

17. HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)

1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0616/0559 3162214	Extension to existing workshop/store/office at the Station House, Upper Padley, Grindleford, S32 1JA	Householder	Delegated
ENF 13/0146 3161980	Material change of use, untidy land adjacent to the north of Brown Lane, Quarnford SK17 0SW	Public Inquiry	Delegated
NP/0616/0548 3166812	Conversion of part of outbuilding to holiday let and leave part as ancillary accommodation at the Station House, Upper Padley, Grindleford, S32 1JA	Written Representations	Delegated

2. APPEALS WITHDRAWN

The following appeal has been withdrawn.

ENF 13/0040 3156666	Erection of steel structure in connection with garage development at Swallow Cottage, Pilhough Road, DE4 2NE	Written Representations	Delegated
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3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/CEC/0516/0463 3156496	Listed Building Consent - Replacement casement windows to all aspects of the property as included in the architects plans at Bulls Head, Macclesfield Road, Kettleshulme	Written Representations	Dismissed	Delegated

The Inspector considered that the main issue was whether the proposed works would preserve the listed building or any features of special architectural or historic interest which it possessed. The Inspector acknowledged that the existing windows were in poor condition and not in keeping with the appeal property or its neighbours and that the works were therefore necessary. However the Inspector went on to state that installing new windows which are appropriate in all respects is essential to maintaining the significance of the listed building but the submitted drawings and details of finish and window furniture were all lacking in details. The Inspector concluded that, in the absence of full details, it was not possible to assess properly the effect of the proposed works on the significance of the listed building. The Inspector was not assured that the proposed works would preserve the listed building or any of the features of special

architectural or historic interest. There is no statutory requirement to have regard to the development plan when considering applications for listed building consent. The proposal did not clearly demonstrate how the listed building would be preserved and was contrary to Policy LC6 of the Local Plan.

Appeal A NP/DDD/0716/0605 3160421	Rear extension to provide hall, studio, stair to basement and en-suite at a half level.	Written Representations	Dismissed	Committee
Appeal B NP/DDD/0716/0606 3160426	Refurbishment of basement and conversion to habitable space including restoration of original window openings. Re-grading of lawn and access to basement door at Hall Cottage, Baulk Lane, Hathersage			

The Inspector considered that the main issues in the appeals were:

Appeal A - Whether the proposed works would preserve the listed building or any features of special architectural or historic interest which it possesses.

Appeal B - Whether the proposed development would preserve the listed building; and the effect of the proposed on the development on the character and appearance of the conservation area and on the setting of nearby listed buildings.

The Inspector considered that the proposed works would harm the significance of the listed building. They would not preserve it or its features of special architectural and historic interest and listed building consent (Appeal A) should not be granted. With regard to Appeal B the Inspector found that the impact would amount to less than substantial harm but found no compelling evidence that the proposed development was essential to enable or to allow routine repairs, upgrading and maintenance to be undertaken. The proposed development would not conserve the significance of designated architectural and historic assets contrary to Policy L3 of the Local Development Framework (LDF). It would adversely affect the character of the listed building and thus would not comply with Policy LC6 of the Local Plan (LP). In respect of the conservation area and setting of the listed building, the proposed development would conserve the significance of designated architectural and historic assets and their settings, in line with LDF Policy L3. The Inspector concluded that there would be improved access to the property for disabled people and those with mobility problems, and egress from it in an emergency such as fire. The lower ground level proposed at the front of the dwelling would result in better ventilation, more light and less damp. These would be advantages of the proposal. They are not sufficient, however, to outweigh the harm caused. Whilst acknowledging the local support for the proposal and taking all the matters raised into consideration the Inspector did not find any compelling reasons to allow the appeals.

NP/DDD/0816/0797 3163612	Rear extension at 2 The Square, Monyash DE45 1JH	Householder	Dismissed	Delegated
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The Inspector identified the main issues as (i) whether the proposed development would preserve or enhance the character or appearance of the Monyash Conservation Area; and (ii) the effect of the proposal on the living conditions of the occupiers of adjoining properties, with particular reference to privacy and daylight and sunlight. He concluded that the size and massing of the proposed extension would not respect the dominance, form and character of the original building and would be detrimental to the appearance of the Monyash Conservation Area. The Inspector also decided that the proposed extension would materially harm the living conditions of the occupiers of adjoining properties as it would overlook their gardens and diminish their privacy.

NP/DDD/0716/0602 3160979	Agricultural building (retrospective) on land to the east of Taddington, SK17 9UF	Written Representations	Dismissed	Delegated
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The Inspector considered that the building although modest in its size, was highly prominent due to its close proximity to the road, and that it was wholly out of keeping with its sensitive rural setting, and as such, was an intrusive feature which was harmful to the open agricultural landscape in this part of the National Park, and detracted from the setting of the Conservation Area as a heritage asset. The Inspector concluded that the proposed development conflicted with LC4 and LC13 of the Local Plan and GPS1, GSP2, GSP3 and L1 of the Core Strategy together with paragraph 115 of the National Planning Policy Framework. For these reasons the appeal was dismissed.

.4 **RECOMMENDATION:**

That the report be received.