

Appellant's Comments in Response to Local Planning Authority Documentation
Planning Appeal APP/H1033/W/23/3315502
Proposed Extension - 30 Hall Street, New Mills SK22 3BR

April 2023

R.0.0 Introduction

- R.0.1 This document has been prepared in response to documentation submitted by High Peak Borough Council (HPBC) in connection with Planning Appeal APP/H1033/W/23/3315502.
- R.0.2 Appendix A provides a list of the documents received by the appellant from HPBC.

R.1.0 Details of refusal
Response no. 1 to 'Decision Notice'

- R.1.1 HPBC issued this 'Refusal of Planning Permission' on 24th February 2023 after the appeal was submitted. Only one reason is provided for the decision. On appraisal the text provides a number of negative adjectives, but no explanation or justification of the opinion presented in design terms: It makes no reference to scale, height, density, layout, form, materials, etc. Any actual issues being raised with the proposed design that could be responded to will need to be sought elsewhere.

R.2.0 Informative
Response no. 2 to 'Decision Notice'

- R.2.1 The notice also includes one 'informative' statement. This relates to the Local Planning Authority (LPA) working proactively with applicants. This has not been the appellant's previous experience of working with HPBC. From the validation date, the previous application took over 37 weeks to achieve determination, including 166 days spent simply waiting for responses from HPBC. The longest single period without any response was 65 days - longer than an entire determination period on its own - and even this required the intervention of a Ward Councillor to achieve any action from HPBC.
- R.2.2 The determination required date for the planning application associated with this appeal (HPK/2022/0502) was missed; as was the revised date agreed based on the advice from the Case Officer that they would be, 'recommending the application for approval.' This also happened with the previous application.
- R.2.3 This information is provided in response to the statement made by HPBC, to present a fuller context, however the appellant does not believe that the poor conduct of the LPA

is a matter for this appeal, and it can be dealt with separately by local government procedures.

- R.2.4 The appellant respectfully requests that the application and appeal is simply judged on its merits, with due reference to the full written content contained in all of the associated planning policies, and within an appropriate timescale.

R.3.0 Roof forms
Response no. 3 to 'Delegated Decision Report' and SPD2 'Residential Design' 2005

- R.3.1 Reference is made in the 'Delegated Decision Report' to paragraph 9.4.1 of SPD2 'Residential Design' 2005 which is partly quoted. The full paragraph states:

"Appropriate extensions to the roofline can be made by extending the main roof to the side (a 'catslide' roof) or by creating a secondary gabled roof at right angles. In view of their often squat and ungainly appearance, the prevailing climate and ongoing maintenance problems, flat roofs should be avoided."

- R.3.2 A 'catslide' roof is not proposed, as the appellant has been very careful to intactly retain the roof form of the parent dwelling, such that it continues to read as part of the row of eight matching houses providing continuity and rhythm in the streetscene.
- R.3.3 Exactly as described in the policy, the main body of the extension is proposed as a secondary gabled roof over the kitchen element, at right angles to the parent dwelling.
- R.3.4 The sun room is then articulated as a framed infill corner. Whilst the appellant would also usually prefer a fully pitched roof, having explored the alternatives, in this instance a small area of hidden flat roof is introduced as the best solution to solve the issues with the previously approved scheme, as described in the Statement of Case.
- R.3.5 Paragraph 9.6 of SPD2 'Residential Design' 2005 as provided further states:

'Conservatories may require planning permission just as any other domestic extension; they should be sited and designed so as to be subordinate to the main dwelling. Conservatories are best sited on the side or rear of a house or to infill a corner. Simple and well-proportioned conservatories are

best, with detailing to match the age and style of the main house. Structural elements should usually be coloured to match the window frames. The Council encourages householders to use timber from renewable sources and to consider avoiding non-renewable hardwoods.'

As described, the proposed sun room element is designed as simple, subordinate, and to infill a corner. Also as described, in terms of detailing the proposed traditional framed construction and materiality of the sun room element are all copied directly from the glazed bays of the main house.

- R.3.6 The overall outline of the extended property will be formed by pitched roof elements.
- R.3.7 Paragraph 9.4.1 states that flat roofs should be 'avoided,' but they are not prohibited. Indeed the approved scheme already includes an element of flat roof design, as described in the 'Delegated Decision Report' by HPBC: *"Planning permission has previously been granted for a single storey side extension which remains extant. This application proposes an extension of alternative design to that approved which was predominantly hipped and flat roof design."*
- R.3.8 Subservient flat roof elements and parapets are a long standing characteristic of the surrounding context as noted in the Design and Access Statement and the Statement of Case. Notwithstanding paragraph 9.4.1, HPBC continue to support and approve them in the surrounding streetscene to the present day: As recently as 3rd March 2023 the Mount Pleasant Chapel site, adjoining Hall Street's eponymous Town Hall, has just received permission for a dwelling with a very prominent flat parapet design in a much more sensitive location (HPK/2022/0335.) Approval was by Committee, with the support of HPBC. The Chapel is located within the New Mills Conservation Area and the visuals on drawing 162/431 'Photomontage from Town Hall Car Park' clearly show that the parapet roof will be highly visible from the front of the historic Town Hall. (<http://planning.highpeak.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=503321>)
- R.3.9 Paragraph 9.4.1 raises two issues with the use of flat roofing. The first is *"squat and ungainly appearance."* The proposed sun room is neither squat nor ungainly. It is 3,488 mm wide and projects 3,262 mm from the kitchen element. Due to the sloping site, the height varies from approximately 4,185 mm to 4,500 mm; always being significantly in excess

of the width, ensuring that the sun room element is vertical in orientation from both sides.

The two spaces forming the extension are articulated honestly as two separate elements, and the overall composition is dominated by pitched roofing: There is clear hierarchy from the intactly retained main house, down to the gabled kitchen element, and then down to the subordinate sun room element. The sun room copies the box bay window construction and materiality of the parent dwelling, repeating it to the front and the side in response to the corner context. The resulting architectural form derived from the parent dwelling is simple, rational, honest and legible.

- R.3.10 The second issue raised is, “*prevailing climate and ongoing maintenance problems.*” Proprietary modern flat roofing products, such as Sika Decothane Ultra 25, are entirely suitable for the local climate and do not suffer the maintenance problems that were historically associated with flat roofing. This product fully complies with The Building Regulations (England and Wales) for this location and use, and has a life expectancy in excess of 25 years; all of which is confirmed by the associated British Board of Agrément Certificate (ref. 14/5158 <https://gbr.sika.com/dms/getdocument.get/4f697f38-255c-31dc-92fc-6f998f9e9c1d/Decothane%20Ultra%2020%20%20%2025%20BBA.pdf>) Beyond the first 25 years there is also the potential for the life of the roof covering to be extended by the application of further maintenance coats indefinitely. As a comparison, the pitched roof system using clay rosemary tiles to match the parent dwelling comes with a 15 year guarantee.

Also with regards to ongoing maintenance, the proposal is a significant improvement over the already approved scheme, discharging water away from the parent dwelling rather than potentially trapping water against the house, as described in the Statement of Case.

R.4.0 Sensitive Approach

Response no. 4 to ‘Delegated Decision Report,’ SPD ‘High Peak Design Guide’ 2018 and ‘High Peak Local Plan - Adopted’ 2016

- R.4.1 The ‘Delegated Decision Report’ makes reference to paragraph 5.2 of SPD ‘High Peak Design Guide’ 2018 which is partly quoted. The full paragraph states:

“Alterations need to be undertaken with care. Insensitive

changes can easily spoil a building. The key to a sensitive approach is to take note of what is there already before preparing the design and to work with, and not against, the building's character (accurate survey drawings are essential in this respect). The aim should be to revitalise the building without altering its fundamental character."

R.4.2 This is exactly the approach taken. Existing survey drawings were prepared and provided with the application. As described in the Design and Access Statement, extensive research and analysis of the physical and historic context of both the parent dwelling and its surrounding environment was then undertaken. This was used to develop a sensitive proposal to update the building for sustainable modern use, using appropriate materials and forms, whilst predominantly retaining the original building in honest, intact form and character.

R.4.3 The 'Delegated Decision Report' paraphrases 'High Peak Local Plan - Adopted' 2016 policy EQ6. The main text states,

'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.'

R.4.4 The appellant believes that a typical side extension of standard quality would be insufficient in this location due to the corner context; and that following the sensitive approach has produced a high quality, sustainable, and distinctive response for this specific location.

R.5.0 Harmony
Response no. 5 to 'Delegated Decision Report' and SPD 'High Peak Design Guide' 2018

R.5.1 The 'Delegated Decision Report' makes reference to paragraph 5.5 of SPD 'High Peak Design Guide' 2018 which is partly quoted. The full paragraph states:

"All extensions should harmonise with the parent building. An extension should respect the dominance of the original building and be subordinate to it in terms of its size and massing. Setting back the new section from the building line and keeping the eaves and ridge lower than the parent building will normally help."

R.5.2 This is exactly the approach taken. The proposal is set back, with the sun room articulated as a framed infill corner. This is subservient to the kitchen element, which is itself subservient to the parent dwelling. The eaves and ridge are all kept below the eaves of the parent dwelling, ensuring that the dominance of the original building is respected.

R.6.0 Out-of-Date Urban Design Officer's Report
Response no. 6 to 'Delegated Decision Report'

R.6.1 The 'Delegated Decision Report' makes reference to an Urban Design Officer's comments made in October 2019 in relation to a substantially different, superseded scheme.

R.6.2 Only an extract of eight sentences from the Urban Design Officer's full report is provided by HPBC, and upon appraisal they have been somewhat edited by HPBC and are not all direct quotes. For instance, where HPBC have edited statements together and quote, '*...and is not an innovative design response*,' the Urban Design Officer's report actually states, '*This technique is not an innovative design response and typical of a design response that existed in the 1970's and 1980's which has since been abandoned as flat roofs often created more problems than they solved.*' (As noted in the Design and Access Statement and the Statement of Case, associated flat roofing and parapets pre-date the 1930s parent dwelling.)

R.6.3 For context, the appraisal by the Urban Design Officer was instigated at the request of the applicant. Sadly the applicant considered the report received to be of poor quality in terms of accuracy, relevance and analysis. Simple examples would be irrelevant discussion about the comparative materiality of front doors, incorrectly calling the street 'Hall Road,' and repeated reference to 'rural' characteristics - the site is actually located within the designated 'Built-up Area,' in the center of a Town, with a backdrop of an ascending 1960s housing development.

R.6.4 The comments quoted by HPBC were prepared in relation to a significantly different, superseded proposal; and not in response to the appeal scheme, or with the benefit of knowing the consequential detail problems identified with the previously approved scheme as described in the Statement of Case. As the information presented does not relate to the appeal scheme, it is necessary to ascertain what might be relevant to this application and appeal: See table 1.

Sentence	Text*	Response
1	<i>"The house is a typical inter-war traditional 1930's semi-detached dwelling with box bay windows."</i>	None
2	<i>"The size and proportions of the proposed single storey extension with a false parapet to disguise the flat roof at the back gives the impression of converted garage in size and shape."</i>	This comment does not relate to the appeal scheme. (Unlike the initial scheme described, the appeal scheme articulates the kitchen as a gabled roof and the sun room as a smaller, honest infill framed structure. It cannot be misinterpreted as a converted garage. Also, whilst it is not mentioned in the policy provided, if the shoebox like proportions and materiality of a garage conversion are undesirable, the articulation of the appeal scheme is also a significant improvement over the previously approved scheme, which reads as a long brick box on the side of the parent dwelling.)
3	<i>"The dimensions of the new front window equals the dimensions of the bay on the main house but the perception of such that the proportions will look different due to the glazing bars on the existing bays giving a vertical emphasis and the new window without glazing bars giving a horizontal emphasis."</i>	This comment does not relate to the appeal scheme. (Both the previously approved scheme and the appeal scheme repeat the vertical emphasis of the existing windows, with the use of 'glazing bars' as shown on the proposed elevations.)
4	<i>"The new vertical window is significantly disproportionate to the front door and is disruptive to the rhythm rather than harmonious on the front elevation, the repetition of the hung tiles on the bay onto the false parapet face will not work to balance the design."</i>	This comment does not relate to the appeal scheme. (The vertical door-like windows were omitted from both the previously approved scheme and the appeal scheme, removing the associated need to 'balance the design'.)
5	<i>"The use of a false parapet is incongruous to the building form and typology in this location and is not an innovative design response and likely to appear unattractive when seen from the rear."</i>	This comment does not relate to the appeal scheme. (The appeal scheme presents only a fully pitched roof to the rear as shown on the rear elevation. Also, to view the site from the rear you would need to be within the 1960s housing development, characterised by its use of flat roofing. Also, parapets are entirely appropriate to traditional 1930s semi-detached housing, and indeed the attached dwelling featured a side parapet to the front elevation at the time this comment was prepared.
6	<i>"The proposed extension will appear conflictive with the street scene and will not complement or enhance the original building form or typology."</i>	This comment does not relate to the appeal scheme; it was provided on viewing a different and superseded initial scheme.
7	<i>"I would prefer to see a sloping roof to the street frontage and an extension that is subservient to the original building form."</i>	This comment does not relate to the appeal scheme. (Also, the appeal scheme is subservient to the original building form. Also, the appeal scheme is a significant improvement over the previously approved scheme, which was generated in response to this statement but has problems on detailed appraisal as described in the Statement of Case.)
8	<i>"I am not convinced that the introduction of a modern extension in the side of the house will work in this location and will appear too urban in this context."</i>	This comment does not relate to the appeal scheme. (Also, the officer did not observe that the context is urban, see paragraph R.6.3)

* The quoted text is the version from HPBC's 'Delegated Decision Report,' not the original version from the Urban Design Officer's report.

Table 1 Analysis of the Urban Design Officer's comments as quoted

R.6.5 It seems that the only issue identified that might still be of relevance is the use of flat roofing and/or a parapet. The appellant believes that on balance there is more than sufficient justification for this practical response to context as described in the Design and Access Statement, Statement of Case, and elsewhere in these responses.

R.7.0 Sustainable Development

Response 7 to 'Delegated Decision Report,' 'High Peak Local Plan - Adopted' 2016, 'Consultation Response New Mills Town Council' and Local Highway Authority 'Substantive Response'

R.7.1 Policy S 1a of the provided 'High Peak Local Plan - Adopted' 2016 states,

'Presumption in Favour of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- Specific policies in that Framework indicate that development should be restricted.'*

R.7.2 Development of the appeal site would improve the area. In the 'Delegated Decision Report' HPBC state that, 'the proposed development would remove the existing conservatory to the side of the property which is not a positive characteristic in itself,' and the Urban Design

Officer's report was similarly critical of the property as existing in comparison to its neighbours: *'The application property is somewhat inferior for the introduction of PVC doors and new windows and openings in the side wall and a 'Victorian 'style conservatory.'*

- R.7.3 A search of all of the documents provided by HPBC shows that there is no policy that mentions parapets.
- R.7.4 No objections from the neighbouring community have been provided.
- R.7.5 The provided 'Consultation Response New Mills Town Council' formally confirms 'no objection' to the proposal.
- R.7.6 The provided Local Highway Authority 'Substantive Response' formally confirms 'no objections' to the proposal.
- R.7.7 The 'Delegated Decision Report' confirms that the proposal would cause no harm to the amenity of the neighbouring properties.

R.C.0 Conclusion

- R.C.1 Having appraised all of the documentation provided by the LPA, it seems that the refusal has been based on the use of a flat roof and/or parapet to the smallest element of the design.
- R.C.2 There are no policies provided that mention parapets.
- R.C.3 There is a policy provided to avoid the use of flat roofing, however:
 - a. Flat roofing is not prohibited
 - b. The associated reasons given in the policy are not applicable to this project
 - c. The previously approved scheme includes flat roofing
 - d. The proposed small area of flat roofing would be hidden from view
 - e. Research has found over 100 years of the use of flat roofing and parapets in the immediate surroundings
 - f. The LPA have previously, and continue to approve the use of flat roofing and parapets on other projects in the immediate surroundings
 - g. The LPA have just supported the approval of highly visible flat parapets in a Conservation Area next to the application street's eponymous Town Hall

- h. Subservient flat roofing and parapets are a traditional feature of 1930s semi-detached housing
 - i. The adjoining house even featured a parapet at the time of the original application
 - j. The use of flat roofing has been minimised and represents the best solution for the infill corner sun room element
- R.C.4 The use of pitched roofing has been explored and utilised as far as possible, without incurring the problems identified with the previously approved scheme as described in the Statement of Case.
- R.C.5 Policy provided states a presumption in favour of sustainable development.
- R.C.6 The LPA acknowledge that development of the site would be an improvement over the existing situation.
- R.C.7 As described in the Statement of Case, the appeal scheme would be a significant improvement over the already approved scheme.
- R.C.8 Policy provided specifically supports the use of a subservient gabled roof at right angles to the parent dwelling, as proposed for the main kitchen element of the extension.
- R.C.9 Policy provided specifically supports subordinate infill of a corner with conservatory glazing, using construction to match the main dwelling, as proposed for the secondary sun room element.
- R.C.10 The documents provided formally confirm that: There are no objections to the proposal from the neighbouring community; there is no objection to the proposal from the Town Council; there are no objections to the proposal from the Local Highway Authority; and the proposal would cause no harm to the amenity of the neighbouring properties.
- R.7.11 The proposal is of sufficient merit for the Case Officer (who seems to be a third party consultant employed by the LPA) to have initially recommend it for approval, having professionally appraised the scheme and visited the site.
- R.C.12 The appellant believes that the proposed domestic extension has been brought forward in accordance with the policy provided, and that there is nothing to significantly and demonstrably outweigh the benefits of revitalising the site for sustainable modern living as proposed.

Appendix A

Documents received on 10th March 2023 from High Peak Borough Council in connection with Appeal APP/H1033/W/23/3315502

No.	Filename	Contents
1	<i>"Appeal Notification Letter"</i>	Copy letter as sent to the neighbours
2	<i>"appeals written reps notification list"</i>	List of the neighbours notified
3	<i>"Consultation Response New Mills Town Council"</i>	Formal response from New Mills Town Council confirming 'No objection'
4	<i>"Decision notice"</i>	'Refusal of Planning Permission'
5	<i>"Delegated report"</i>	'Delegated Decision Report'
6	<i>"Full list of plans submitted"</i>	List of the application documents
7	<i>"Full Planning History"</i>	The planning reference for the previous approval
8	<i>"High Peak Design Guide Part 5"</i>	Cover + 3 pages, nos. 25 - 27
9	<i>"List of conditions"</i>	Proposed conditions relating to the approval of the application
10	<i>"Local Plan CF6"</i>	2 pages, nos. 140 + 141, "Accessibility and Transport"
11	<i>"Local Plan EQ1"</i>	2 pages, nos. 69 + 70, "Climate Change"
12	<i>"Local Plan EQ6"</i>	4 pages, nos. 79 - 82, "Design and Placemaking"
13	<i>"Local Plan EQ7"</i>	2 pages, nos. 84 + 85, "Built and Historic Environment"
14	<i>"Local Plan Front Page"</i>	Front cover + one blank page
15	<i>"Local Plan S 1A"</i>	2 pages, nos. 27 + 28, "Presumption in Favour of Sustainable Development" - DUPLICATE INFORMATION
16	<i>"Local Plan S1 and S1A"</i>	4 pages, nos. 25 - 28, "Sustainable Development Principles" and "Presumption in Favour of Sustainable Development"
17	<i>"Local Plan S1"</i>	4 pages, nos. 25 - 28, "Sustainable Development Principles" and "Presumption in Favour of Sustainable Development" - DUPLICATE INFORMATION
18	<i>"Local Plan S2"</i>	4 pages, nos. 33 - 36, "Settlement Hierarchy"
19	<i>"Local Plan S6"</i>	3 pages, nos. 57 - 59, "Central Sub-area Strategy"
20	<i>"QUESTIONNAIRE – 890441"</i>	"QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)"
21	<i>"Residential Design Guide SPD 2005 Section 9"</i>	4 pages, Cover + nos. 2, 69 + 70, "Residential Design SPD2" "Chapter 9 Domestic Extensions"
22	<i>"Response_HPK-2022-0502"</i>	Local Highway Authority 'Substantive response' confirming 'no objections'