

HOUSEHOLDER APPLICATION: (RETROSPECTIVE) PROPOSED REAR FACING FIRST FLOOR BALCONY WITH GLASS BALUSTRADE AT 4 BANK COTTAGES SWALLOW HOUSE LANE, HAYFIELD. SK22 2EY NP/HPK/0320/0249 – JK

APPLICANT: MR AND MRS BURROWS

Summary

1. The application seeks retrospective planning permission to retain a first floor balcony and French doors inserted into a former window opening to provide access from the house. The balcony also acts as a bridge over the shared pathway running across the rear of the terrace below, to give direct access onto the raised rear garden.
2. The design of the balcony, using glass balustrading and a stainless steel frame, along with the alterations to form the doorway have had an adverse and harmful impact upon the valued character and appearance of this traditional terraced house as well as upon the setting of the wider terrace, both of which are 'non-designated heritage assets.'
3. We also have strong concerns about the impact of the balcony's use upon the privacy and amenity of the neighbouring properties, despite the immediate neighbour's written support.
4. The application is therefore recommended for refusal on design and amenity grounds.

Site and Surroundings

5. Bank Cottages comprise two terraces of two storey stone houses located on Swallow House Lane to the north-west of Hayfield village. They lie in the open countryside some 250m beyond the edge of the village on the rising hillside. The main terrace comprises cottages 1-7, the other smaller terrace a few metres off to the east, no's 8-10.
6. The application site, No 4, is a mid-terrace 2/3 bedroom house (one is marked as a study and plans show stairs to a converted attic which presumably holds a third bedroom). The main terrace faces Swallow House Lane at a slight angle and is set back a little to accommodate an access track running between it and the main road which serves the other terrace to the east; as well as land beyond. This track also carries a public bridleway.
7. Like each in the row, No 4 has a small walled front garden which is elevated from the main road and the intervening access track. Access around to the rear of each house is via a shared pathway across the back of the terrace accessed from either end. Behind the terrace the hillside rises steeply and the gardens are at a higher level. Consequently this shared rear access pathway is flanked by a high stone wall retaining the elevated and sloping rear gardens which are some 3m above ground floor level and roughly level with the first floor. The gardens back onto an open grazing field and are also accessed via a shared path from either end of the terrace.
8. There is a public footpath running across the field to the rear of the gardens from west to east further up the hillside. This land is also CROW access land and would likely afford some view down onto the upper, rear part of the terrace. Off-street parking for the whole terrace is provided in a roadside lay-by style parking area directly off the main road immediately to the west of the terrace, within which No4 has a single space.

9. The terrace dates from the 1800's and is constructed from coursed squared gritstone under a blue slate roof with stone chimneys and a typically regular pattern of doors and windows across the terrace. It is well designed with additional embellishment from the front doors all having full decorative stone surrounds and projecting stone hoods. The window openings to the front are tall and would probably have had sash frames, however all have now been changed to modern frames of varying styles with a mixture of brown and white painted uPVC /timber frames. The window frames at No 4 are white coloured uPVC top opening style at the front with a brown timber door. Many of the door and window heads and sills in the terrace have also been painted white. As a result of these changes, the terrace as a whole has lost some of the harmonious character it would have had.
10. On the rear elevation of No4 the windows are a dark brown wood grained effect uPVC. A first floor bedroom window has been altered with a dropped sill to accommodate a French door which opens out onto a newly constructed balcony formed from stainless steel framing and clear glass balustrades. The balcony floor is covered with grey coloured wood-effect GRP decking planks. The balcony also functions as a bridge over the accommodation path below, giving direct access onto the raised garden.
11. Despite the lack of unity in the doors and window frames within the terrace as a whole it remains inherently a fine well designed traditional range of buildings. They stand prominently in the landscape and contribute significantly the local built environment and although they are not listed, they are nevertheless considered to be a 'non-designated heritage asset'.
12. The site lies only just inside the National Park as the boundary runs down Swallow House Lane at this point.

Proposal

13. Retrospective application to retain, as built, the first floor balcony and the associated alteration of the former window opening into a French door.
14. It is worthwhile noting at this point that alterations to doors and windows on residential dwellings would normally be permitted development. In this case the alteration of the first floor window to install the French doors is an integral part of the balcony development, being necessary to gain access. It needs formal consent in this case alongside the balcony as it was carried out at the same time and is therefore covered by the application the removal of the balcony could not retrospectively make the French doors permitted development as they formed part of this larger scheme which requires consent.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **Design grounds – The balcony causes significant harm to the valued character and appearance of the house and the terrace which are non-designated heritage assets. In the absence of any exceptional or over-riding special circumstances to outweigh the harm identified, the proposal is contrary to development plan policies DMC3, DMC5, DMH7 and National planning policy in the NPPF as well as the Park Authority's own supplementary design guidance.**

2. **Amenity grounds – Use of the balcony results in a loss of privacy and amenity for neighbouring dwellings through overlooking as well as through potential noise and disturbance.**
3. **No evidence of compliance with Policy CC1 to take opportunities to reduce carbon usage in construction or offsetting to mitigate effects of climate change.**

Key Issues

- The impact of the balcony and French door upon the character and appearance of the terrace which is a non-designated heritage asset.
- The impact upon neighbouring amenity.

Relevant Planning History

2020 – 16th January - Enforcement case raised Ref 20/0009 regarding an alleged unauthorised structure with veranda at 4 Bank Cottages. Work had commenced on 4th January 2020.

Consultations

15. Highways Authority: No highway comments to make.
16. Hayfield Parish Council: No response to date

Representations

17. There have been five representations received in support of the application, all from immediate neighbouring properties in the terrace. The following is a summary of the points made:
 - The owners of the properties immediate either side do not feel this impacts on their privacy or light. One comments further that they wouldn't even see the balcony from their kitchen window.
 - The shared access to the rear of the properties is not affected.
 - Overall feel this is a good use of the space to provide access to the elevated garden area at the rear.
 - Would not be visible from inside the rear of our house.
 - Clever design to make best use of the small available space, which is achieved without impacting on privacy or access.
 - Use of glass in the structure means there is no notable reduction in light.
 - Many of the properties in Hayfield have balconies to the rear whilst retaining the traditional appearance from the front. The structure at No 4 Bank Cottages can only be seen from the rear of the property and therefore has no impact on the traditional appearance of the row of cottages when viewed from the front or across the valley.

National Planning Policy Framework (NPPF)

18. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
19. The National Planning Policy Framework (NPPF) has been revised (2019). The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
20. Para 197 states that; The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
21. In the National Park, we have an up to date Development Plan comprising the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

22. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
23. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
24. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements and that in the open countryside and in settlement, extensions to existing buildings will be acceptable in principle.
25. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
26. L3 – *Cultural heritage assets*. Seeks to ensure all development conserves and where appropriate enhances the significance of any heritage assets.

27. Policy CC1 – *Climate change and mitigation*; states that development must make the most efficient and sustainable use of land, buildings and natural resources and achieve the highest possible standards of carbon reductions.

Development Management Policies

28. DMC3 - Siting, design, layout and landscaping - outlines that development which is acceptable in principle will only be permitted if it is of a high standard of design which respects, protects and where possible enhances a distinctive sense of place.
29. DMH7 - Extensions and alterations - outlines that extensions and alterations to dwellings must not:
- detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings;
 - dominate the original dwelling;
 - amount to the creation of a separate independent dwelling;
 - create an adverse effect on, or lead to undesirable changes to, the landscape or any other valued characteristic.
30. DMC5 is relevant for development affecting heritage assets (including non-designated heritage assets). This policy requires applications to be supported by heritage assessments and for development to be of a high standard of design that conserves the significance of heritage assets and their setting.

Supplementary Planning Documents

31. The PDNPA has a Supplementary Planning Document (Detailed Design Guide) for alterations and extensions. Chapter 3 relates to extensions to dwellings and states that there are three main factors to consider, massing, materials, detailing and style. All extensions should harmonise with the parent building, respecting the dominance of the original building. The original character of the property should not be destroyed when providing additional development. Chapter 4 of the SPD deals with other material planning considerations, neighbourliness, outlook and amenity, privacy and daylight are fundamental considerations when altering or extending a property.
32. The design guide emphasises in the following extract paragraphs that;
33. It is poor conservation practice to alter the shape of existing openings
34. All alterations and extensions should be designed to protect internal privacy for occupants of existing dwellings and their private outdoor space. They should not rely unduly on the goodwill of others for privacy nor presume absolute privacy.
35. Although each case will be assessed on its merits, where permission is required it will not normally be granted for rear extensions on semi-detached cottages/houses and terrace houses that do not meet the criteria. Aspect, site slope and nature of the original building will also affect planning judgements.

Assessment

Principle of Development

36. Extensions to existing residential properties are considered acceptable in principle as set out by policy DS1 of the Core Strategy subject to them having a satisfactory scale, mass and designed to a high standard. The proposal is for a modest rear extension and alteration to an existing dwelling and so can be considered to be acceptable in principle.

37. There are no ecological or highway concerns and so the main issue in this proposal is considered to be the impact of the design upon the valued character and appearance of the house and indeed the terrace as whole along with the immediate setting of the rear elevation. The second but nonetheless important issue is the impact of the development upon neighbour's amenity.

Design considerations and impact upon the dwelling and terrace

38. Balconies are generally not part of the local building tradition within the Peak District. Where they are occasionally found they tend to be on the large formal country houses of some scale and not a feature found on smaller traditional terraced cottages.
39. In this case the retrospective nature of the proposal gives us a worked example demonstrating the true impact of the development upon the character and appearance of the rear elevation and its setting. Whilst the balcony is well designed and employs modern high quality materials and is of a modest scale, nevertheless the impact of the balcony addition coupled with its wholly different appearance from the use of these modern material and its location at first floor makes it a strident and incongruous feature on the rear of this early 19th century terrace.
40. The alteration of the window into a doorway on the first floor coupled with the use of dark brown coloured wood effect uPVC French doors on a terrace of former mill cottages is also insensitive to the character and appearance of the house and wholly out of keeping with the first floor openings on the terrace. As a result the balcony and the French doors have become a dominating feature on the rear of the house and the terrace because of the elevated height and the strikingly different materials to the terrace. Furthermore, the interruption it has created to the regular arrangement to the fenestration and the simple palette of materials (stone walls/slate roof) erodes the former harmonious appearance of the rear terrace. As a whole we therefore conclude these features/attributes result in the balcony and door development causing significant harm to the valued character and appearance of the house and the terrace, which are non-designated heritage assets.
41. Unlike formally designated heritage assets such as listed buildings where any identified 'less than substantial harm' has to be weighed against any public benefits arising from the development as a whole, the guidance in the NPPF says for non-designated heritage assets like this traditional terrace (at para 197) that ...'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
42. The application property is part of an early 19th century terrace of well-designed cottages. They derive their significance in large part from the regularity of design, use of few materials in the overall design and the harmony and symmetry achieved from the repetition of detail across the terrace both at the front and across the more simply detailed rear elevation. The built environment of the National Park is not a stage set; the character and appearance of the rear of buildings are equally important and sensitive to inappropriate alteration or extension. In this application, despite the balcony being of modest size, the impact of the work upon the significance of the house and terrace as a whole as a valued non-designated heritage asset is substantially greater than might otherwise be the case say with a detached more modern house for example.
43. The balcony and French door in harming the valued character and appearance of the dwelling is therefore development contrary to development plan policies DMC3, DMH7 and National planning policy in the NPPF as well as the Park Authority's own supplementary design guidance.

Neighbouring Amenity Impact

44. Unusually for a case like this amenity concerns have not been raised by neighbours as would normally be expected in terms of privacy and overlooking. In contrast we have received support in writing from all but one of the other terrace residents with their reasoning summarised above. Although unusual, this perhaps can be explained in part at least, by the fact that to the rear of the terrace there is already the potential to look into and across to others in the terrace. There is the shared access aspect across the ground floor rear at low level and at the higher level shared access to each garden facilitating potential overlooking. It must also be remembered that the rear faces north into a rising hillside and it is clear from the front garden treatment that residents appear to value the frontage space more for outdoor sitting given its south facing aspect and expansive view across open countryside and down to the valley below.
45. Notwithstanding that support, the impact on amenity still needs to be formally assessed. It is considered that there are/would be differences between how residents would use their garden in comparison with the use of a formal balcony. Balconies tend to be used more formally for sitting out, dining and socialising often later into the evenings leading to potential for more noise and disturbance for neighbours along with the ability for elevated overlooking of adjacent land. There is also the issue of how the 'presence' of such use can impact upon neighbours own feeling of being overlooked and thus the enjoyment and use of their own space.
46. The balcony deck is 3m off the ground and is 3.13m wide by 2m deep. It sits 0.75m from the neighbouring property boundary one side and 2.33m from the other. The nearest main first floor windows in the adjacent houses are 2.83m and 3.28m away respectively. As a guide the agent's plans show that the balcony would not break the 'design guide 45degree rule' for solid extensions from the main first floor windows next door. We have measured the plans and neither would normal use within the bounds of the balcony afford any oblique view to the same bedroom windows. There is no obstruction of the path below or any other shared right of way. The use of clear glass has some impact on minimising shading to other ground floor windows next door but this is minimal being on the north side anyway and in comparison to the shading from the solid decking.
47. The proposal will have some impact on a rear window of the application property however, again this is secondary window to the living room and is not an issue being minor and in any case relates solely to the applicants own property.
48. Whilst there is no direct overlooking into neighbouring sensitive windows there is still the elevated use and overlooking created of outside space. It is therefore concluded that the balcony would cause some harm to the amenity of neighbouring property owners and despite their support this would not accord the requirements of development plan policies DMC3 and DMH7 and national planning policy in respect of amenity.

Environmental Impacts / Management

49. The development is small in scale and has already been carried out preventing the making any meaningful reductions in carbon use that might otherwise have been considered during design and construction. There are no opportunities with this type of development to incorporate renewables especially taking into account the orientation and therefore had it not been retrospective we could have looked at offsetting with improvements elsewhere within the building to comply with policy CC1. It would not be appropriate to condition such a scheme and although these could have be considered and integrated had the development been acceptable, their absence means non-compliance with CC1 is a further reason for refusal.

Conclusion

50. The siting and design of the balcony, using glass balustrading and a stainless steel frame, along with the alterations to form the doorway and the use of a uPVC material have an adverse and harmful impact upon the valued character and appearance of this traditional terraced house as well impacting on the setting of the wider terrace both of which are considered to be ‘non-designated heritage assets.’
51. We have also concluded that there are strong concerns about the impact of the balcony’s use upon the privacy and amenity of the neighbouring properties, despite the immediate neighbour’s written support.
52. There are no details of any measures to meet climate change mitigation policy CC1.
53. For the above reasons the application is therefore recommended for refusal on design and amenity grounds as well as the lack of a proportionate scheme to meet CC1.

Human Rights

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

List of Background Papers (not previously published)

55. Nil
56. Report Author – John Keeley Team Manager North Area Team