

ROGER LEE PLANNING LTD

Chartered Town Planner – BA(Hons) MRTPI

Residential and Commercial Planning : Planning Applications, Appeals and Enforcement

PLANNING APPEAL STATEMENT OF CASE

**PROPOSED REAR DORMER AT
64 OLD ROAD, TINTWISTLE**

AUGUST 2023

COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Roger Lee Planning Ltd

Company Registration Number
07717424

18 Leeds Road
Methley
Leeds
LS26 9EQ

PHONE 01977 516447
MOBILE 07504 759486
EMAIL roger.leeplanning@gmail.com

1. INTRODUCTION

- 1.1 This statement is produced in support of a planning appeal against the decision of High Peak Borough Council to refuse planning permission for a rear dormer at 64 Old Road, Tintwistle.
- 1.2 The purpose of this statement is to provide a review of local and national planning policies before presenting a case in support of the appeal taking into account to all material planning considerations.

2. THE APPEAL SITE AND SURROUNDINGS

- 2.1 The appeal site is located within a row of two storey terraced properties constructed in stone and slate, and fronting onto Old Road, within the main village area of Tintwistle.
- 2.2 At the rear the property has a small, enclosed amenity area beyond which is a sloping area with tiered stone walls leading onto The Stocks, where there are a number of relatively modern houses.
- 2.3 No 64 is a two bedroom property.
- 2.4 The appeal site lies within the Tintwistle Conservation Area.

3. THE APPEAL APPLICATION

- 3.1 The application proposed the construction of a flat roof dormer on the rear elevation in order to provide an additional en-suite bedroom in the loft area.
- 3.2 The dormer would be of composite horizontal cladding with an anthracite grey finish and with a flat felt roof. Due to the relatively narrow width of the roof and in order to accommodate sufficient space standards and height for a bedroom, the dormer would take up much of the existing rear roof area.
- 3.3 The application was supported by a Heritage Statement.
- 3.4 The application was refused by the Council for a single reason as follows:

"The proposed rear dormer, by virtue of its size and use of materials would appear as an incongruous and prominent feature on an uninterrupted, uniform roofscape that is maintained across this terrace row. Furthermore, by virtue of its prominent position when viewed from public vantage points, it would have a detrimental visual impact on the character and appearance of the street scene and the Tintwistle Conservation Area, causing less than substantial harm to the Conservation Area. The harm to the character and appearance of the Conservation Area would not be outweighed by any public benefits. As such the proposal would be contrary to policies EQ6 and EQ7 of the High Peak Local Plan, the High Peak Residential Design Guide SPD 2005, the Design Guide 2018, the adopted Tintwistle Conservation Area Appraisal 2015 and the relevant sections of the NPPF."

4. PLANNING POLICY FRAMEWORK

Local Policy and Guidance

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the statutory development plan consists of the High Peak Local Plan which was adopted in 2016.
- 4.2 Policy EQ6 advises that 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.
- 4.3 Policy EQ7 advises that The Council will conserve heritage assets in a manner appropriate to their significance. In Conservation Areas development proposals should demonstrate how the proposal has taken account of the distinctive character and setting of individual Conservation Areas including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of traditional materials and detailing, in accordance with Character Appraisals.
- 4.4 The 2005 Residential Design Guide advises that dormers pose difficulties in terms of design and overlooking. They should be kept as small and simple as possible and will often be unacceptable on the front elevation of houses, especially terraced properties.

- 4.5 Paragraph 5.6 of the High Peak Design Guide (2018) advises that in some circumstances it may be appropriate to consider extensions which do not emulate the style of the original building. A more contemporary approach to an extension in terms of style and materials will provide a more honest recognition of the building's evolution and retain its historic integrity.

National Policy

- 4.6 The most recent version of the National Planning Policy Framework ("NPPF") was issued in July 2021.
- 4.7 The Government has made clear its expectation, through the Framework, that the planning system should positively embrace well-conceived development to deliver the economic growth necessary and the housing that is needed to create inclusive and mixed communities. The 'presumption in favour of sustainable development' is the golden thread running through national policy.
- 4.8 Paragraph 126 advises that good design is a key aspect of sustainable development, creating better places in which to live and work and helping to make development acceptable to communities.
- 4.9 Paragraph 194 advises that in determining applications, local planning authorities 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 assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

- 4.10 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 4.11 Paragraph 202 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5. CASE IN SUPPORT OF THE APPEAL

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The main issue with this appeal relates to the impact of the dormer on the character and appearance of the street scene as well as on the Conservation Area setting. In making its decision the LPA has determined that the harm to the Conservation Area is less than substantial.
- 5.3 At the outset the appellant would not disagree with the comment in the decision notice that the existing roofscape along the terrace is uninterrupted, however, it is not – as is suggested – a uniform roofscape as the ridge and eaves levels fall from east to west and at the western end of the terrace the end property turns at 90° such that it sits in a north to south arrangement with a different roof form.

- 5.4 The fact that the roofscape is uninterrupted is framed by the LPA in a way that this should preclude any development. That cannot, however, be a sustainable reason to refuse to prevent any alterations or additions to a property, as if that were the case no property would be altered or extended beyond its original construction, and that is not the purpose of the planning system.
- 5.5 Whilst the dormer would introduce a new feature onto the terrace and would, because of its elevated position compared to The Stocks, sit prominently, it does not necessarily follow that prominence automatically equals detrimental in terms of visual impact, yet that is what the LPA suggests in its reason for refusal.
- 5.6 Any dormer would have a visual impact on a property, the dormer in this case is not of an excessive size and it only serves to provide one additional bedroom to the existing property. The 2005 Residential Design Guide advises that dormers should be kept as small and simple as possible and should be avoided on the front elevation of houses, especially terraced properties. The appeal scheme meets with that advice in proposing the dormer on the rear and in keeping the design as simple and as small as is possible on the house.
- 5.7 The 2018 Design Guide (2018) discusses the suitability of extensions not emulating the style of the original building and advocates a more contemporary approach in terms of style and materials to provide a more honest recognition of the building's evolution and retain its historic integrity. Again, the appeal scheme looks to be sympathetic to that guidance in its use of materials and the clear emphasis on providing an extension that can be seen as a modern addition to the original building.

- 5.8 In those regards, the proposals are compliant with the advice and guidance in both Design Guides.
- 5.9 Policy EQ7 is, amongst other things, but pertinent in this case, concerned with development in Conservation Areas being designed in accordance with Character Appraisals. There is nothing in the Appraisal which would preclude the development that is proposed.
- 5.10 Policies EQ6 and EQ7, as with the NPPF, seek a high quality of design in development. The area around the appeal property is residential in character and its interest derives from the terraced dwellings which the appeal site is part of, and the larger more modern dwellings at The Stocks. The terrace although generally of simple design and appearance is, at the rear, altered to an extent by ground floor porch additions, and more significantly by the 90° turn of the end terrace which interrupts the general balance of the terrace. The appellant considers that by the very nature of the proposal in terms of what a dormer extension delivers, the design in the context of the surroundings is of a high quality using appropriate materials to draw a comparison between old and new on the property.
- 5.11 Whilst the appellant considers that the scheme does not cause any harm to the character or appearance of the Conservation Area, if the view was taken that there is less than substantial harm caused by it, there are public benefits arising from the development. There are short term economic benefits, which are in turn public benefits, from the employment given during the construction period and associated spending within the construction industry supply chain as well as spending by future residents in local shops, together with benefits from council tax

payments. There would also be long term public benefits in terms of providing a more suitably sized family property. Whilst in the short term, this serves the private needs of the appellant and enables them to remain within the village where the family is settled (something which should be seen as a positive factor) in the long term it is a public benefit in providing more choice for future potential owners and occupiers of the property.

6. CONCLUSION

- 6.1 The main issue in this appeal is whether the proposed development would preserve or enhance the character and appearance of the Conservation Area. The appellant would contend that for the reasons given in Section 5 of this Statement the development does meet that requirement.
- 6.2 Therefore on behalf of the appellant it is requested that the appeal is upheld and planning permission is granted.