
Appeal Decision

Site visit made on 9 January 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 18 January 2018

Appeal Ref: APP/M1005/Y/3158071

41 Short Row, Belper, Derbyshire, DE56 1DJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Daniel Smith against the decision of Amber Valley Borough Council.
 - The application Ref: AVA/2016/0038 dated 9 January 2016, was refused by notice dated 10 March 2016.
 - The works proposed are "removal of existing dry stone garden wall at the front of the property and rebuilding the wall using original stone materials 4.5m back from the existing track".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At my site visit it was evident that the frontage stone wall had been demolished. Nonetheless, I intend to consider the appeal on the basis of the proposal being for the rebuilding of the wall as described in the application.

Main Issue

3. I consider the main issues in this case are the effect of the proposal on the special architectural and historic interest of the Grade II listed building, the effect on the character and appearance of the *Belper and Milford Conservation Area*, and the effect on the character and appearance of the *Derwent Valley Mills World Heritage Site*.

Reasons

4. The site relates to a Grade II listed former mill worker's cottages within the Belper and Milford Conservation Area. It is also located within the boundary of the Derwent Valley Mills World Heritage Site (WHS), inscribed by UNESCO for its "Outstanding Universal Value". Saved Policy EN27 of the *Amber Valley Borough Local Plan* (LP) requires proposals to contribute to the preservation or enhancement of the conservation area, and Policy EN24 says new buildings or other structures within the setting of listed buildings will only be permitted where the proposal contributes to the preservation of the listed building and its setting, having regard to the elements which make up its special interest. LP Policy EN29 requires all development proposals to preserve or enhance its character and appearance of the WHS.

5. Sections 16 and 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* state the need to have special regard to the desirability of preserving listed buildings and any features of special architectural or historic interest they possess. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Moreover, paragraph 132 of the *National Planning Policy Framework* (the Framework) says great weight should be given to the conservation of heritage assets, (including listed buildings, conservation areas, and world heritage sites) and any harm to their significance should require clear and convincing justification.
6. No 41 Short Row is listed as part of the terrace formed by Nos 38-47 Short Row. The Short Rows were one of the first groups of houses to be constructed by the Strutts in Belper, dating from the late 18th century. The houses step up the hillside in pairs and are constructed in red brick with slate roofs and brick chimneys. With the exception of the appeal property (where the wall has recently been removed) and neighbouring No 42, the properties still retain their frontage garden walls and pedestrian gateways. The cottages, together with their historic boundary treatments, make a significant contribution to the WHS and conservation area. They are important assets due to their connection with the Strutt family, and the unique role which this area played in the development of the textile industry and the early factory system.
7. Even though it is proposed to build a replacement wall further into the site to align with that of No 42, the loss of the frontage wall to facilitate off-road parking would erode the well-preserved character of the former mill workers cottages; not only by the introduction of a hard standing but by the physical loss of the boundary wall to the listed property in its original position. Furthermore, I note that the World Heritage Partnership has stated that the walls, as curtilage features, have a significance equal to that of the cottages themselves, and that the loss of part of the historic boundary pattern would be harmful to the Outstanding Universal Value of the WHS. Based on what I have seen and the evidence before me I find no reason to disagree.
8. I am aware that the boundary wall to No 42 has already been removed and a replacement wall built behind a hard standing. However, the Council says it has no record of consent being sought for this, and it is possible that the wall may have been removed prior to the listing of the properties and the designation of the WHS in 2001. In any event, one unsatisfactory form of development does not justify another, and, even though each application is considered on its own merits, I agree with the Council that there is a real danger of a precedent being set for other similar proposals were I to allow the appeal.
9. The Framework makes it clear that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, I consider the proposal would result in harm being caused to the significance of the Grade II listed building, the character and appearance of the conservation area, and the character and appearance of the WHS. However, I am satisfied in this case that the degree of harm caused would be less than substantial.

10. In such situations this harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use. I have considerable sympathy with the appellants' desire to park off-road in such a congested area, and do not doubt that a parking area would enhance the appellant's enjoyment of the property. However, leaving aside whether this facility can properly be regarded as a public benefit, it has not been shown that the continued occupation of the dwelling is in any way dependant on it. As a consequence, what public benefits there might be are not sufficient to outweigh the harm that would be caused.
11. In summary, I conclude that the proposal would cause less than substantial harm to the significance of this Grade II listed building and would not preserve its special architectural or historic interest. For the same reasons it would fail to preserve the character and appearance of the Belper and Milford Conservation Area and the Derwent Valley Mills WHS. It has not been shown that public benefits would outweigh this harm, and so the proposal would conflict with National policy in the Framework and saved LP Policies EN24, EN27 and EN29. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Nigel Harrison

INSPECTOR