

12. APPLICATION TO VARY OR REMOVE PLANNING CONDITIONS (S73) – REMOVAL OF CONDITION REQUIRING STONE CLADDING OF EXTENSION TO ALLOW TIMBER CLADDING AS ORIGINALLY PROPOSED, PINFOLD CROFT, PINFOLD HILL, CURBAR (NP/DDD/0817/0908, P.1074, 425026 / 374703, 30/08/2017/MN)

APPLICANT: PROFESSOR ADH CROOK

Site and Surroundings

The application site comprises a detached split-level dwellinghouse that, due to the sloping nature of the land, comprises a single storey to the front and two storeys to the rear. The property is stepped back from Pinfold Hill behind its front garden and comprises a non-traditional dwelling constructed of reconstituted stone with a concrete tiled roof.

The property is located within the village of Curbar and outside, but adjacent to, the Conservation Area.

Residential properties surround the dwelling to the south-west, north-east and on the opposite side of Pinfold Hill to the south/east, whilst open fields are located to the rear (to the north-west).

Proposal

Planning permission was granted in 2016 for an enlargement and remodelling of an existing utility extension that is located to the side of the house. The proposal was for this to be timber clad, but when granting permission the Authority imposed a condition requiring the extension to be faced with natural or reconstituted stone to match the existing dwellinghouse.

This application seeks to remove that condition and to instead clad the building in timber as per the original proposal.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. Statutory 3 year time limit for implementation.**
- 2. Development not to be carried out otherwise than in accordance with specified amended plans.**
- 3. Concrete tiles to match the existing dwelling, glass to the rear roof.**
- 4. Roof light to be set flush with roof slope.**

Key Issues

- Whether there have been any material changes in circumstances since the same proposal was approved by the Authority subject to the contested condition in 2016.
- Whether condition meets the tests of reasonableness and necessity

Relevant Planning History

1999 – Extension to dwelling – Approved

2004 – Small extension to dwelling - Approved

2016 – Extension to dwelling as per the current application – Approved subject to a condition requiring the extension to be built in stone rather than the proposed timber.

Consultations

Derbyshire District Council – No comments received

Curbar Parish Council – Object to the proposal on the following grounds:

1. It is contrary to the adopted Design Guide which states that there is only limited place for external timber on Peak District buildings, particularly when the development is seen in the context of traditional buildings.
2. It would lead to a deterioration in design standards in the area.
3. It would be contrary to the previous decision of the Authority.

Highway Authority – No objection

Representations

Four letters of representations have been received, all supporting the proposal. The grounds for support are that the proposal will improve the appearance of the current extension, and that given the history and location of the house timber cladding is an appropriate treatment.

Main Policies

National Planning Policy Framework

In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

Development Plan policies

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, CC1, L3

Relevant Local Plan (LP) policies: LC4, LC5, LH4

Core Strategy policy DS1 allows extensions to existing buildings in principle.

Core Strategy policy GSP3 and Local Plan policies LC4 and LH4 allow extensions and alterations to existing dwellings provided that these are of a high standard of design in accordance with adopted design guidance which conserve the character, appearance and amenity of the existing building, its setting and that of neighbouring properties.

Core Strategy policy L3 seeks to conserve and enhance archaeological, architectural, artistic and historic assets and their settings. Local Plan policy LC5 states that development that affects the setting of Conservation Areas should assess and clearly demonstrate how the existing appearance of the Conservation Area will be preserved and, where possible, enhanced.

Adopted design guidance within the 'Design Guide', the recently adopted Climate Change and Sustainable Building Supplementary Planning Document (SPD) offer further guidance on the application of these policies. These policies and guidance are supported by a wider range of policies in the Development Plan.

Assessment

Design/Character

In assessing the previous application Officers considered that the use of cladding on an extension to a non-traditional building of no architectural merit to be acceptable in this instance due to the scale, siting and position of the extension, and that this would not detract from the setting of the adjacent Conservation Area.

Officers considered that whilst the Design Guide states that there is only a limited place for external timber on Peak District buildings, it does not preclude the use of such a material; each proposal's context should be taken into consideration. It was concluded that the proposed development was a contemporary design that would enhance the existing dwelling and would not be highly prominent in the street scene. The proposal was also considered by Officers to be acceptable in all other regards.

Following representations by the Parish Council and third parties, Members took a different view to that of Officers however, and considered the timber cladding to be inappropriate and to detract from the appearance of the built environment. This resulted in permission being granted by the Authority but subject to a condition being imposed requiring the building to be stone clad. The reason for this condition being imposed is described on the decision notice as being "*To ensure that the development shall be in keeping with the established character of the area and the National Park.*"

In making the current application the applicant has made a case that the condition should be removed on several grounds; that the proposal is supported by neighbours; that the development accords with the Authority's planning policies and design guidance and reflects other local buildings; that it would introduce a further (fifth) type of stonework to the building; that there are no public benefits to maintaining the condition; that the costs of undertaking the works in stone are prohibitive; and that a previously permission was granted for a similar development in 2004.

Taking each of these briefly in turn:

Neighbouring support

A number of letters of support have been received from neighbours, as detailed in the 'Representations' section of this report, above. This is not of course evidence of universal support for the proposal – indeed, the Parish Council maintain the same objections to the materials as they put forward when the previous application was considered. All of these representations are material and have been taken in to account by Officers.

Accordance with Development Plan and guidance

In determining the 2016 application the Authority arrived at the view that the proposed use of timber did not accord with the Authority's adopted design guidance and failed to conserve or enhance the appearance of the building. As a result it was found to be contrary to the Authority's adopted planning policies.

The applicant has referenced a number of other buildings in the area that include elements of timber cladding including a bungalow in Baslow, an extension to Curbar primary school, the Calver cricket pavilion, a barn conversion near Grindleford, and a hall in Calver. In each of these

cases the context differs to that of the current proposal; in addition to their different locations and settings the bungalow at Baslow was entirely remodelled with timber forming an integral part of the redesigned building, whilst the other buildings are of different character (and in some cases function) to that of Pinfold Croft. This reduces the weight that can be given to them in the determination of the current proposal.

There have been no policy or other material changes since the previous application was determined and on this basis the proposal and its context is unchanged since the previous refusal.

Addition of a further type of stonework to dwelling

The applicant advises that stone cladding the extension would introduce a further size/type of stonework to a building of already mixed stonework, and considers that this would detract from its appearance. Despite the reference by the applicant to the potential cost of doing so, it is considered possible that the stonework could be matched to a sample of existing stonework around the building, overcoming this issue.

Public benefits

The applicant argues that there would be no public benefit arising from stone cladding the building. However, securing good design of the built environment is fundamental to the contribution of planning to the public good however – as reinforced by national and local planning policy – and so it is perfectly legitimate, in fact necessary, for the Authority to seek appropriate design.

Cost

The applicant contends that the cost of stone cladding the extension is prohibitive to them, and that the imposed condition therefore perpetuates the presence of the unsympathetic existing flat roofed side extension. Officers can give only very limited weight to this matter however; the fact that the extension may be unaffordable to one individual does mean that this situation will persist in the longer term or indeed that a different, revised, proposal would not be both affordable to the applicant and acceptable to the Authority in planning terms.

Previous permission

Planning permission was granted in 2004 for a similar extension to the property to that now proposed, which has since expired. That permission similarly proposed to alter and extend the existing utility room with a single storey timber clad extension of a similar scale.

Whilst planning policies have changed in the intervening years and new SPDs have been adopted, the general thrust of planning policy in respect of extensions to dwellings has not altered significantly. This is therefore a material consideration to which Officers afford some weight.

This was similarly considered by Officers when the previous application was assessed, and was included in the report presented to Members. Ultimately, Members did not afford such weight to this decision as to outweigh the perceived harm to the built environment.

Whether the condition is reasonable and necessary

Whilst some weight should be given to the previous decision of the Authority to impose a condition on the previous application, it is also necessary to consider whether that condition meets all of the six the tests set out in the National Planning Practice Guidance (NPPG). The key tests in this instance are whether the condition requiring the use of natural stone in this

particular case is reasonable and necessary, given the Authority's policies and guidance and their application to this particular site and proposal. Officers remain of the view that the use of natural stone is not essential in this case, given the character and appearance of the existing bungalow, the siting, scale and design of the proposed extension, which would replace an existing flat-roofed extension, and the fact that the Authority's adopted design guidance does not prohibit the use of timber cladding. Although the site is adjacent to the Conservation Area, it sits outside it, reflecting the fact that Pinfold Croft is not a building of sufficient character to be included within it. In these circumstances Officers consider that it would be difficult to defend an appeal against refusal of the current application to remove the condition.

Conclusion

Officers' professional opinion is the same as that last presented to Members on this proposal; if permission was to be granted for the removal of the condition requiring stone cladding the development would still conserve the appearance of the property and wider built environment and conservation area in accordance with planning policy and guidance. Given the concerns that Officers have about whether the imposition of the condition is both reasonable and necessary in this particular case, the application is recommended for approval, subject to the conditions originally recommended in 2016, with the omission of the disputed condition.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil