

Dear Sir / Madam,

This planning statement is respectfully being submitted for your information and consideration in support for a retrospective planning application PP-11792992 for a balcony at 3 Shallcross Road, Whaley Bridge, SK23 7EY to the rear elevation of the property.

From the start of this statement please let me assure you that at no time have we deliberately intended to breach or circumvent any planning regulations. Myself and my wife purchased this property in May 2022 with the initial intention of building a double storey side extension with garage and extending the existing balcony to encompass the full width of the rear elevation. To this end a planning application was made for these works. During our purchase of the property, all appropriate legal searches were conducted and at no point were any concerns raised that any work may have been completed without appropriate permission as the balcony is clearly shown on the location plan.

We employed an architect on our initial planning application (HPK/2022/0224 refers) and followed his advice once we decided not to proceed with the submitted plans to extend the property & existing balcony, and simply refurbish both. The balcony was in such a state of disrepair and rotten it was unsafe to walk on due to rotten timbers and had to be completely rebuilt, which we did.

In reconstructing the balcony, we took onboard comments from our close neighbours regarding the original application to extend the balcony, which was subsequently withdrawn, we moved the balcony away from our neighbour's boundary by nearly 2 meters and replaced a spindled handrail with opaque glass to the betterment of the situation and completed the steps down to enable access to the rear garden due to steps not being completed (As per SLK/6).

This refurbishment of the balcony subsequently led to a complaint and allegation made to the council that we had built a new balcony as per our withdrawn planning application to extend the balcony across the length of the property.

Consequently, we were contacted by email by High Peak Compliance and Monitoring Officer, Mr Andy Thomas. On receipt of the email my wife telephoned Mr Thomas who explained the allegation, and my wife explained we would never try to circumvent the process in such a way and confirmed we had not extended the balcony as per the withdrawn planning application. She confirmed we had simply refurbished the original rotten balcony and completed the stairs and invited Mr Thomas to visit the property to confirm this. Upon inspecting the balcony later that same day, Mr Thomas advised that although he could see we had not built a new extended balcony as per the withdrawn planning application, he had prior to his visit, checked council records and it appeared that the original balcony, although in situ for almost twenty years, may have been built without appropriate planning permission. My wife was shocked to hear this was possible, as this hadn't been raised on any legal searches during our purchase process, or by the council during the withdrawn planning application. The balcony appears on all estate agents selling instructions, legal documents and site/location plans of the property.

Mr Thomas explained that this had likely not been raised during our purchase process or the previous owners purchase process, due to the length of time that the balcony had been in position (almost twenty years), and because no complaints or objections to its construction were raised during its lifetime. He confirmed, had we not undertaken our works the balcony would not have required any planning application, however because we had made changes to the structure, regardless of if due to necessary structural damage, this would likely now require a retrospective planning application.

To this end we are now submitting this retrospective planning application.

We have cooperated fully, and openly engaged with the planning and planning enforcement teams at every stage of the process, and we genuinely feel that despite our honest and genuine intentions of carrying out necessary refurbishment of a decayed and rotten existing structure, we have inadvertently been caught in a legal planning/purchasing loophole and respectfully raise the following points that may assist you in your decision making and give our application merit.

1 – The Shallcross housing estate is built on a steep hillside. When High Peak Borough Council built this house and the adjoining property 5 Shallcross Road, due to their unique positions, they had to construct them with a raised platform and steps to the rear elevation, as the only access and egress from the rear of the houses down to the gardens, due to the unique topography of the site. Any overlooking issues to surrounding properties I respectfully suggest would have been introduced at this point.

2 – The original council platform and stairs were in situ until 2004 when it was refurbished / rebuilt and extended by the then owner of the property as is evidenced in SLK/6 para 4.1 which is submitted with this application for your attention and consideration. Since the construction of the balcony in 2004, no objections or complaints regarding the existence of the balcony have been made.

3 - The refurbishments completed by us have been to the betterment of the situation by moving it nearly 2 meters further away from the boundary of adjoining properties on the East elevation, making the balcony slightly smaller in size and the introduction of opaque glass panels replacing spindled balustrade as shown in the photographs submitted with this application.

4 – A balcony has been in position on the same floorplate of the property since 2004

5 – No new overlooking or privacy issues have been introduced due to the renewal of the existing balcony.

We are happy to accommodate any site visits or further enquiries or questions you may have regarding this application.

Yours sincerely

Steven Kilburn