
Appeal Decision

Site visit made on 29 November 2016

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 December 2016

Appeal Ref: APP/F1040/D/16/3157754

The Hill Lodge, Deep Dale Lane, Barrow-on-Trent, Derby DE73 7NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adrian Dawson against the decision of South Derbyshire District Council.
 - The application Ref 9/2016/0559, dated 1 June 2016, was refused by notice dated 12 August 2016.
 - The development proposed is Partial Demolition, Reduction in Height and Retention of the Remaining Structure of an Existing Outbuilding for Incidental Residential Use.
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Decision

1. The appeal is allowed and planning permission is granted for Partial Demolition, Reduction in Height and Retention of the Remaining Structure of an Existing Outbuilding for Incidental Residential Use at The Hill Lodge, Deep Dale Lane, Barrow-on-Trent, Derby DE73 7NH in accordance with the terms of the application, Ref 9/2016/0559, dated 1 June 2016, subject to the conditions in the attached schedule.

Main Issue

2. The effect of the development on the character and appearance of the area.

Reasons

3. The appeal site comprises a two storey dwelling house with a number of separate substantial outbuildings and garages set in the open countryside. The property is located about 500m north of the village of Barrow-on-Trent close to a road bridge over the Trent and Mersey Canal immediately to the south of the site. The surrounding area is predominantly rural in character.
4. The proposal relates to the partial demolition of and alterations to one of the outbuildings located in the south-east corner of the site in response to the previous enforcement appeals on the site¹. The proposed works would involve demolition of part of the building previously fitted out with residential accommodation resulting in a reduction by about 10m in length. The roof of the building would be reduced to achieve an overall height of about 3.95m with the removal of the existing clay ridge roof tile and the replacement with a lead grey composite material. The outbuilding is set back from the road behind a brick boundary wall and fence measuring about 3m in height and a garage.

¹ APP/F1040/C/15/3130893 and APP/F1040/C/15/3130894

5. The appeal building is in a relatively large plot with a wide frontage. The appeal building in its reduced form would therefore not appear overlarge, relative to the overall plot size. The reduced size and height of the building, set back with the use of matching materials and fenestrations, would ensure the proposal would be largely screened behind the existing boundary wall/fence and would sit relatively unobtrusively within the site against the two storey form of the main house and the existing outbuildings and garages.
6. As highlighted by the Planning Inspector for the previous enforcement appeals, the reduction in all of the roof ridges to permitted development height would have a significant and beneficial effect on the character and appearance of the area in terms of the bulk of the building. Similarly, the removal of primary residential type of accommodation from the building (kitchen, bathroom, living room and bedroom) would not only result in a building that would be less residential in appearance but also genuinely incidental and subservient in use to the main dwellinghouse.
7. Given the appellant's apparent need for an ancillary building for the secure storage and maintenance of his collection of motorcycles and other vehicles, the previous Planning Inspector highlighted that should the building be demolished, the appellant would have the fallback position to construct a similar size replacement building as now proposed using permitted development rights². Based on the evidence and my observations on my site visit, I share the same view as the previous Inspector and I attach substantial weight to these matters as a material consideration. I consider that the proposal before me would provide the most pragmatic and sustainable alternative solution available in this case.
8. I have noted the letter of objection from a local resident regarding insufficient water pressure on the private water supply in the area and the future intended use of the outbuilding. However, I have no substantive evidence before me that the proposal would result in any significant change in the water pressure in the area and the future use of the building can be controlled by appropriate planning conditions.
9. Consequently, I conclude that the development would not significantly harm the character and appearance of the area and would be consistent with Policy BNE4 of the South Derbyshire Local Plan Part 1 2016 and Saved Policy EV1 of the South Derbyshire Local Plan 1998. These policies seek, amongst other things, to ensure that development is a high standard of design which creates places which respond to their local context and ensure that the character of the countryside and the landscape are safeguarded and protected. In addition, it would accord with paragraph 17 of the National Planning Policy Framework (the Framework) that development should seek to secure a high quality of design and recognise the intrinsic character and beauty of the countryside.

Conditions

10. Having regard to the Framework, and in particular paragraph 206, I have considered the conditions suggested by the Council. The conditions I shall impose are based on those suggested by the Council but with some variation to the wording in the interests of precision or clarity.

² Specially the right to build outbuildings within the curtilage of a dwellinghouse granted by Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order

11. A condition detailing the completion of the works within a specific timescale of 9 months is necessary in order to ensure that the resultant building is in conformity with the development plan and national policies and is of acceptable impact in its countryside setting. In addition, I have specified the approved plans, as this provides certainty. Those conditions relating to restricting the use of the outbuilding as ancillary to the main dwelling on the site and the detailing of the external materials and finishes of the approved building are appropriate as they would safeguard the character and appearance of the existing building and the area.

Conclusion

12. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The internal and external alterations and partial demolition shown on the approved drawing shall be completed in their entirety within 9 months of the date of this decision and any materials resulting from partial demolition of the existing structure, including any building materials and rubble, shall be removed from the site within that time period.
- 2) The development hereby permitted shall be carried out in accordance with approved drawing ref: 179 HL 030 Rev B; unless as otherwise required by condition attached to this decision or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).
- 3) The building shall only be used for purposes incidental to the enjoyment of the dwellinghouse known as The Hill Lodge, Deep Dale Lane, Barrow-on-Trent, Derby DE73 7NH; and shall specifically not be used wholly or in part for living accommodation.
- 4) The external walls exposed following partial demolition shall be faced in brickwork to match the existing brickwork in colour, coursing and texture.