

Appeal against refusal of planning permission

Application Ref: HPK/2025/0408

Site: 85A The Shire, Simmondley Village, Glossop, Derbyshire SK13 6LS

Proposal: Single storey rear extension with external balcony and access steps

Applicants: Mr N C Scott and Mrs J Scott, joandnic@btinternet.com, 07887804466

Grounds of appeal

The High Peak Borough Council (the Council”) has rejected the planning proposal which is the subject of this appeal on a number of grounds. The applicants believe that their decision was improperly reached, wholly unreasonable and, in large part, contrary to national planning policy as detailed further below.

Refusal Decision – Point 1

The first part of the Council’s Decision Notice gives the following reasons for their refusal of the proposed extension at The Shire, 85a Simmondley Village, Glossop.

1. That by virtue of its excessive depth, elevated height, flat-roof form and use of timber effect composite cladding, the proposal would fail to respect the character and appearance of the host dwelling and the Simmondley Conservation Area.
2. That the materials and design do not reflect the traditional gritstone palette or roofscape that contribute to the Area’s significance, resulting in a visually intrusive and incongruous addition.
3. That the proposal would therefore cause visual harm to the character and appearance of the Conservation Area.
4. That the harm to the heritage asset would amount to “*less than substantial harm*” (and it is considered that there are no public benefits which would outweigh this harm).
5. The development is considered contrary to:
 - a. Policies EQ6 and EQ7 of the High Peak Local Plan 2016;
 - b. The High Peak Residential Design Guide 2025 and SPD 2018; and
 - c. National Planning Policy Framework (2024).

Addressing each of these issues in turn:

- (a) The Council refers to the “*excessive*” depth of the proposal as a reason to refuse it. As the existing property is of irregular shape and the proposed extension

would not be constructed perpendicular to the existing building, the claim of excessive depth is quite difficult to comprehend or to assess.

- i. The external depth of existing building taking the inner kitchen wall from front to back and including the short length of existing external wall to the point of the new extension is around 7.5m.
- ii. The max depth of the extension, taking a measurement perpendicular from the existing rear kitchen wall to the furthest point of the new extension is approx 5.20m, extending to approx 5.75m to allow for the furthest point of the external balcony.
- iii. The irregular shape of the proposed extension is designed to make use of an occluded and primarily unused space at the rear of the property.
- iv. It is not apparent, and no explanation or justification is given either in the Decision Notice or in prior responses from the Conservation Officer or local planning officer, as to on what basis this can be considered an excessive depth for an extension of this nature.

(b) The Council also refers to the “*elevated*” height of the proposal as a reason to refuse the application. However, the proposal relates to an extension on the rear of the property. The rear of the property, built into a slope – front to back - is three-storeys high, but only two at the front. The highest point of the proposed extension is the top of the second storey (at the back). Again, it is not apparent, and no explanation or justification is given, as to on what basis this can be considered an “*elevated*” height given that the proposal is a storey below the roofline of the current building. It may be (although we can only guess due to the lack of information or communication on this point) that the Council is referring to the fact that the extension is *elevated* above ground floor height by means of supporting pillars (to create a single storey extension at the 2nd floor level of the three storeys at the rear of the property, together with external steps down to ground level) i.e. it’s “position” is *elevated* rather than its “*height*”. However, if this is the case, it is not clear from the documentation what the objection to this elevated nature is as none has been documented by the Conservation Officer or the local planning officer.

(c) The Council also refers to the “*flat-roof form*” as being a reason for rejection – again without any explanation in the Decision Notice. On further investigation (but again we can only guess), it seems that this may relate back to the Conservation Officer’s Report dated 18 November ‘1025’ (presumably 2025) (*Document A1*) which refers to the proposed extension, in relation to the flat roof,

as appearing “*bulky and squat*” and which goes on to note that “*flat roofs are not traditionally acceptable within the [Conservation Area] as they contrast with the traditional roofscape which forms part of the Area’s positive appearance*”.

However, it seems clear from the language used by the Conservation Officer that they are basing their opinion on paragraph 9.4 of the High Peak Residential Guide 2025 (the “HPRG 2025”) which states that:

In view of their often squat and ungainly appearance... flat roofs should be avoided”.

However, when taken within the context of HPRG 2025, it is clear from both the heading of that section and the full wording of it, that paragraph 9.4 relates only to proposed flat-roof extensions to the **existing roofline**. The extension that forms the basis of this application, is for an extension which sits a whole storey below the existing roofline and is situated on the rear of the building. As a result, the proposed flat roof does not extend the existing roofline and paragraph 9.4 of the HPRG 2025 is therefore not relevant to this proposal. It is our submission that it is incorrect to conclude, as the Conservation Officer has done, that the flat roof in this case would contrast with the “*traditional roofscape that forms part of the Area’s positive appearance*” given that the roof in question will not impact the existing roofscape of the Area at all.

(d) The Council has also rejected the proposal on the basis of the use of timber effect composite cladding. Their conclusion in this regard again seems to be based on the Conservation Officer’s statement (see *Document A1*) that the use of such material is unacceptable in the Conservation Area and it’s use will “*harm the currently harmonious material palette of the Conservation Area*” due to being visible. However, as explained below, the proposed extension is not visible to the public except in limited circumstances and only in Winter through branches and at an elevated distance over people’s back gardens. It is also notable in this regard that at no point did the local planning officer accept the applicant’s offer of a meeting or further discussion, at which, among other things, an alternative material could have been discussed. The only on-site meeting in relation to this proposal was with the Trainee Planning Officer following the submission of a Pre-Application prior to the full application being made.

(e) The above characteristics of the proposal (the “excessive” depth, the “elevated” height, the flat roof and the timber effect composite cladding) have, together, been given as a reason to conclude that the proposal “*fails to respect the character and appearance of the host dwelling and the Simmondley Conservation Area*”. However, the characteristics on which this conclusion has

been reached each appear to have been assessed on an incorrect understanding of the extent of the proposal and/or the incorrect application of the relevant guidelines for the reasons explained in (a) to (d) above. It is submitted, therefore that the Council's conclusion in this regard is significantly flawed.

Furthermore, as noted in additional information submitted to the Council by the applicants (see *Documents A2 and A3*) there are several examples of extensions and alterations to buildings in the immediate vicinity and across the entire Conservation Area which are similar in design and characteristic to the proposal - including ones that are clearly visible from public highways and footpaths (see more on which below) which use modern materials which are very different in appearance and form to gritstone. This includes modern materials on and surrounding the property itself. Hence, the Council's conclusion that the proposal *"fails to respect the character and appearance of the host dwelling and the Simmondley Conservation Area"* is flawed through this justification.

- (f) A further reason given by the Council for rejecting the proposal is that *"the materials and design do not reflect the traditional gritstone palette or roofscape that contribute to the Area's significance, resulting in a visually intrusive and incongruous addition, and that the proposal would therefore cause visual harm to the character and appearance of the Conservation Area"*. It is difficult to understand (and no explanation is given) how this conclusion has been reached. This is because the proposed extension is on the rear of the existing building and cannot be seen from any public highway or footpath (other than via an elevated, distant glimpse through branches - a glimpse view which will be completely obscured by trees and other natural screening during Spring, Summer and Autumn) (see *Document A2*). As a result, regardless of what materials are used, the proposed extension will not result in a *"visually intrusive and incongruous addition... causing visual harm to the Area's character and appearance"*.

It is again worth noting that neither the Conservation Officer nor a senior planning officer appear to have attended the site in person or taken up the applicant's offer of a meeting, which again may explain why they have reached such an unjustifiable conclusion.

We also note, in this regard, that the High Peak Design Guide 2018 (available here [High Peak Design guide 18](#)) to the extent it relates to extensions (Section 5 only), provides the following:

5.5 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 size and massing. Setting back the new

section from the original building and keeping the eaves and ridge lower than the original will normally help.

5.6 In some circumstances it may be acceptable to consider extensions which do not emulate the original style of the 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. These need to be handled carefully and must respond to the scale and character of the original building.

It does not appear that the Council has considered the clear Guidelines above. Had it done so, it may have observed that the proposed extension (i) is small in comparison to the building, (ii) is set behind the original building (abutting it), (iii) has a roofline that is significantly below the existing roofline and (iv) uses contemporary materials (including sustainable materials) which may provide a more honest recognition of the building's evolution and retain its historic integrity. Accordingly, the proposal is entirely in keeping with the High Peak's Design Guide 2018 and indeed supported by it given the small scale and non-listed character of the building.

- (g) In light of all of the above, there is ultimately no justification for the conclusion of the Conservation Officer (see *Document A1*), which is repeated by the Council in their Decision Notice, that the proposal would amount to “*less than substantial harm*” to a heritage asset. It should be noted that the “*heritage asset*” in this case is the Conservation Area itself. The property in question is not listed and is not detailed in any local planning documents as having particular significance to the area. Indeed, a formal site visit should have led to the conclusion that the proposal has no impact on, and results in no harm to, the Conservation Area at all as it is only visible from a public highway or footpath in Winter by way of a distant, obscured and elevated ‘glance’. It does not appear that any such visit was made to the specific site of the proposal once the application had been submitted.

Furthermore, this part of the Conservation Area contains numerous examples of modern alterations and additions (including on immediately neighbouring properties) meaning that any conclusion that the proposal causes harm to the Area cannot be justified in any objective sense (see examples provided in *Document A2 and Document A3* which were provided to the local planning officer by the applicants in an attempt to engage positively with the process).

The Conservation Officer in response concluded that as other buildings with modern extensions were a public house (considered a specific heritage asset in some local documentation) and a utility building, they could not be considered

precedent. Whilst their reasoning in support of that conclusion is limited, it is submitted that the issue here is not one of precedent but is one of whether the proposal can objectively be considered to cause harm of any sort (whether “less than substantial” or otherwise) to the Heritage Asset (being the Conservation Area). If there are numerous examples of modern extensions in the Conservation Area, and numerous examples of non-traditional materials being used in the immediate vicinity of the host dwelling - many of which are clearly visible from strategic points in the village – then a similarly constructed extension that is barely visible, and only in limited circumstances, cannot objectively be seen to cause harm.

The rest of the first section of the Decision Notice states that the development is considered contrary to EQ6 and EQ7 of the High Peak Local Plan 2016, the High Peak Residential Design Guide 2025 and Design Guide SPD (2018) as well as National Planning Policy Framework (2024). Although these documents are referred to, no detail is given as to how the proposal is contrary to them and the applicants are none the wiser at the time of this appeal.

Indeed, in respect of the High Peak Local Plan 2016, EQ6 specifically refers to a preference for the increased use of sustainable design and construction methods (the use of composite cladding being such a method) and EQ7 relates to the need to protect and enhance ‘*heritage assets*’. As explained above, the heritage asset in question is the Conservation Area on which it is submitted that the proposal has no impact. It is therefore not clear on what basis EQ6 and EQ7 justify a refusal of the application.

The High Peak Residential Design Guide 2025, refers to the use of flat roofs within Part 9 (which relates to extensions) but, as explained at (c) above, this only relates to the extension of an existing roofline with a flat roof – not the use of flat roofs that are significantly lower than the existing roofline as is the case here. Therefore, again, it is not clear on what basis the 2025 Design Guide can justify a refusal of the application.

As for the High Peak Design Guide SPD 2018, and as explained at (f) above, to the limited extent that this Guide relates to extensions, it would appear to support the application and not justify its refusal.

In light of all of the above considerations, it is therefore submitted that the documentation and guidelines on which the Council seeks to rely to reject this proposal are either irrelevant **or in fact, more likely, support it.**

Refusal Decision – Point 2

We then come to the second paragraph by which the Council seeks to justify their decision to reject the proposal. At this point in the Decision Notice, the Council refers to the absence of an Arboricultural Impact Assessment (AIA”) in relation to two trees

and concludes that, as a result of the absence of an AIA, the Council has been unable to quantify if the development would have any adverse impact on the protected trees and that, consequently, the proposed development fails to comply with EQ9 of the High Peak Local Plan and the National Planning Policy Framework.

This is frankly astonishing. The applicants initially questioned the need for an AIA due to the location of the protected trees in relation to the extension (they are located on the other sides of the property) and were prepared to commission an AIA should this be necessary, but were advised by the Trainee Planning Officer, in an email dated 25 November 2025 (see *Document A4*) not to do so at that time as they *may be able to impose conditions to protect the trees without the need for a full AIA*". This was the last reference to an AIA by the Council before the Decision Notice was issued. In light of their specific instruction not to provide an AIA, for the Council to seek to rely on the lack of an AIA to reject the proposal is a clear abuse of process. As a result, this particular basis for the Council's rejection of the application should be dismissed in the strongest possible terms.

Refusal Decision – Point 3

Disappointingly, it is in a similar vein that we must address the final paragraph of the Decision Notice, under the heading "Informatives", in which the Council states that they have:

"worked in a proactive and positive manner with the agent to address all outstanding planning issues, and achieve a positive outcome as required by the NPPF. Amendments were requested from the applicants during the course of the application in accordance with the approach to decision making advocated in the [NPPF] at paragraph 39. However the applicant declined to submit amended plans. As there were fundamental issues relating to the design of the proposed extension, the application has been refused for the above reason."

This statement by the Council is false in its entirety as explained further below. It must be made clear that the applicants at no point *"declined to submit amended plans."*

Whilst there were requests from HPBC to *"make amendments to address the objections raised"* (email from Trainee Planning Officer, 24 Nov 2025), the applicants have repeatedly requested to meet or discuss possibilities for the design (see *Document A5*), but the Council officers have never replied to those offers. It is wholly unreasonable to expect the applicant to amend proposals without collaborative discussion over what options might be more acceptable to the planning officials and is neither proactive nor positive.

Advice offered in writing included *"New additions should take inspiration from traditional features and materials whilst retaining their authenticity"* (Conservation

Officer, 9 December 2025) but again the officials failed to reply to written offers to engage in discussion of the options that might be acceptable. Such advice gives little scope for firm design decisions when instructing architects to make amends to plans.

Such offers were made in emails (and their related attachments) dated:

- 5 August 2025
- 26 November 2025
- 2, 7, 16, 18 December 2025

As a result, it is submitted that there has been **no** attempt by the Council to work in a “*proactive and positive manner*” to achieve a positive outcome as required by the NPPF.

The applicants would have been prepared to submit amended plans had there been some opportunity to meet with and discuss the plans with a planning officer and receive guidance on designs and materials that they may find more acceptable – though the applicants remain committed to these proposals and assert that they do sit within acceptable design guidelines.

In summary, in refusing to grant this planning application, the Council has failed to comply with the NPPF by failing entirely to take a proactive approach to the planning application to achieve a positive outcome. This failure has been compounded by the Council's creation of a false narrative to suggest otherwise.

Conclusion

In conclusion, we respectfully submit that the Council's decision should be overturned on appeal for the following reasons:

1. that the reasons for the rejection of the planning application are flawed due to a failure to logically and correctly apply relevant planning guidelines (both local and national) to the planning application;
2. that the Council has not complied with the NPPF by failing to take a proactive approach to achieve a positive outcome by failing to engage with the applicants despite numerous requests to do so;
3. that the Council's decision has been justified on deliberately false and misleading information which the Council has knowingly included in their Decision Notice.

We respectfully request that, in assessing this appeal and the proposals to which it relates, the following considerations be taken into account:

- a. The refusal places disproportionate emphasis on the use of a flat roof and timber-effect composite cladding. National policy and case law are clear that Conservation Areas are not intended to be preserved as museum pieces. The

NPPF supports high-quality contemporary design that responds to local character without resorting to pastiche.

- b. The proposed extension is clearly articulated as a subordinate, contemporary addition, visually recessive in its siting to the rear of the property. The use of modern materials is intentional, allowing the extension to be read as a later addition rather than a false imitation of the historic fabric. This approach is consistent with best practice in heritage-led design and supported by relevant local Guidelines.