

DELEGATED DECISION REPORT

HPK/2022/0544 & HPK/2022/0545 Valid 19/12/2022	1-2 WATERSIDE COTTAGES DOLLY LANE BUXWORTH	RETROSPECTIVE FULL PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR THE ERECTION OF A REAR STORM PORCH AND WC AND THE ALTERATION OF A REAR WINDOW
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(FULL - HOUSEHOLDER)

MAIN ISSUES

- Principle of Development
- Impact on Green Belt
- Design and Conservation

DESCRIPTION OF SITE

The site relates to No.1-2 Waterside Cottages, a Grade II Listed Building that lies at the southern end of a single track some 0.5 miles west of Dolly Lane, Buxworth. The building sits to the west of a cluster of dwellings that are the remainder of Waterside Cottages, immediately to the north of a public footpath that links Dolly Lane with the Peak Forest Canal. The site lies within the open countryside and in the Green Belt.

The property has an attractive appearance constructed in a natural stone with tiled roof. The rear elevation is characterised by two small lean-to structures constructed of a matching stone with tiled roof and other fenestration serving the main rear elevation.

PROPOSAL

These applications seeks retrospective planning and Listed Building Consent for minor alterations to an existing rear porch and alterations to a window in the rear elevation of the original house.

The application has been accompanied by a detailed Heritage Statement dated November 2022 prepared by Mel Morris Conservation. The Statement confirms that upon purchasing the property, it became apparent to the applicants that certain works to the rear of the building had been carried out without the necessary planning consents.

The application thus seeks to regularise these works.

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 High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Protecting the Green Belt	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2003/0455 Internal alterations to outbuilding (Approved 04/07/2003)

CONSULTATIONS

Publicity

Site Notice expiry date: 28th February 2023
Neighbour consultation period ends: 11th January 2023
Press Advert: 28th February 2023

Public Comments

1no. letter of support has been received from the occupiers of a neighbouring property.

Chinley, Buxworth & Brownside Parish Council Comments

Support application

Historic England

No comments to make.

Conservation Officer

I see no harm arising from this scheme.

Environmental Health

No objections recommended informative:

The development is located within 250m of an historical landfill site. The following informative is advised.

This development is situated within 250 meters of a historical landfill site.

Because of the potential risk to human health, before development the applicant should ascertain whether gas protection measures are required. If necessary, a gas impermeable membrane should be incorporated within the structure along with a ventilated sub floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or alternatively, adequate seals will need to be provided if the membrane is to be breached. The details of the gas impermeable membrane and with particular attention to the joins with any existing structure and seals around any services, plus details of the sub-floor ventilation should be submitted to Approved Building Control for approval prior to the works being carried out.

Derbyshire County Council Public Rights of Way

No objection

Derbyshire County Council Highways

No comments

OFFICER COMMENTS

Principle of Development

The application seeks retrospective full planning and Listed Building Consent for minor alterations to a Grade II listed property that lies outside of the built-up area boundary in the open countryside and in the Green Belt.

As such, the application is subject to Local Plan Policies EQ3 (Rural Development) EQ4 (Green Belt) and EQ7 (Historic Environment), and restrictive national planning policies contained under Chapter 13 and 16 of the NPPF, the latter underpinned by

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Having regard to the above planning policy context, the principle of development can be supported only where the application is found to comply with relevant local and national Green Belt policies, which seek to enhance the character and appearance of the immediate and wider rural landscape, and to either sustain or enhance the historic fabric and architectural interest of the Listed Building.

Impact on Green Belt

LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policy.

Chapter 13 of the NPPF contains the restrictive national planning policies associated with the Protection of the Green Belt. Paragraph 147 of the NPPF states that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 of the NPPF sets out the exceptions to where the construction of new buildings are regarded as inappropriate development. These exceptions include

- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*

With regards to the above, the original building is defined within the NPPF as that as it stood on 1st July 1948 or if built after that date, as it stood in its original form. A review of the planning history shows that the only previous application in 2003 amounted to internal alterations.

As shown in Photograph 3 within the Heritage Statement the rear elevation is characterised by two mono-pitch extensions, which appear to have been added at some point since 1948. These additions are therefore not considered to form part of the original dwellinghouse for the purposes of the NPPF definition.

Nevertheless, the fact that both additions are extremely modest in both scale and height results in a negligible increase in both footprint and volume over and above the original dwellinghouse. Consequently it is considered that the proposed extension does not represent a disproportionate addition, and as such the development does not amount to inappropriate development in the green belt. The application is therefore considered to be compliant with LP Policy EQ4 and restrictive policies under Chapter 13 of the NPPF.

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 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 supports extensions and alterations to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

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, having regard to matters of scale, height, density, layout, appearance and materials.

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.

The High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) contains further design guidance for extending and altering domestic properties. Extensions and alterations should respect the scale and height of the parent building reading as a subordinate and secondary addition and respecting the character and appearance of the building through an appropriate choice of materials.

Chapter 12 of the NPPF contains relevant national policies aimed at achieving well designed places. Paragraph 130 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.

Chapter 16 of the NPPF contains the relevant restrictive policies relating to the conservation and enhancement of heritage assets. Paragraphs 199-202 set out how a local planning authority should assess the significance of a heritage asset and the potential impacts of a development proposal upon that 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.

The proposal relates to a Grade II Listed Building for which the earliest part dates from the 17th Century, with later elements present from the 19th and 20th Century.

The Heritage Statement notes that the building was probably once a single dwelling divided into three bays, with a central staircase. With regards to the rear elevation, it is identified that this has been remodelled in part, although fragments of evidence of the earlier house evident in the external masonry.

The Proposed Plans show the (retrospective) alterations to the existing rear porch to amount to the following:

- Gritstone lintels to replace existing concrete lintels
- Replacement timber stable door
- Ribbon Mortar removed with new lime pointing and brushed finish
- Replacement timber double glazed windows
- Natural slate roof pitch increased
- Eaves to be lowered, replacement timber gutter

With regards to the small window in the rear elevation, it is shown that this was a previously blocked opening and that the glazing with false details are to be replaced with plain simple glazing with the existing frame remaining in situ.

The Conservation Officer has reviewed the submission and identified that the small porch and window would not harm to the character and appearance and historic fabric of the building. Given that the application is retrospective in, it is not necessary to agree further details as the applicant is seeking permission for what is currently in situ.

In light of the above, it is considered that the retrospective works comprising the rear porch and the rear window would preserve the historic fabric and architectural interest of the Grade II Listed Building and would amount to a high quality design that preserves the immediate and wider rural landscape, thus demonstrating compliance with LP Policies S1, EQ3, EQ6 and EQ7, relevant Supplementary Design Guidance, and relevant paragraphs under Chapters 12 and 16 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.

The application seeks retrospective full planning permission and Listed Building Consent for a modest single storey rear porch and minor alterations to a window on the rear elevation of the Grade II Listed No.1-2 Waterside Cottages, Dolly Lane, Buxworth.

The site lies within the open countryside and the Green Belt. An assessment of the application has concluded that the porch extension would not result in a disproportionate addition comparable to the original dwellinghouse and as such does not amount to inappropriate development in the Green Belt. The development

therefore complies with LP Policy EQ4 and restrictive paragraphs contained under Chapter 13 of the NPPF.

An assessment of the application has concluded that the proposed porch and minor alterations to one of the rear windows would preserve the historic fabric and architectural interest of the Listed Building and the immediate rural landscape, amounting to a high quality design, in accordance with LP Policies S1, EQ3, EQ4, EQ6 and EQ7, relevant Supplementary Design Guidance, and relevant policies under Chapters 12 and 16 of the NPPF, the latter underpinned by Section 66(1) of the Act 1990.

The application thus constitutes a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 1st March 2023

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Signed by: Jane Colley Signature

On behalf of High Peak Borough Council