

DELEGATED DECISION REPORT

HPK/2023/0413
Valid 26/09/2023

45 CHURCH STREET
HAYFIELD

PROPOSED BALCONY AND
ALTERATIONS TO WINDOW

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Heritage – conservation area
- Amenity

DESCRIPTION OF SITE

45 Church Street is a terraced property situated within the Hayfield conservation area. The dwelling is of a traditional stone and slate construction. The dwelling has an 'L' shaped curtilage, with no off street parking.

PROPOSAL

Planning permission is sought for a balcony to the rear of the property. Revised plans show the balcony will be 1.5M deep and run the width of the rear elevation. A rear window will be widened to create a French door access onto the balcony from an internal study/vestibule area.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S 2 Settlement Hierarchy
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment
CF 6 Accessibility and Transport

National Planning Policy Framework

Section 4
Section 12
Section 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No relevant planning history

CONSULTATIONS

Publicity

Site Notice expiry date: 07/11/2023

Neighbour consultation period ends: 18/10/2023

Press Advert: 26/10/2024

Public Comments

Support (0)

Neither (0)

Objection (1)

- Concerns regarding amenity relating to a deep 8ft balcony.

Town / Parish Comments

N/A

Environmental Health

N/A

Derbyshire County Council Highways

N/A

HPBC Conservation Officer

30/10/2023

Objection

- Poor heritage statement
- Visual conflict due to scale

16/11/2023

- Improved heritage statement
- Amenity concerns

OFFICER COMMENTS

Principle of Development

LP Policy S 2 states that moderate scale development which meets local needs should be allowed in large villages such as Hayfield. The above development is considered to be a moderate scale, and is therefore acceptable in principle subject to consideration of the following policy.

Design and heritage

Section 12 Paragraph 135(c) of the NPPF states that development should be sympathetic to the character and history of the area, while not restricting change.

Paragraph 200 of the NPPF states 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

LP Policy EQ 6 states that all development should be well designed, of a high quality and respond to the areas character, history and scale.

LP Policy EQ 7 states that the council will conserve heritage assets in a manner appropriate to their significance.

The Adopted Residential (SPD) (2005) chapter 9 states that “extensions and alterations to existing houses can have a significant impact on the appearance of a house, neighbouring property and the street scene. It is important, on all types of houses, that domestic development is carefully designed.”

The applicant reduced the size of the proposed balcony from 2.5M to 1.5 in depth following the provision of revised plans. This is a much improved proportion to the size of the dwelling the depth of the balcony emulates the depth of other balconies in the Hayfield conservation area, including that of no. 47 Church Street. Iron railings will form the balustrade emulating other balconies in the vicinity. A number of other balconies of this style are present within the conservation area and visible from the rear of no. 45 and as such there is no harm to the conservation area.

A revised and improved heritage statement demonstrates compliance with para 200 of the NPPF.

There are no design or heritage concerns.

Amenity

Section 12 Paragraph 135(f) of the NPPF states that development should create places with a high standard of amenity for existing and future users.

The Adopted Residential (SPD) (2005) paragraph 8.6.1 states that there should be 21 metres between adjacent inhabitable windows to provide an acceptable level of amenity.

Revised plans reduce the depth of the proposed balcony. The applicant has demonstrated that the neighbouring balcony of no.47 serves a kitchen area. kitchen are not area in which vast periods of time are spent and as such the impact on amenity of that property is considered to be minimal. Furthermore, due to the unusual curtilage arrangement, which wraps around the rear of no.47, the existing balcony of that property overlooks the private garden area of the application dwelling. Therefore, there is mutual overlooking between the two houses and this proposal would not exacerbate that situation.

A neighbour objection has been received from the residents of no.43 regarding their amenity. The proposed balcony would allow for overlooking into the rear garden of no.43, due to its proposed location close to the boundary with no.43 and elevated position. There is a gap in the existing boundary planting in this position which would facilitate this. No.43 has a limited rear curtilage and therefore the opportunity to use other parts of the garden to maintain privacy are limited. At present when the residents of the host dwelling use their garden, the boundary fence softens the impact of any noise. The elevation position of the balcony would allow for the travel of voices into the garden of no.43 creating undue noise disturbance. The users of the garden at no.43 would be acutely aware of voices and movement at an elevated level which would create a perception of overlooking which would be overbearing and unneighbourly. This would have an overall impact of overlooking and loss of privacy for the residents of no.43, in contrary to LP Policy EQ 6.

Highway Safety

No off street parking is available at the application site at present. The proposal does impact upon existing parking provision or increase demand of parking at the application site. As such there are no highway safety concerns.

CONCLUSION / PLANNING BALANCE

In conclusion the proposed balcony will have a detrimental impact upon the amenity of no.43, leading to a loss of privacy, increase in noise and overlooking. This is contrary to LP Policy EQ6 and the NPPF. As such the application is recommended for refusal.

OFFICER RECOMMENDATION : Refuse

Case Officer: Rachel Robinson

Recommendation Date: 7th March 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council