaining the reason for the set back. The proposed structure will infill the area created by the set back with a stone, square structure and low hipped roof (of reconstituted stone tiles). In addition, the raised patio will be extended to run through from the upper level roadside parking area to link the extended patio. The principle of an extension in this area is acceptable but the hipped roof will not fit with the form of the existing roof to the dwelling or other buildings in the area. The roof should be a simple lean-to following the pitch of the main dwelling and running off the back of the front wall. The roof tiles must also be natural stone not an artificial substitute. The glazed, folding doors need to be well recessed to create a shadow line and some definition to the shape of the opening.</p>	
Recommendation: Detached garden building (assumed PD to be removed) Amended plans required.	
Conditions: Materials, including railings will need to be conditioned. Condition also joinery (including position within the opening) and rooflights, eaves and verge treatment.	
Signed: Mrs G. Bayliss Senior Conservation Officer	Date: 6/04/2017

Relevant Act, Legislation, Policies & Guidance

Any decisions relating to Conservation Areas and their settings must address the statutory considerations of the 1990 Act (esp. Section 72) as well as satisfying relevant policies in the NPPF and the Local Plan.

Planning (Listed Buildings and Conservation Areas Act) 1990:

- Section 72: In assessing planning applications in respect to any land or buildings in a Conservation Area the **LPA has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.**

NPPF (2012)

Sustainable Development

Protecting and enhancing the historic environment is one of the 3 dimensions of achieving sustainable development. These dimensions are mutually dependent. There is an overriding presumption in favour of achieving sustainable development. Failure to conserve the historic environment is therefore a failure to achieve a sustainable development.

Footnote 9 of Para.14: Policies related to designated heritage assets – harm to Listed Buildings, or their setting triggers the statutory presumption in favour of sustainable development.

Section 12: Conserving and Enhancing the Historic Environment

Outlines the planning policy context for assessing proposals that affect Conservation Areas and other heritage assets.

- Para. 126: LPAs are required to develop a positive strategy for conservation of the historic environment that includes taking account of the desirability of sustaining and enhancing the significance of heritage assets by putting them to

viable uses consistent with their conservation. **Heritage assets should be conserved in a manner appropriate to their significance.**

- Para.128: In determining applications LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. **The level of detail should be proportionate to the asset's significance.**
- Para.129: LPAs should use the assessment to consider the impact of a proposal and seek to minimise conflict. Case law has confirmed that **where there is an impact this must be assessed and given appropriate weight.** The Council has to demonstrate that the Section 72 Duty has been applied and discharged. **Section 72 (and Footnote 9 of para.14) creates a strong presumption in favour of the preservation of Conservation Areas and their setting and requires that considerable weight be given to the desirability of preservation.**

Furthermore:

- The strong presumption must be applied where there would be any harm, not just substantial harm (Barmwell Manor) and this also applies in cases where the harm is slight (Ecotricity Ltd v DCLG). See also Forge Fields Society/Sevenoaks DC. Penshurst in Kent. An Authority can only properly strike the right balance between harm to a heritage asset and planning benefits if it is conscious of the statutory presumption in favour of preservation, and if it demonstrably applies that presumption to the proposal it is considering (Penshurst case).
- A LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting (surroundings in which a heritage asset is experienced).
- Para.130: Evidence of deliberate neglect or damage should not be taken into account.
- Para.131: Sets out factors to be taken into account by an LPA in determining an application. These reflect the considerations outlined in paragraph 126 and underline the positive contribution that conservation of heritage assets can make to sustainable communities including economic vitality.
- Para.132: In considering the impact of proposed development on the significance of a heritage asset **great weight should be given to its conservation** with a greater weight being placed where the asset has greater importance. Significance can be harmed by alteration, destruction or development within its setting. **Harm requires clear and convincing justification.** Substantial harm to or total loss of significance to a designated heritage asset of the highest significance should be wholly exceptional.
- Para.133 & 134: Relate to assessing harm to an asset's significance and set out the circumstances in which harm, substantial or less than substantial, could be considered acceptable. These include situations where public benefits outweigh such harm.
- Para 133: Substantial harm - LPAs should refuse Consent unless public benefits outweigh the harm (or all of the following apply – it has no reasonable use, no viable use will enable its conservation, grant aid not available, harm is outweighed by bringing site back into use).
- Para 134: Less than substantial harm - The harm should be weighed against the public benefits of the proposal.
- Para.136: LPAs should not permit the loss of the whole or part of a heritage asset without steps to ensure that development will proceed after the loss has occurred.
- Para.137: LPAs should look for opportunities for new development in Conservation Areas and within the setting of heritage assets to enhance and better reveal their significance.
- Para 138: Loss of a building which makes a positive contribution to the significance of a Conservation Area should be treated as substantial/less than substantial harm taking account of relative significance of the element affected and contribution to significance of the Conservation Area as a whole.

Other Guidance

- Planning Practice Guidance: Conserving and Enhancing the Historic Environment (DCLG)

Key Historic England Guidance

- Conservation Principles: policies and guidance (2008) – Framework for understanding and assessing significance of heritage assets
- Historic England Good Practice Advice in Planning No.2: Managing significance in decision taking in the historic environment (assessing significance, HERs, recording, neglect and unauthorised works, marketing, design and distinctiveness) (2015)
- Historic England Good Practice Advice in Planning No.3: Setting of Heritage Assets (2015)
- Enabling Development and the Conservation of Significant Places (2001)
- Traditional Windows (2015)
- Farmstead Assessment Framework – Informing sustainable development and conservation of traditional farmsteads (2015)

Adopted High Peak Local Plan

SO2: To maintain, enhance and conserve the areas distinct landscape characteristics, biodiversity, and cultural and historic environment

SO3: To ensure that design is well designed, promotes local distinctiveness and integrates effectively with its setting

SO4: To protect and enhance the character, appearance and setting of the towns and villages

Policy EQ 6

Design and Place Making

All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.

Policy EQ 7

Built and Historic Environment

The Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment in accordance with sub area strategies S5, S6 and S7.

NOTE: The above references to The Act, policies and guidance are a summary and do not attempt to be a comprehensive assessment.