

Planning Appeal by

**Mr Andrew Clark**

Against the Decision of

**The Peak District National Park Authority**

To Refuse Planning Permission for

**A Two-Storey and Single Storey Extension to a Dwelling**

At

**1 Horsedale, Bonsall, Matlock, Derbyshire, DE4 2AY**

LPA Ref: NP/DDD/0224/0148

The Planning Hub Ref: PH/515/24

PINs Ref: TBC



## STATEMENT OF CASE

the planning **hub**

Planning and Development Consultancy



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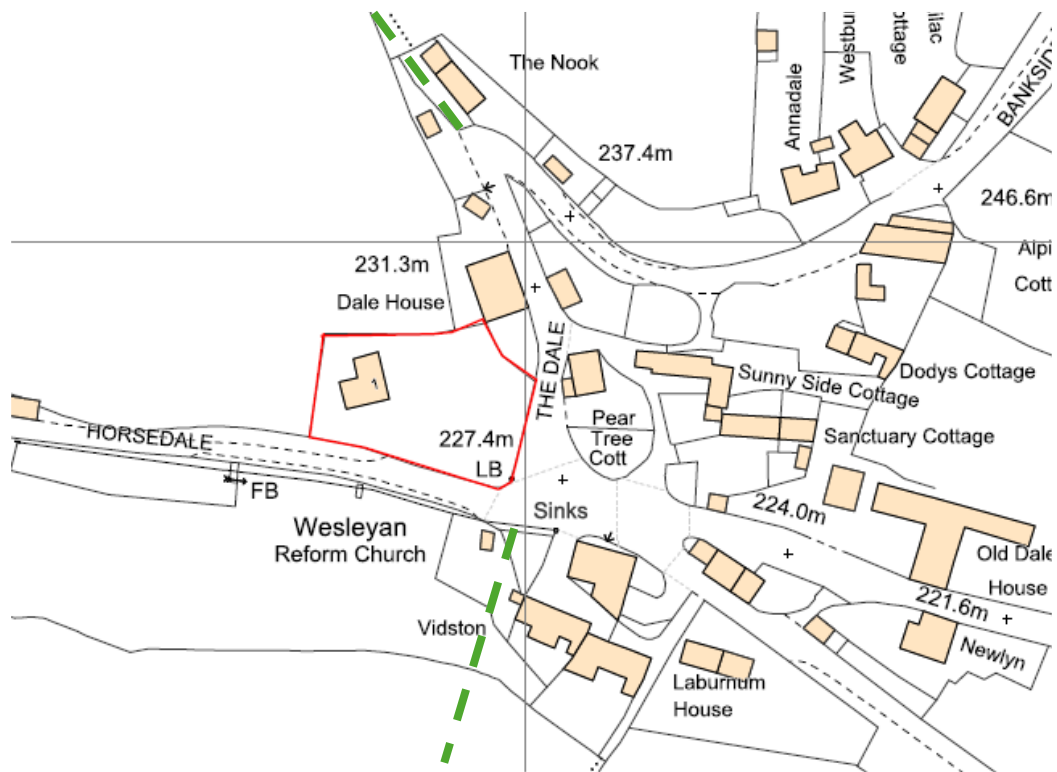
### 1.0 Introduction

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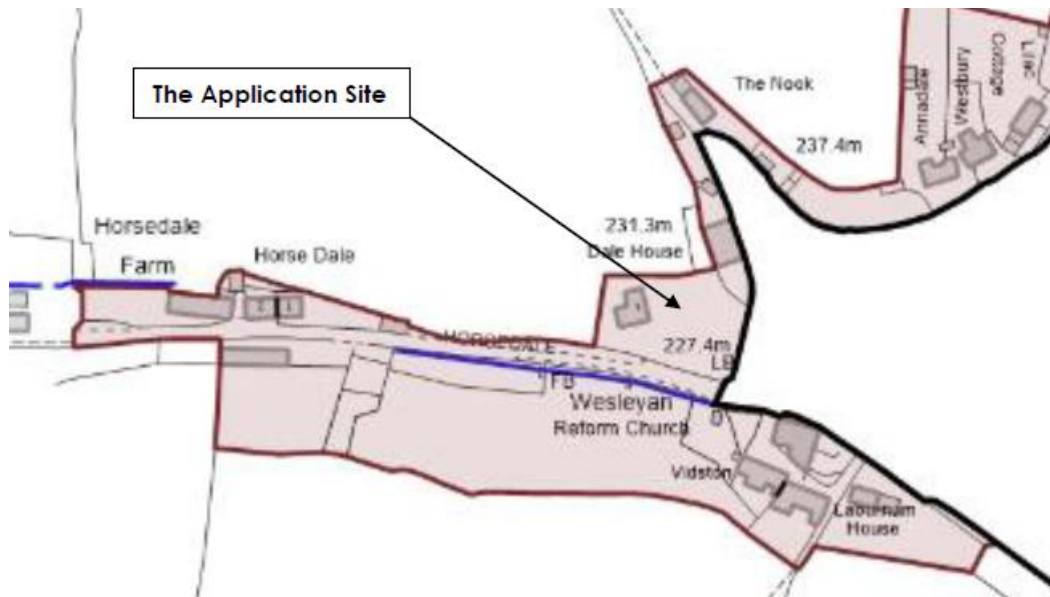
- 1.1 This Statement has been prepared by **Matt Hubbard PG Dip TP, MRTPI** Director of **The Planning Hub Ltd.**, a Planning and Development Consultancy, based in Nottingham, who are representing the Appellant with this Appeal.
  
- 1.2 This Statement relates to the planning appeal as lodged with the Planning Inspectorate in respect of the refusal of householder planning permission on the 2<sup>nd</sup> May 2024 (Application Ref: NP/DDD/0224/0148) for the provision of a two-storey and single-storey extension to the dwelling of 1 Horsedale, Bonsall, as described within the application submission details. It describes, firstly, the appeal site and the surrounding area, and then goes on to examine the relevant planning history of the site, the detailed planning application submitted, the consideration of that planning application, and the subsequent refusal of permission. Thereafter it sets out the planning policy considerations, other material considerations and goes on to address the issues arising from those considerations in the case for the Appellant, prior to conclusions being drawn.

## 2.0 The Appeal Site and Surroundings

- 2.1 Bonsall is a village with a population of around 775 (2001 Census) and is a dispersed settlement made up of the main built-form of Bonsall, as well as the out-lying areas of Town Head, Bonsall Dale and Upper Town.
- 2.2 The application site is located in the south west corner of Upper Town, between the steep road of The Bank to the east and the no-through road of Horsedale to the south. There are open fields to the north and west of the application site. A plan to show the location of the dwelling in relation to its immediate surroundings can be seen below.



- 2.3 The additional plan on the following page shows that the application site is located within the Bonsall Conservation Area, as shown by the red outer line with the pink shading within, and is also within the Peak District National Park, as shown by the black line (where the properties within the National Park are shown, and the land and buildings that are not within the National Park are to the west of the application site, and are not shown).



2.4 The dwelling is located towards the north west corner of the application site, which is 'contained' by low stone walls, as can be seen in the photograph below. There is a stone-built garden store to the north west of the dwelling and a single garage to its north east, alongside a flat area of hard-standing. The dwelling and the garage structure are both finished in a white render, and both have natural slate roof coverings.



2.5 The dwelling is quite simple and traditional in its form and appearance, with 4 sash windows and a small storm porch to the front elevation and with a 2-storey out-rigger to the rear, which abuts the steep face of the

land to the north. The out-rigger is part of the original dwelling and has never been an extension to it. The dwelling currently contains a living room, dining room, kitchen and utility room to the ground floor, with 2 bedrooms, a bathroom and an office at first floor. The property is not a listed building. The out-rigger to the rear of the existing dwelling can be seen on the photograph below.



- 2.6 There are no public footpaths that cross the site, or which run adjacent to it, but a footpath from the land to the south of the application site terminates at Horsedale, where The Dale adjoins Horsedale. The locations of the nearest public footpaths are shown by the green dotted lines on the plan on page 3 of this Statement.

## 3.0 Planning History

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3.1 As the application site is within the National Park, planning applications are administered by the Peak District National Park (PDNP) Authority and not Derbyshire Dales District Council. The PDNP website reveals the following planning history for the site.

3.2 Application **WED0177006** was approved on the 6th April 1977 and allowed for the erection of a garage to serve the dwelling.

3.3 Application **NP/DDD/0320/0274** sought planning permission for extensions to the dwelling, which was refused on the 6th November 2020. The given reason for refusal stated:

*The proposed development, by virtue of its scale, form, massing and design, fails to harmonise with or adequately respect the character and appearance of the existing dwelling. As such the development proposals are not sensitive to the locally distinctive building traditions or the valued characteristic of the National Park. The development would therefore also result in harm to the historic character of the Bonsall conservation area. The proposal is contrary to the National Planning Policy Framework, the Core Strategy Policies GSP1, GSP2, GSP3, DS1 and L1 and the Development Management Policies DMC3 and DMC8.*

3.4 It is understood that there were minimal discussions between the Council and the Applicant during the determination of the above application, which were mainly due to Covid-19 restrictions that were in place at the time. Revised details were submitted during the course of the consideration of the application, yet despite the revisions addressing some of the Case Officer's concerns, and despite there being support for the proposal from the Parish Council, the application was still put before the Planning Committee with a recommendation to refuse.

3.5 The application was refused at the Planning Committee on the 6th November 2020 for the reasons set out above. I note from the

Committee Report that, despite the refusal stating that the proposed development would ‘...harm the historic character of the Bonsall Conservation Area’ there were no adverse comments from the Conservation Officer provided within the committee report in order to support this stance.

- 3.6 An appeal against the refusal was not considered at the time as the Applicant was of the opinion that alternative options for the extension to the dwelling could be considered and discussed with the Council before a new planning application was submitted. The Council's pre-application advice service was suspended at that time for developments of this type, and was not expected to be operational again until mid-2024. This has meant that we were not able to discuss any new proposals with the Council in the build-up to the submission of the application, and were effectively forced to make a formal planning application submission for what we considered to be the preferred scheme of extension to the dwelling.

## 4.0 The Planning Application and its Determination

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- 4.1 The planning application for the proposed development was submitted to the LPA on the 5<sup>th</sup> February 2024, seeking consent for ‘A Two-Storey and Single Storey Extension’ to the dwelling.
- 4.2 The proposed development sought consent for a modest, 2-storey extension to the rear and side of the dwelling, which projects beyond the eastern side gable wall, before dropping down to a single storey element.
- 4.3 The proposed extension was designed in such a way so that its bulk is to the side and rear of the existing dwelling, with no resulting impact on the dwelling to the north east in any way. During the consideration of application NP/DDD/0320/0275, it was confirmed (at paragraph 38 of the committee report) that an extension to the dwelling in this location

would have no adverse impacts on the adjacent dwelling in terms of residential amenity.

- 4.4 Extending the existing dwelling in such a manner represents no net increase in the residential use of the site, so there will be no increase in pedestrian or vehicular movements in to and out of the site as a result of the development proposed. The extension will allow the dwelling to function better for the occupiers without compromise to the character and appearance of the dwelling.
- 4.5 The existing dwelling has a floor area of 143m<sup>2</sup>, over both floors. The proposed extension would see the removal of 11.3m<sup>2</sup> of floor area and the provision of 55.7m<sup>2</sup> of floor area, thus increasing the size of the dwelling by only 44.4m<sup>2</sup>, or 30%. The floor area of the resulting dwelling will be 187.4m<sup>2</sup>.
- 4.6 The layouts for the proposed extension allow for an entrance hall, office, shower room and utility room at ground floor (from right to left) and a relocated bathroom, en suite and dressing room at first floor.
- 4.7 The proposed extension is now of a more appropriate scale and design than the extension refused in 2020. The 2-storey element of the extension is lower at eaves and ridge height, which not only provides a more subservient addition, but allows more of a 'visual break' between the old and new, so as not to compete with the importance of the original dwelling.
- 4.8 The extension is set well-back from the frontage of the dwelling and only wraps around a very small section of the side gable wall so as to reinforce the separation between the original dwelling and the new extension, and to retain the traditional balance and symmetry to the front elevation of the dwelling. The single-storey and 2-storey elements of the extension both have roof pitches to match the existing dwelling in order to maintain the character of the building by avoiding the introduction of an alternative roof form. The result of this will be the



provision of an extension that serves to enhance the visual appeal of the dwelling without harming its character and appearance.

- 4.9 The application was given the reference number **NP/DDD/0224/0148** and was originally invalidated by the LPA, on the 8<sup>th</sup> February 2024, due to issues with the drawings as originally submitted, and due to the lack of a supporting statement relating to carbon emissions and climate change. The LPA's letter to invalidate the application is submitted as part of this appeal.
- 4.10 I emailed the LPA on the 15<sup>th</sup> February 2024 (see submitted pdf. **Doc 1**) to provide them with the required amended plans and a 'Sustainability Statement', as requested. The LPA emailed back on the same day (**Doc 2**) to confirm that the application was to be validated. The letter to confirm the validation of the application was received on the 20<sup>th</sup> February 2024, and is submitted as part of this appeal. The amended drawings and the Sustainability Statement are also submitted as part of this appeal.
- 4.11 On the 26<sup>th</sup> March 2024 I emailed the Case Officer in order to seek an update on his consideration of the application. I used the same email to provide the Case Officer with some background information on the determination of the original application for the development, which was being considered in a positive manner until an unexpected change in Case Officer occurred. I pointed out in the email that there were no objections to the current proposal from the Highway Authority and the Parish Council, no local objections to the proposed development from neighbours, and that there were 2 letters of the support for the proposal from the occupiers of adjacent dwellings. A copy of this email is submitted as part of this appeal as **Doc 3**.
- 4.12 There was no response to the above email, but the Applicant had met the Case Officer on site and witnessed his positive comments regarding the proposal. I emailed the Case Officer on the 9<sup>th</sup> April 2024 (**Doc 4**) to chase for his comments on the proposal and to see whether he was

likely to determine the application before the 8-week determination deadline of the 11<sup>th</sup> April 2024.

- 4.13 The Case Officer replied on the same day (**Doc 5**) to advise that he needed to discuss the proposal with the Development Manager and requested an extension of time for the consideration of the application until the 2<sup>nd</sup> May 2024. I emailed back the same day (also **Doc 5**) to question why the internal discussion was required and to agree to the suggested extension of time.
- 4.14 The Case Officer replied on the same day (**Doc 6**) to advise that the purpose of the meeting was to establish whether they could consider the revised proposals to extend the dwelling, bearing in mind that the original proposal was refused. He was unwilling to offer an opinion on the planning application at that time.
- 4.15 The Case Officer emailed again on the 12<sup>th</sup> April 2024 (**Doc 7**) to indicate that he had discussed the proposal with the Development Manager and that they (collectively) considered the proposal to be unacceptable in relation to its scale, form, massing and that it would have a negative impact on both the host dwelling and the Bonsall Conservation Area. He advised that the application should be withdrawn in order to avoid a refusal.
- 4.16 I replied to the Case Officer on the 15<sup>th</sup> April 2024 (**Doc 8**) to express my disappointment with the negative manner in which the application was being considered, especially when the Case Officer seemed relatively positive about the proposal when on site. I asked for a meeting with the Case Officer to discuss their concerns and to establish whether there were any revisions that could be made which would overcome the issues that he had with the proposal. I also asked to see the Conservation Officers comments, as these would surely be critical if the LPA were to refuse the proposal based on harm to the character and appearance of this heritage asset.

- 4.17 The Case Officer emailed back on the 17<sup>th</sup> April 2024 (**Doc 9**) to decline a meeting to discuss the proposal. He did indicate that a more subservient, single-storey extension of one of the gable sides may be acceptable (which would be contrary to the LPA's own 'Detailed Design SPD for Alterations and Extensions' – see paragraphs 5.1, 6.22, 6.23 and 6.24 of this Statement). He also confirmed that the Built Heritage Team had not been consulted on the application. He asked again as to whether we wanted to withdraw the application.
- 4.18 I emailed the Case Officer on the 19<sup>th</sup> April 2024 (**Doc 10**) to express my disappointment in not being able to meet to discuss the proposal, especially as it would accord with the provisions of the Detailed Design SPD, as referred to in the paragraph above. As the Applicant was prepared to appeal against a refusal of planning permission, I asked that the planning application was determined as it stands.
- 4.19 I heard nothing from the LPA in response to the above email, so I emailed the Case Officer again on the 30<sup>th</sup> April 2024 (**Doc 11**) to ensure that he was aware that the existing elements (outriggers) to the rear of the dwelling were part of the original structure. I did not want the Case Officer to believe that we were proposing an extension on to an extension, and therefore overdeveloping the site. I asked that these matters were taken into consideration in the final determination of the application.
- 4.20 There was no response to the above email and the application was refused under delegated powers on the 2<sup>nd</sup> May 2024. The given reasons for refusal were as follows:
- 1. The design of the proposed development, by virtue of its scale, form and mass fails to harmonise with or adequately respect the traditional character and appearance of the existing dwelling, a non-designated heritage asset and significantly diminishes the quality, integrity and traditional character of the host building. As such, the development is not sensitive to the locally distinctive***

***building traditions or the valued characteristic of the National Park and would harm the historic character and appearance of the designated Bonsall Conservation Area.***

- 2. There is inadequate information before the Authority to demonstrate that the proposal would not negatively affect protected species on the site, namely roosting bats***
- 3. There are no public benefits that would outweigh the harm identified and therefore the proposal is contrary to the National Planning Policy Framework, Core Strategy Policies GSP1, GSP2, GSP3, DS1 and L2 and L3 and Development Management Policies DMC3, DMC5, DMC8, DMC11, DMC12 and DMH7.***

4.21 A copy of the Decision Notice, along with the Case Officer's Report, are submitted to the Planning Inspectorate as part of this appeal.

## **5.0 Comments on the Reasons for Refusal**

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5.1 The given reason for refusal opens with the LPA suggesting that the design of the proposed extension fails to harmonise with, or adequately respect the traditional character and appearance of the host dwelling, by reason of its design, scale, form and mass. **Comment** – The LPA's Detailed Design Guide on Alterations and Extensions (July 2014) references 'size' (scale) at paragraph 3.4, and states that '*...extensions ought to be smaller in volume and height than the existing property...*' as this will '*...allow the existing house to remain the dominant element in the composition*'. The Design Guide also references 'shape' (form and mass) within the same paragraph, and states that '*the proportion of the extension – its height to length and width – should ideally reflect the proportion of the parent building*'. The same paragraph also references 'location', indicating that the obvious location for an extension is to the side and rear of a property. Paragraph 3.5 gives specific reference to 'side extensions' at paragraph 3.5, stating that the 'setting back' of an

extension is a way of reinforcing the dominance of the original building, and reducing the height of the extension to make it lower than the parent building is critical. Extensions should not be too long or too high, to avoid the finished development looking like a pair of houses. The proposed development achieves all of these aims, as it is designed to integrate into the existing rear element of the dwelling with minimal coverage to the side gable of the dwelling, is set well back from the frontage of the dwelling and is lower than the existing dwelling, with diminishing heights. The extension would also be constructed in alternative, yet traditional materials. These elements combine to form a sympathetic extension to the dwelling that would be wholly acceptable in terms of design, scale, form and mass, and which would meet the aims of the LPA's Design Guide on Alterations and Extensions at the same time. The traditional character and appearance would not be harmed at all as a result of the development, and would arguably be improved.

- 5.2 The second part of first given reason for refusal states that, as a result of the LPA's concerns, the development would not be sensitive to locally distinctive building traditions, the characteristics of the National Park, and would harm the historic character and appearance of the Bonsall Conservation Area. **Comment** – There is no evidence to suggest that the proposed development would be harmful to locally distinctive building traditions and the characteristics of the National Park. Every dwelling in this location is different, there is no prevailing form or character, and many of the dwellings in the locality have been extended in ways that are sensitive to traditional forms and characteristics. Equally, many have not. It is arguably the diversity of the area that sets its character and, in my opinion, a humble, discreet and well-designed extension such as this, will have no harmful impact on local building traditions, or the National Park whatsoever. In the same manner, the LPA have no professional evidence to justify their comment that the proposed development would harm the historic character and appearance of the Bonsall Conservation Area. Despite the location of the dwelling within the Conservation Area, the status of the dwelling as a non-designated

heritage asset, and despite the submission of a Heritage Impact Assessment as part of the planning application, the LPA did not see fit to consult with their 'Built Heritage Team' on the application, and have simply made an uninformed judgement that the proposed development would be harmful to the historic character of the Conservation Area. The Case Officer even lists 'impact on the conservation area' and 'impact on the heritage asset' as 2 of the 'key issues' in the consideration of the development within his Officer Report, yet did not consider it appropriate to gain a professional opinion on this matter before the refusal was drafted and issued. This serves to show that the given reason for refusal is unjustified, cannot be professionally supported and is ultimately challengeable.

- 5.3 The second given reason for refusal relates to 'inadequate information' before the LPA to demonstrate that the proposal would not negatively affect protected species on the site, namely roosting bats. **Comment** – The planning application was supported by a Bat Survey Report by WDEC, dated January 2024, which provided the results of a bat roost survey undertaken at the premises, and which concluded that no evidence of bats, barn owls or other protected/priority species, was discovered anywhere on or within the dwelling, or its associated site. Despite this, the Report advised that the property does have a low-level potential for bats to roost, and the recommendations of the Report were that an emergence survey be undertaken at the correct time (May onwards) in order to correctly assess this. The Case Officer's Report provides the comments of the LPA's Ecologist, who acknowledges the need for a May emergence survey, and indicates that the application should not be approved until such a report is received and considered. At no point during the consideration of the application did the Case Officer request the emergence survey, nor did he indicate that the application should be held in abeyance until such a survey is undertaken and the results from it are reported. Therefore, in refusing the planning application, the LPA have used the omission of the emergence survey as a 'bolt on' to the reasons for refusal. An emergence survey has now

been undertaken, on the 25<sup>th</sup> May 2024, and a new Bat Survey Report is now submitted as part of the appeal, which confirms the following:

- *4 (four) species of bat were recorded and observed within the local environment during the DES. However, no bats were observed or recorded within the site or to emerge from the property.*
- *No evidence of any other protected and/or priority species was observed within the site or surrounding environment during the DES.*

Subject to the provision of ecological enhancements within the new development, which can easily be conditioned accordingly on any grant of planning permission as a result of this appeal, the proposed development is entirely acceptable in relation to bats and other protected species, and reason for refusal 2 can 'fall away' accordingly.

- 5.4 The third given reason for refusal merely lists the policies that the LPA consider the proposed development to be contrary to. These policies, where relevant, will be examined in the following section of this Statement of Case.

## 6.0 Planning Policy

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- 6.1 The third reason for refusal simply states that the proposed development would be contrary to the National Planning Policy Framework (NPPF), but does not reference any relevant parts of the NPPF in doing so.

- 6.2 The relevant national Government planning guidance in this case is contained within the **National Planning Policy Framework** (NPPF), as revised in December 2023, and the Governments' online **National Planning Practice Guidance** (NPPG), which came into force on the 6<sup>th</sup> March 2014.

### The NPPF

- 6.3 The NPPF makes it clear in Section 2 that the purpose of the planning system is to contribute to the achievement of sustainable development.

At paragraph 8 it identifies sustainable development as being 'economic', 'social' and 'environmental' whereby all planning proposals should contribute to building a strong, responsive and competitive economy, support strong vibrant and healthy communities and contribute to protecting and enhancing our natural, built and historic environment. **Comment** – Extending an existing dwelling on a site is clearly a sustainable way to develop and will bring forward the economic and social benefits for the current and future occupiers of the property.

6.4 Section 11 of the NPPF relates to 'Making Effective Use of Land' and promotes an effective use of land in meeting the need for homes (and other uses) while safeguarding and improving the environment and ensuring healthy living conditions. Criterion d) of paragraph 124 is of relevance here as it seeks to support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing and where land could be used more efficiently. **Comment** - In this case, this part of the garden land is under-utilised and has a limited function, so it can feasibly be used better to extend upon, in order to help meet the desires of the applicants and to make the dwelling function better.

6.5 Section 12 of the NPPF focusses on 'Achieving Well-Designed & Beautiful Places' and acknowledges that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 135 states that planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change), have a strong sense of place and are safe, inclusive and accessible. **Comment** – I am comfortable that the extension proposed for this dwelling is entirely sympathetic and attractive as a result of good architecture and, whilst presenting an 'appropriate change', will not



disrupt the local character and appearance of this part of the village as a whole.

- 6.6 Section 15 of the NPPF relates to 'Conserving and Enhancing the Natural Environment' and seeks to protect and enhance biodiversity and geodiversity, where relevant. **Comment** – A 'Bat Roost Appraisal Survey Report' was submitted as part of the 2020 planning application to extend this dwelling, which confirmed that there was no evidence of bats roosting within the existing property and no evidence of barn owls within the site. A Bat Survey Report was submitted as part of the planning application, which concluded that no evidence of bats, barn owls or other protected/priority species, were discovered anywhere on or within the dwelling, or its associated site. An up-to-date Bat Survey Report is submitted as part of this appeal which shows that there are no bats (or other protected species) within the dwelling to be extended. The proposed development will therefore have no adverse impact on local biodiversity, and meets the requirements of this part of the NPPF accordingly.
- 6.7 Section 16 of the NPPF relates to 'Proposals Affecting Heritage Assets' and, at paragraph 200, requires an applicant to describe the significance of any heritage assets, or their setting, affected by a development proposed. **Comment** – The application site is on the very edge of the Bonsall Conservation Area. The proposed extension to the existing dwelling has been designed in such a way to ensure that it will have a positive impact on the appearance of the dwelling, and no adverse impact on this part of the Conservation Area. In this respect, a robust Heritage Impact Assessment formed part of the justification for the planning application and provided the required level of justification for a minor development of this type. It is not considered that the proposed development will result in any harm to this part of the Conservation Area. The LPA's Built Heritage Team made no adverse comments in relation to the planning application.

### The NPPG

- 6.8 The NPPG provides an informative section on 'Design' and goes into detail on why good design matters and what it achieves. Paragraph 004 of this section states that development proposals should reflect the requirement for good design set out in national and local policy and Councils are required to take design into consideration, giving weight to outstanding or innovative designs which help to raise the standard of design more generally within the area. **Comment** – I am certain that not only is the design of the proposed extension to the dwelling entirely acceptable in context, but the resulting appearance of the extended dwelling will have a positive impact on the general appearance of the area as a whole.
- 6.9 The NPPG goes on to examine how buildings and the spaces between them should be considered and states that developments should be considered in relation to adjoining buildings, streets and spaces along with the topography of the area, the general pattern of building heights as well as views, vistas and landmarks. The main thrust of this part of the NPPG (paragraph 024) is to ensure that new and existing buildings relate well to each other. **Comment** – A great degree of care and attention went into the preparation of the planning application in order to ensure that the proposed extension is right for the dwelling and the site, and that it will work well within the local context at the same time.
- 6.10 The relevant 'Development Plan' policies in relation to this development are contained within the **Core Strategy** of 2011 and the **Development Management Policies** document of 2019. Reference also needs to be given to the LPA's **Detailed Design SPD for Alterations and Extensions** of 2014 and the **Bonsall Village Design Statement** of 2003.

### The Core Strategy

- 6.11 Policy GSP2 of the Core Strategy relates to 'Enhancing the National Park' and Part C of the policy seeks levels of design that respects the character of the area. **Comment** – I am certain that the design and

scale of the proposed extension, and its location in relation to the 'host' dwelling, are of a level of design that entirely respects the character of not only the dwelling itself, but also its setting, on the very edge of the National Park.

- 6.12 Policy GSP3 relates to 'Development Management Principles' and, in ensuring that development respects, conserves and enhances the site/building, seeks to ensure that all development is acceptable in terms of (*inter alia*) impact on character and setting, scale, siting, materials, design, form, impact on living conditions, access, transport and in relation to mitigating the impacts of climate change. **Comment** – The development has been designed with all of these elements in mind, which has resulted in a proposal for a well-designed and sympathetic extension to the host dwelling.
- 6.13 Policy DS1 is the LPA's 'Development Strategy' policy, and seeks to direct development to the most sustainable locations. **Comment** – This policy is a 'cover all' policy for larger development and makes no reference to small scale development such as that proposed, which is merely an extension to an existing dwelling. In this regard, Policy DS1 is of no relevance in the determination of this appeal and I am usure as to why it has been referred to by the LPA in the decision notice.
- 6.14 Policy L2 relates to 'Sites of Biodiversity or Geodiversity Importance' and seeks to ensure that development conserves or enhances sites of biodiversity importance, where appropriate to their setting. **Comment** – The submission of a Bat Survey Report with the original planning application, and a further Bat Survey Report as part of this appeal, which follows on from an emergence survey, all show that the proposed development will not result in any harm to biodiversity and/or any protected species.
- 6.15 Policy L3 relates to 'Cultural Heritage Assets of Archaeological, Artistic or Historic Significance' and seeks to ensure that development conserves or, where appropriate, enhances the significance of (*inter alia*) historic

assets and their settings. **Comment** – It has always been acknowledged that the application dwelling is a non-designated heritage asset and the property is located within the Bonsall Conservation Area. The planning application was supported by a Heritage Impact Assessment and I have provided arguments to show that the proposed development would have no adverse or harmful impact on the character and appearance of the Conservation Area. The LPA did not seek the professional opinion of their Built Heritage Team during the consideration of the planning application, so there is no justification to refuse the application based on heritage grounds.

#### Development Management Policies

- 6.16 Policy DMC3 relates to 'Siting, Design, Layout and Landscaping' and seeks to ensure that development is permitted where its detailed treatment is of a high standard that respects, protects and enhances the local area. It indicates that particular attention needs to be given to siting, scale, form, mass, height and orientation in relation to existing buildings, settlement form and character. The design, detail and materials to be used should reflect or compliment the style and traditions of the locality, including the design of existing buildings. **Comment** – As stated previously in this Statement, it is my opinion that the development has been designed with all of these elements in mind so as to ensure that it is not only suitable in relation to the host dwelling, and enhances it accordingly, but also so that it has no adverse impact on the local area and this particular part of the edge of the Peak District National Park.
- 6.17 Policy DMC5 focusses on 'Assessing the Impact of Development on Designated and Non-Designated Heritage Assets and their Settings' and seeks to ensure that all planning applications clearly demonstrate the significance of such assets. and show why the proposed development is desirable or necessary, within a 'proportionate' Heritage Impact Assessment. **Comment** - It is considered that the proposed development will enhance the visual appeal of the dwelling and will result in no harm

to the heritage assets (the dwelling and the Conservation Area) or any degradation of their significance.

6.18 Policy DMC8 relates to 'Conservation Areas' and seeks to ensure that development within them assess and clearly demonstrate how the character, appearance and significance of the conservation area will be preserved or enhanced. Proposals need to take into account the form and layout of the area, views and vistas, open spaces, street patterns and features, scale, height, form, massing, design and materials.

**Comment** - The development has been designed with all of these elements in mind, which has resulted in a proposal for a well-designed and sympathetic extension to the host dwelling that has no adverse impact on the character and appearance of this part of the Bonsall Conservation Area. I have addressed this in the submitted Heritage Impact Assessment that formed part of the planning application. Conversely the LPA have not sought their own professional opinion on matters of conservation and heritage, yet they still consider it to be relevant to the refusal of planning permission.

6.19 Policy DMC11 relates to 'Safeguarding, Recording and Enhancing Nature Conservation Interests' and seeks to achieve net gains to biodiversity through mitigation and enhancements that are proportionate to the development. It states that development will not be permitted if applicants fail to provide adequate information to show that the proposed development will be acceptable in terms of (*inter alia*) nature conservation. Policy DMC12 relates to 'Sites, Features or Species of Wildlife, Geological or Geomorphological Importance' and, at Part C, states that development will only be permitted where significant harm can be avoided to species, or habitats, or where the benefits of the development outweigh any adverse effect. **Comment** - The submission of a Bat Survey Report with the original planning application, and a further Bat Survey Report as part of this appeal, which follows on from an emergence survey, all show that the proposed development will not result in any harm to biodiversity and/or any protected species. Conditions can be imposed on the grant of planning

permission to ensure that there are biodiversity improvements as a result of the development (bat/bird boxes, etc.).

- 6.20 Policy DMH7 focusses on 'Extensions and Alterations' and allows for such development providing that it does not (*inter alia*) (i) detract from the character, appearance or amenity of the original building and its setting, (ii) dominate the original building, (iii) create a separate dwelling, or (iv) have an adverse effect on the landscape. **Comment** - The proposed extension, by reason of its careful design, is modest in its scale, and well-located to ensure that it remains subservient to the host dwelling and has a minimal impact on the limited views towards the dwelling from the adjacent roads and the footpath opposite. It is therefore argued that the proposed extension will be entirely appropriate in relation to points (i) to (iv) of Policy DMH7 and will comply with this policy accordingly.

#### The Detailed Design SPD for Alterations and Extensions

- 6.21 Section 3 of this SPD focusses on 'Extensions', with the aim to achieve a complementary relationship between existing buildings and new extensions, especially in relation to massing, materials, detailing and style.
- 6.22 Paragraph 3.4 of the guidance provides the LPA's advice on massing, and how this should be considered in relation to size, shape and location. With regard to size, the advice is that extensions should be smaller in volume and height than the existing property, to maintain the original dwelling as the dominant element. In terms of shape, the advice is to reflect the proportion of the host dwelling (i.e. vertical or horizontal emphasis, roof angles, etc.). Figures 26 to 30 of the SPD provide some 'do's and don'ts' in this regard, with Figure 30 (which represents an 'acceptable' extension) being very similar to the extension that we are currently proposing. In terms of location, the LPA's preference is to the side or rear of the dwelling. Paragraph 3.5 expands on this in relation to side extensions, advising that extensions should be 'slightly set back' in order to reinforce the dominance of the original building, and should be

lower for the same reason. **Comment** – The proposed extension is clearly smaller than the host dwelling in terms of both its volume and height in order to maintain the host dwelling as the dominant structure. The extension is also considered to be entirely acceptable in terms of its proportion, as it respects the proportion of the host dwelling in terms of scale, window proportions and in terms of roof angles. This is fully in accordance with the guidance drawings as referred to above. The location of the proposed extension allows for at least ½ of the 2-storey element to be screened by the existing dwelling, with only a proportion of the 2-storey element and the single storey element to be visible to the north east side of the dwelling. The extension is also set well back from the frontage of the dwelling – more so than is advised in the SPD. For these reasons, it is considered that the proposed extension is in compliance with these parts of the SPD.

6.23 At paragraph 3.15 of the SPD reference is given to the use of materials and a preference is put forward to match existing materials where possible. However, it also states, in paragraph 3.16, that introducing a new material is possible, but needs to be carefully handled. **Comment** – In this case, the original material used in the construction of the dwelling is unknown, as it has been covered with a white-painted pebble-dash render. There is a natural slate roof to the dwelling. It is proposed that the extension is constructed from natural stone, with a matching slate roof, in order to make the composition of the finished dwelling 'readable' between old and new and to provide the required differentiation in this regard. There should be no issue with the use of stone in this location.

6.24 In terms of 'Detailing and Style' the SPD suggests that the easiest approach is to copy the host dwelling, thus ensuring a close relationship between old and new. It states at paragraph 3.17 that keeping the buildings history legible is desirable in conservation terms, which can often entail altering the detail or finish of new stone window surrounds, to subtly distinguish them from the originals, to make the extension apparent but sympathetic. **Comment** – In this regard the proposed extension is kept as simple as possible in terms of its detailing, and we are

proposing the use of simple stone cills and lintols to the windows and door, in order to provide the contrast between old and new that the LPA desire within the SPD. For the above reasons it is considered that the proposed development is in full compliance with the guidance as set out in the Detailed Design SPD for Alterations and Extensions.

### The Bonsall Village Design Statement

- 6.25 Section 3 of this document focusses on the 'Detailed Recommendations for Bonsall's Environment' and sets out the broad guidelines to be followed for all new development.
- 6.26 Guideline 10 relates to the style of architecture and appears to be the only section of the Design Statement that is relevant to the development as proposed. It indicates that new extensions should be as simple as possible, with narrow gables, low roof eaves, balanced elevations, simple arrangements for doors and windows, minimal new openings and traditional materials should be used where possible. **Comment** – The proposed development accords with all of these desires, so as to ensure that the extended dwelling will complement its surroundings at the same time as being sympathetic to the local vernacular within the village.
- 6.27 The above paragraphs show that the proposed development is wholly in accordance with the national planning guidance set out in the National Planning Policy Framework and the National Planning Practice Guidance and, at a local level, the 'Development Plan' documents as referred to above.

## **7.0 Other Material Considerations**

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- 7.1 The dwelling is not located in a prominent position within the street scene and diagonally fronts a no-through road, where The Bank rises up to the north. The Google images below show that, due to the positioning of the proposed extension, it would not be apparent or obvious from users of



the public highway from the east or north east. For this reason, I would strongly argue that the proposed development would have no adverse impact on the character and appearance of this part of the village, and/or the Bonsall Conservation Area, which it is only just located within.



7.2 The manner in which the original planning application and this planning application were considered has to be taken into account. It was clear to the applicant that once the original Case Officer changed, the LPA refused to discuss the application with the applicant, and simply went on to refuse the application, despite earlier indications that it would be approved. The Case Officer for the second application, which is now the subject of this appeal, was also positive about the proposal at his site visit, but changed tack on this once he had discussions with his Manager (who will have never seen the proposal in situ). He then refused a meeting to discuss potential revisions, despite there not being the opportunity to make a pre-application enquiry at that time. It is considered that the stance of the LPA on this application has led to a poor and incorrect planning decision.

- 7.3 I need to re-emphasize the importance of design and layout in the formulation of this application. The Case Officer's only advice during the consideration of the application was to put a smaller extension on the side gable of the dwelling (see paragraph 4.17 of this Statement and Doc 9 as submitted), which would be completely detrimental to the traditional character and appearance of the dwelling. The proposed extension has been designed in order that is well-away from the front elevation of the dwelling, which possesses the balance and symmetry of a traditional residential property. To locate the extension closer to this, in a position where it will be seen more in context with the front elevation, would be completely the wrong approach and would not be an acceptable solution.
- 7.4 The LPA consider that the proposed development would have an adverse impact on the character and appearance of the Bonsall Conservation Area, yet have not seen fit to seek the Built Heritage Team's formal comments on this, and never consulted with them on the application. In my opinion, the LPA have made an uninformed and challengeable judgement that the proposed development would be harmful to the historic character of the Conservation Area.

## 8.0 Conclusions

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- 8.1 With the help of this Statement of Case, it is considered that I can fully justify this proposal in order that it may be considered acceptable in planning terms.
- 8.2 The 'Application and its Determination' section of this Statement provides the Planning Inspectorate with all the information relating to the planning application and provides further background information on how the Council considered the application up to the point when it was refused.

- 8.3 Section 5 of this Statement provides our 'Comments on the Reasons for Refusal' and, without going into too much detail here, provides our full comments on the Council's wording of the reason for refusal, which are also expanded upon in the Section 6 of this Statement.
- 8.4 The 'Planning Policy' section of this Statement shows that the proposed development is fully in accordance with the relevant elements of the contemporary planning guidance as offered in the National Planning Policy Framework and the relevant policies as contained within the Council's adopted Local Plan. For these reasons it is considered that the proposed development is wholly compliant with both national and local planning policy. With no other material considerations to indicate that the development should be resisted, and in accordance with paragraph 11 of the NPPF and Section 38(6) of the PCPA 2004, it is respectfully requested that the development is '*...approved without delay*'.
- 8.5 The 'Other Material Considerations' section of the Statement sets out the other issues that I am asking the Planning Inspectorate to take into consideration in the determination of this appeal.
- 8.6 It is hoped that, with the help of this Statement, the appointed Inspector can assess the merits of the proposal and respectfully allow this appeal.

**M Hubbard**

PG Dip TP, MRTPI

22<sup>nd</sup> July 2024