

Appeal Decision

Site visit made on 4 January 2017

by John L Gray DipArch MSc Registered Architect

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

Decision date: 20 January 2017

Appeal Ref. APP/P1045/W/16/3158359

Land at Lower Street, Doveridge, Derbyshire, DE6 5NS

- 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 Mrs Angela Ainsworth against the decision of Derbyshire Dales District Council.
 - The application, ref. 15/00809/FUL, dated 9 November 2015, was refused by notice dated 11 March 2016.
 - The development proposed is a new low energy dwelling and associated outbuilding and landscape proposals submitted under para. 55 of the NPPF.
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Decision

1. The appeal is allowed. Planning permission is granted for a new low energy dwelling and associated outbuilding and landscaping on land at Lower Street, Doveridge, Derbyshire, DE6 5NS, in accordance with the terms of the application, ref. 15/00809/FUL, dated 9 November 2015, subject to the conditions set out in the schedule attached to this decision.

Clarification

2. The application was specifically made with reference to paragraph 55 of the National Planning Policy Framework (NPPF). That reference is superfluous in the decision itself; the attached conditions secure what is necessary.

Main Issues

3. The main issues in the appeal are whether the proposed dwelling would be truly outstanding or innovative, whether it would reflect the highest standards in architecture, whether it would significantly enhance its immediate setting, whether it would be sensitive to the defining characteristics of the local area and whether it would harm the significance of the Willows, a grade II listed building. The first four of these flow directly from the fourth bullet point of paragraph 55 of the NPPF, which may enable a new dwelling in the countryside because of the exceptional quality or innovative nature of its design.

Reasons

Truly outstanding or innovative?

4. A design should be "truly outstanding or innovative, helping to raise standards of design more generally in rural areas". It can be difficult to be truly innovative – individually, most things have been done at least once in one form or another. Here, the Design and Access Statement says that the design approach "entails taking full advantage of location, of topography, of geology
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and of local resources and skills, making the 'whole' more than the 'sum of the parts'". It later refers to a "layered, seasonally responsive approach" with the characteristics of various spaces able to be varied according to use and season.

5. One may highlight (in no particular order of importance) constructional mass as a means of stabilising temperatures, the construction materials (with limited energy used in their manufacture and transport), the orientation of the building (to enable effective solar heating and solar shading), the means of excluding solar gain while maintaining relatively large areas of glazing, high levels of insulation, controlled ventilation, low carbon technologies for the heating of space and water and a water management system. Taken together, these aspects enable the proposal to be described as truly outstanding.
6. In addition, the research and teaching proposals, while not directly related to the planning system, would contribute towards raising standards of design – not only in rural areas (which is what paragraph 55 seeks) but generally in the fields of architecture and environmental technology.

The highest standards in architecture?

7. The proposal is in no way a showy piece of architectural design. Nor should it be. The Design and Access Statement says that the "holistic contextual approach" to design means that "the building will very naturally 'belong', being developed from the defining characteristics of the area". That is very much so.
8. It would be a low (single-storey) building, enabling it to sit comfortably in the context of the generally flat landscape in an arc to the south; equally, it would not be at all prominent or dominant when seen from the dwellings to the north. The north-west and north-east facades would be growing walls, creating an echo of the boundary hedge and trees alongside to the west, and also further south, helping to integrate the building with its surroundings. Although the brown roof is to be welcomed for what it is, it is probably equally important that it be flat, the lowness of the design further helping that integration. The use of timber cladding, decking and solar shading would do still more. And, where there would be the more traditional elements of building to be seen, the glazing in particular, they would be very carefully sub-divided and articulated.
9. All in all, this would be a building with no pretensions. Its design would draw fully on its surroundings. It would sit very comfortably and naturally in its context. In the words of paragraph 55, it would be a building "reflecting the highest standards in architecture".

Enhancement of the immediate setting?

10. Paragraph 55 requires a proposal to "significantly enhance its immediate setting". Part of the appeal site (to the north and north-west of the proposed house) is the domestic curtilage of The Willows; it would not be expected to change to any great extent. To the south-east of the proposed house is a rough paddock on ground generally lower than the garden of The Willows. The appearance of this land could be enhanced by becoming part of a domestic curtilage – but care needs to be taken to ensure that its essential character as part of the countryside would not be lost. In essence, what is required is not so much significant enhancement as a landscaping scheme which builds on and improves the existing character of the site (not only its physical nature but also, importantly, its biodiversity) at the transition between village and countryside. The proposal incorporates that and a planning condition to secure the approval and implementation of a suitable landscaping scheme can achieve

what is necessary. The immediate setting of the house – its site – would thus be appropriately enhanced.

Conclusion on the first three main issues

11. The Council does not particularly take issue on these three main issues, which can be considered fully met. It focusses instead on the impact of the proposal on the essential character of Doveridge and on the setting of the Willows.

Sensitive to the local area?

12. The Council queries the relevance of paragraph 55 of the NPPF on the basis that this would not be an isolated dwelling in open countryside but would instead be located close to a village identified in the draft Local Plan as a third tier settlement for development. It considers the paragraph 55 justification “somewhat skewed”. On the other hand, it does refer elsewhere to the land south of Lower Street as “this rural area”.
13. The phrase ‘open countryside’ is regularly used in plans to mean any location beyond defined settlement limits. No indication of a settlement boundary for Doveridge has been submitted. The Willows has an extensive curtilage and the proposed dwelling would be at about the point where what is obviously garden gives way to what is obviously countryside. The appeal site extends into what is clearly countryside. The first bullet point of paragraph 55 is “the essential need for a rural worker to live permanently at or near their place of work in the countryside”. That does not exclude sites close to settlements but beyond their boundaries. In similar vein, neither should the fourth bullet point. Based on the characteristics of the appeal site, there is no reason why paragraph 55 should not apply. In any event, the Council’s position is adequately covered by the fourth criterion for houses of exceptional quality, sensitivity to the defining characteristics of the local area, which must apply equally to both the open countryside and nearby developed areas.
14. At first glance, the defining characteristic of this southerly edge of Doveridge appears to be that houses are found on the north side of Lower Street and farms, including farmhouses, on the south side. It is not, however, as straightforward as that. Brookfield and Field View, immediately west of The Willows, are relatively recent houses and The Willows itself, while perhaps originally a farmhouse, is clearly no longer so. Also, Old Byre, the modern bungalow at Glebe Farm, looks neither old nor like a converted byre and thus does not appear to be obviously part of that traditional settlement pattern.
15. The appeal site is visually well-contained – by The Willows, Brookfield and Field View to the north, by hedgerows and trees along much of its western boundary and by the extensive, utilitarian and unattractive buildings of Deepmoor Farm to its west. It is open to the south but views from that direction are restricted by the tapering nature of the site with the farm buildings on its east side and the vegetation along its western boundary. The proposed dwelling would have a very low profile and would feature the growing wall on its north-west side. It would sit down in the landscape, it would sit down in relation to the houses to its north and, to the extent that it would be seen at all, any visual impact would be softened by its design and the compatibility of that with the existing vegetation around the site boundaries. Put simply, it might not fit precisely with the historical pattern of development but it would nevertheless be sensitive to what are nowadays the defining characteristics, built and natural, of the local area.

The setting of the Willows

16. The Willows is listed in grade II as dating from the 17th century and enlarged in the 20th century. It is clear from the list description that it is listed for its architectural and constructional characteristics. The 20th century range is specifically stated not to be of listable quality. There is no indication in the description that the building's setting (historical or current) contributes to its significance (although, as a description primarily for identification purposes, that does not weigh heavily). From the south (from the appeal site), only the 1½-storey style and the steepness of the roof pitches hint at an older building. The overall impression, created largely by the uniform rendered finish and the very neatly designed single-storey extensions, is essentially one of a pleasant house, not necessarily an historic one. From Lower Street, the age of the house is apparent from its timber-framed style, although it seems that brick infill has replaced the original wattle-and-daub, and there is evident group value with Slade House and Brookside Cottage on the north side of the street.
17. The proposed house would certainly stand within the setting of The Willows. That setting, however, consists of a large domestic garden giving way to a paddock and contributes nothing to the significance of the listed building itself. Even that significance is substantially obscured from the south by what has been done to the building (not susceptible to serious criticism in design terms but rather obscuring its historic characteristics). There can be no argument that the proposed house would harm the significance of the listed building.

Conclusion on the main issues

18. The conclusion on the five main issues is that the appeal proposal achieves what one would expect of it against the criteria in the fourth bullet point of paragraph 55 of the NPPF. Looked at overall, including the landscape proposals for the site, the scheme would be truly outstanding and innovative, helping to raise the standards of design in rural areas; it would reflect the highest standards in architecture; it would enhance its immediate setting; and it would be sensitive to the defining characteristics of the local area. On the last of these points, the proposal would not adhere precisely to the historical pattern of development in this part of Doveridge but the location and design mean it would be sensitive to it; also, since the significance of The Willows as a listed building gains nothing from its setting to the south, the proposal cannot be argued as insensitive to the listed building.
19. The Council says that, despite it being able to demonstrate a 5-year housing land supply, the policies saved from the adopted Derbyshire Dales Local Plan are out of date and the appeal proposal should therefore be assessed against the requirements of paragraph 14 of the NPPF. The conclusion on the main issues that the proposal satisfies paragraph 55 of the NPPF means, however, that there are no adverse effects which can outweigh its benefits.
20. The reasons for refusal refer to Local Plan Policies NBE16 (on development affecting a listed building), NBE8 (on protection of the local distinctiveness of the landscape) and SF5 (on the design and appearance of development). The conclusions on the main issues indicate that there is no conflict with these policies that could lead to dismissal of the appeal.
21. In light of these conclusions, the appeal may be allowed. The nature of the proposal does, however, mean that planning permission should only be granted subject to conditions that will ensure its design quality is realised.

Conditions

22. The Council suggested eight conditions in the event that the appeal was allowed. In addition to the statutory time-limiting condition, they deal (in the order they are set out) with construction methodology, access and parking, the approved plans, materials, hard and soft landscaping and the removal of permitted development rights. A construction methodology condition is necessary in the interests of preventing both harm to the amenities of neighbouring residents and obstruction of the highway while the house is being built. All of the other suggested conditions are reasonable and necessary if a house satisfying the requirements of paragraph 55 is to be achieved.
23. A condition is necessary to identify the approved plans and ensure that what is built is what has been granted permission. Access and parking are shown on the application plans but manoeuvring provision could be more explicitly explained. Conditions controlling external materials and landscaping are essential when what is proposed is a house of exceptional architectural quality and innovation. The materials condition may reasonably refer to items such as windows, doors and rainwater goods as all details are important to the quality of the design. The growing wall and brown roof warrant a condition of their own to avoid possible ambiguity between materials and landscaping. The landscaping condition should deal with the retention of existing trees and should also refer to Appendix B1 to the Design and Access Statement, the landscape philosophy being integral to the design approach. The removal of permitted development rights is important as any future alteration or extension could diminish the architectural quality of what is now being approved.

John L Gray

Inspector

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Schedule of conditions attached to planning permission

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings nos. 120033(PL)01/A and 02-08 inclusive.
- 3) Development shall not begin until details of parking and manoeuvring areas within the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the parking and manoeuvring areas shall thereafter be kept available at all times for those purposes.
- 4) Development shall not begin until details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted, including doors, windows and rainwater goods, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and/or samples.
- 5) Development shall not begin until full details of the growing walls and brown roofs, including construction and planting specifications and a maintenance scheme, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Development shall not begin until details of both hard and soft landscape works, in general accordance with the provisions of Appendix B.1 (Landscape Design) to the Design and Access Statement dated November 2015, have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) an indication of all trees within and along the boundaries of the site, details of those to be retained and measures for their protection during the course of the works;
 - iii) existing and proposed finished levels or contours;
 - iv) boundary treatments;
 - v) vehicle access, parking and manoeuvring layouts (subject to condition 3 above);
 - vi) pedestrian access and circulation areas;
 - vii) hard surfacing materials;
 - viii) planting plans, including written specifications and schedules of plants, noting species, sizes and proposed numbers/densities;
 - ix) provisions for heating and water management;
 - x) an implementation programme and maintenance scheme.The landscaping works shall be carried out in accordance with the approved details and implementation programme. The completed scheme shall be managed in accordance with the approved maintenance scheme.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Part 1 of Schedule 1 to the Order shall be carried out.
- 8) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The statement shall be adhered to throughout the construction period and shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) delivery, demolition and construction working hours.