

DELEGATED DECISION REPORT

HPK/2021/0123 & HPK/2021/124 Valid 26/05/2021	BOWDEN HALL BOWDEN LANE BOWDEN CHAPEL-EN-LE-FRITH	THE SUBDIVISION OF BOWDEN HALL TO CREATE 2 HOUSES, INCORPORATING EXISTING CONSENTED FIRST FLOOR FLAT INTO BOWDEN HALL EAST' (FULL - MINOR)
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MAIN ISSUES

- Principle of Development
- Design and Conservation
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application site relates to Bowden Hall; a Grade II Listed Building which lies adjacent to Bowden Lane, approximately 1 mile to the north east of Chapel-en-le-Frith. The wider Bowden Hall complex comprises a number of outbuildings. Some of these outbuildings including 'The Smithy'; 'The Wash House' and 'Bowden Hall Cottage' are occupied as separate dwellings.

The land that lies between the eastern side elevation of the main hall and the dry stone boundary wall comprises a small raised area of garden that stands above the garden at ground floor level but not separated by any definitive means of enclosure. The land slopes eastwards. Beyond the raised garden and west of the boundary wall lies an area of dense vegetation and mature trees.

Bowden Hall and its associated outbuilding shares the main access with a driveway meandering in a circular form, with two access/exits onto Bowden Lane.

The site has been subject to a lengthy planning history in recent years. An retrospective application to sub-divide the eastern part of the Hall to form a separate residential unit was approved under HPK/2019/0451. Since this approval, further applications have been submitted and subsequently refused for the sub-division of the main hall to create a 2 bedroom apartment, and more recently the creation of a new aperture in the eastern boundary wall to form a new access from the east.

PROPOSAL

This application seeks Full Planning Permission under HPK/2021/0123 and associated Listed Building Consent under HPK/2021/0124 for the sub-division of

Bowden Hall to create two residential units, which incorporates part of the existing flat on the eastern side of the Hall. A document submitted following initial comments from the Conservation Officer clarifies the scope and degree of works involved in creating the two residential properties, which are summarised as follows:

Ground Floor

- Separation created at the western end of the corridor – essentially the creation of a meter cupboard by reintroducing a door and frame to match existing examples on the eastern side of the sub-division and the blanking off of the eastern side with stud walling, and skirting/cornice.
- Infilling of the 20th Century door and window and closing off the aperture to the contemporary kitchen with stud walling and skirting/cornice

First Floor

- Implementation of HPK/2019/0449 which granted Listed Building Consent for the blocking in of the later connecting aperture and the removal of steps.
- Implementation of a new staircase from the new reception at ground floor level to the living/lobby area on the first floor, and notwithstanding further details to be agreed, with be constructed in timber with 17 risers and 16 treads involving a half landing and quarter turn. This aspect requires the removal of an aperture in the floor/ceiling and the removal of a partition wall to the existing kitchen.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the Chapel-en-le-Frith Neighbourhood Plan (2015) the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

Chapel-en-le-Frith Neighbourhood Plan 2015

No relevant policies

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- S6 Central Sub-area Strategy
- EQ3 Rural Development

EQ6 Design and Place Making
EQ7 Built and Historic Environment
H1 Location of Housing Development
H3 New Housing Development
CF6 Accessibility and Transport

National Planning Policy Framework

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Making Effective Use of Land	Chapter 11
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2019/0449	Listed Building Consent to infill 1 No. aperture to reinstate wall between flat and hall at FF level, remove steps dating from circa 1970 (Approved 02/12/2019)
HPK/2019/0451	Retrospective permission to use first floor as a flat (Approved 17/01/2020)
HPK/2019/0453 & HPK/2019/0454	Proposed creation of 2 bed apartment in part of ground floor of Bowden Hall – Planning and Listed Building Consent (Refused 17/04/2020)
HPK/2020/0192 & HPK/202/0193	Creation of an apartment in part of the ground floor of Bowden Hall – Planning and Listed Building Consent (Withdrawn)
HPK/2020/0229	Listed Building Consent for Creation of new aperture through curtilage dry stone wall to east of Bowden Hall (Refused 28/10/2020)

CONSULTATIONS

Publicity

Site Notice expiry date: 21st July 2021
Neighbour consultation period ends: 30th June 2021
Press Advert: 8th July 2021

Public Comments

One comments has been received stating:

I gave fuller details last time but essentially I'm in full/total support of these proposals which need to be carried through without constraints to benefit the whole of this small estate. I wasn't going to add my views but thought necessary when out of the blue we were confronted by the Tree Preservation people yesterday brandishing enforcement notices which can only add further complications, delays, uncertainties and costs to the detriment of the wider mission of Estate completion. That is to give renewed life and preservation to these listed buildings and we should be working together to a common end.

Town / Parish Comments

No objection

AES Waste

No objections

HPBC Conservation Officer

Initial Response:

It's not actually very clear what this application is seeking permission for. The application form mentions subdivision to create two houses (incorporating the consented first floor flat into Bowden Hall East) but the red edge doesn't include the whole property. I can see that the alterations will only be in Bowden Hall East but the description of the works mentions the whole building so really the whole hall should be edged red.

There is no clear schedule as to what works are proposed as part of this application. I need a plan showing just the changes proposed as part of this application (not alterations already Consented to). The most significant change appears to be a new staircase but there are no details about where the old service stair used to be, why it is not appropriate to reinstate in this position, and details of the new stair (including impact on significance).

Further Response:

Further information submitted by the applicant is helpful regarding the historic position of the staircase and why it is not appropriate to relocate in this position. No other issues – apart from the need to check the residential curtilages for each property.

Derbyshire County Council Highways

No comments to make

OFFICER COMMENTS

Principle of Development

The application seeks the sub-division of an existing residential premise that is a Grade II Listed Building. It lies outside of the built-up area boundary in the open countryside.

Chapters 5 and 11 of the NPPF together encourage the effective use of land to create new residential development on suitable sites.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy contains a list of the types of residential development that will be supported in principle in the open countryside, which includes:

“the re-use and/or redevelopment of a previously developed site where it does not have an adverse impact on the character and appearance of the countryside.”

The application therefore complies with the objectives of LP Policy EQ3.

The site is a Grade II Listed Building and as such, the application is subject to LP Policy EQ7, and restrictive policies under Chapter 16 of the NPPF relating to heritage conservation, underpinned by Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Having regard to the above policy context the principle of development can only be supported where it can be demonstrated that there would be no adverse impacts on the architectural interest of the listed building, notwithstanding all other material considerations.

Design & Conservation

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, in terms of scale, height, density, and layout.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that 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.

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

Paragraphs 199-202 of the NPPF sets out how a local authority should assess the significance of a heritage asset and how to assess the potential impact of a proposal upon such an asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

Bowden Hall has been subject to a previous retrospective application for the use of an eastern section of the Hall as an independent flat, which was approved under HPK/2019/0451.

Following this approval, the applicant applied to further sub-divide the Hall to create an independent two bedroom apartment under HPK/2019/0453 and HPK/2019/0454. This proposed sub-division included a large schedule of works that was considered by the Council's Conservation Officer by virtue of the nature of the sub-division, fragmentation of the site and absence of a wider Conservation Management Plan to result in less than substantial harm to the historic fabric of the building. As such, these applications were refused.

This application proposes a sub-division of the Hall which further to a detailed justification and clarification document on 10th August 2021 has been considered by the Conservation Officer to be more logical and sympathetic to the character of the listed building and subject to appropriate conditions, would preserve the overall historic fabric and architectural interest of the Hall. Overall the proposed changes would not harm the historic fabric of the building.

In refusing the previous applications for the sub-division of the Hall to facilitate a 2 bedroom apartment, the Conservation Officer was very concerned about the fragmentation of the wider site by virtue of new curtilages being defined, for example by physical boundary treatment.

To address this issue within this application, the applicant has been requested to submit a plan showing the definitive curtilage boundary for the 'Bowden Hall East' residential unit, with the remainder of the site being associated with 'Bowden Hall West'. This plan has duly been submitted and shows the curtilage to incorporate the smaller upper garden defined by the dense tree belt to the east and a dry stone wall to the west that separates this garden from the larger lawn at ground floor level.

It is considered that subject to a condition that states that no physical boundary treatment will be erected, thereby ensuring that the open character of the plot is retained and not fragmented, this negates the needs for a wider Conservation Management Plan, and makes the application acceptable in heritage terms.

Having regard to the above, and subject to strict conditions, the revised proposed sub-division of the Hall into two residential units that incorporates the existing independent flat on the eastern side of the Hall is considered to preserve and sustain the character, appearance and historic interest of the building, including its setting, and thus complies with LP Policies S1, EQ6 and EQ7, relevant paragraphs contained under Chapter 12 and relevant restrictive paragraphs contained under Chapter 16 of the NPPF, and Section 66 of the Act 1990.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The sub-division of the Hall does not introduce any new external physical development and does not introduce any new habitable windows. In the interests of heritage conservation and preserving the open nature of the gardens associated with the Hall, it has been judged that no physical boundary treatment is to be implemented that separates the two garden areas to the rear. As such, there would be an element of intermittent overlooking and loss of privacy, although there is an element of screening by way of natural vegetation.

Whilst it is accepted that there would be some degree of harm to each other's amenity by way of overlooking and loss of privacy from the garden areas, this relationship would be known by prospective occupiers at the time of purchase and when having regard to the importance of preserving the setting of the building and wider estate, it is considered that the proposal would not lead to a degree of harm to amenity that warrants a reason for refusal.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network. Suitable off-street parking provision should be provided in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

The application site benefits from a shared access from Bowden Lane that serves the main Hall and other properties that have been converted. Appropriate parking provision to serve each property can easily be accommodated to the front of the Hall.

It is therefore considered that the proposed sub-division of the Hall would not lead to any adverse harm to highway safety, in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The applications seek planning permission (and Listed Building Consent) for the sub-division of Bowden Hall which follows a previous application for a sub-division of a different nature that was refused in April 2020.

Upon review of all plans and documentation, including a Justification and Clarification document received 10th August 2021, the re-designed sub-division that results in two independent residential units incorporating the existing independent flat on the eastern part of the building will preserve the historic fabric and architectural interest of the Listed Building.

Strict conditions are necessary in order to prevent any physical boundary treatment between the newly created curtilage associated with the residential unit named 'Bowden Hall East' and the rest of the estate, together with conditions securing details associated with the internal schedule of works. The definition of the curtilage for Bowden Hall East and absence of a defined curtilage for Bowden Hall West negates the need for a wider Conservation Management Plan that was a fundamental issue when considering the previous applications.

Whilst a degree of overlooking and loss of privacy does exist between the two properties due to the necessary absence of physical boundary treatment, there is some protection due to natural vegetation above the dry stone wall, and when considering the fact that prospective purchasers will be aware of this relationship and planning restrictions, there are no reasonable grounds for refusal with regards to residential amenity.

On balance, it is considered that this application constitutes a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 12th August 2021

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council