
Appeal Decisions

Site visit made on 28 February 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 31 March 2017

Appeal A: APP/M9496/W/16/3160095

Dale Cottage, The Dale, Hartington, Derbyshire SK17 0AS

- 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 David Smart against the decision of Peak District National Park Authority.
 - The application Ref: NP/DDD/0716/0637, dated 7 July 2016, was refused by notice dated 31 August 2016.
 - The development proposed is described as the 'provision of parking space and bin dwell area'.
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Appeal B: APP/M9496/Y/16/3160105

Dale Cottage, The Dale, Hartington, Derbyshire SK17 0AS

- 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 David Smart against the decision of Peak District National Park Authority.
 - The application Ref: NP/DDD/0716/0654, dated 7 July 2016, was refused by notice dated 31 August 2016.
 - The works proposed are described as the 'provision of parking space and bin dwell area'.
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for the 'provision of a parking space and bin dwell area' at Dale Cottage, The Dale, Hartington, Derbyshire SK17 0AS in accordance with the terms of the application, Ref: NP/DDD/0716/0637, dated 7 July 2017, subject to the conditions set out in the schedule at the end of this decision.

Appeal B

2. The appeal is allowed and listed building consent is granted for the 'provision of a parking space and bin dwell area' at Dale Cottage, The Dale, Hartington, Derbyshire SK17 0AS in accordance with the terms of the application Ref: NP/DDD/0716/0654 dated 7 July 2016, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

3. As the proposal is in a Conservation Area and relates to a Listed Building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The Authority has an emerging plan that is yet to be adopted. Consequently, this appeal will be determined according to the Peak District National Park Local Plan 2001 (LP) and the Peak District National Park LDF Core Strategy DPD 2011 (CS) having regard to the National Planning Policy Framework 2012 (the Framework).
5. The Highway Authority has drawn my attention to the following appeal decision: APP/P1045/A/14/2226244. Whilst I have paid careful attention to this decision the circumstances are not similar in all respects because any new planting in the neighbouring garden would not be capable of obscuring the revised western sightline. Consequently, this appeal has been determined on its individual merits and the evidence before me.

Main Issues

6. The main issues are:
 - whether or not the proposed works would preserve a Grade II listed building, Cottage and Attached Barn East of Dale Cottages, and any of the features of special architectural or historic interest that it possesses;
 - the extent to which such works would preserve or enhance the character or appearance of the Hartington Conservation Area; and
 - the effect of the proposal on highway safety.

Reasons

7. The appeal building is a detached dwelling situated on the northern side of the B5054 which forms one of the principal routes into the village of Hartington. The building is one of several residential dwellings flanking the northern side of the road. It is set back from the road and its curtilage extends around the property on either side. It is enclosed by a low, dry stone wall which abuts the carriageway. The proposal comprises a parking space and a collection point for dustbins that would be orientated at 90° to the road on the western side of the dwelling. The parking area would require the removal of approximately 4 m of wall and the formation of a bell-mouthed opening.
8. The Hartington Conservation Area (CA) covers an area encompassing the historic core of the village as it has developed around the original village square and expanded out along its principal thoroughfares. It not only includes a diverse array of buildings but also agricultural land which helps to define its spacious, rural character. The style, massing and materials of the buildings vary widely with limestone rubble is the predominant building material. The area in which the appeal property is situated is dominated by the topography of Hartington Dale and characterised by small-scale, vernacular buildings, loosely arranged along the valley floor. The southern side of the dale retains a wild character, being largely free of development whilst the northern side is domesticated and characterised by residential dwellings and the Church of St Giles. This is situated on the higher ground above the dale. Given the

above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily related to its vernacular dwellings and use of local materials.

9. The appeal building was listed in 1984 and dates from the late 18th century. It comprises a vernacular cottage with gabled extension to the rear and a small barn projecting from its eastern gable end which has since been converted to residential use. The building is constructed from coursed, limestone rubble with gritstone dressings and quoins, surmounted by a slate roof. The principal elevation is symmetrical and comprises two stories with mullioned windows each side of a central doorway. This has a flush door casing and an unornamented, projecting cornice that emphasises its simple, vernacular charm. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily related to the simple, vernacular architecture of its principal elevation and legibility of the incorporated barn.
10. I observed from the plans and my site visit that the parking space and 'bin dwell area' would be situated on the valley floor and that the separation distance is such that the space about the host property would be maintained. Whilst I accept that a small area of wall would be removed, thus leading to a loss of historic fabric, this feature is of little architectural merit and is a generalised boundary feature not directly related to the special interest. In any event, this loss would be balanced by the removal of an incongruent leylandii hedge and the reinstatement of an internal garden wall. As a result, the enclosed nature of the curtilage would be maintained, an incongruent feature removed and the main façade better revealed. Consequently, neither the setting nor the special interest of the listed building would, on balance, be negatively affected.
11. I observed that whilst the southern side of the road is characterised by a largely intact, low dry stone wall this is not the case for the northern side. The latter has a strongly domesticated character with both pedestrian and vehicular access points punctuating the dry stone wall at regular intervals. A number of parking areas within the curtilage of these properties are also present. In particular I note the regular openings to the east of the appeal site on the northern side of the road at Dale Cottage, Cottage in the Dale and the neighbouring property. The latter also benefits from off-road parking on the opposite side of the road.
12. These parking areas and openings continue to the west of the appeal site and are associated with the neighbouring property, Chartmead, as well as the facing bungalow, Hartington Primary School and Dale House. Furthermore, I note the opening that has been created in between the appeal property and Chartmead for agricultural purposes. Clearly a pattern of development has been established in this part of the village that includes off-road parking with a regular rhythm of punctuation in the fronting boundary feature. Consequently, I am satisfied that the proposal would not lead to any material change to the established character or appearance of this road thus avoiding harm to the significance of the CA.
13. Given the above, I conclude the proposal would preserve the special historic interest of the Grade II listed building and its setting as well as the character and appearance of the Hartington Conservation Area. This would satisfy the requirements of the Act, paragraph 134 of the Framework and would conform

to policies GSP1, GSP3, L1 and L3 of the CS and policies LC5, LC6 and LT11 of the LP. These policies seek, among other things, to ensure that all development is: consistent with the purposes and duty of the National Park; respects, conserves and enhances valued characteristics of sites and buildings; conserves and enhances valued landscape character; conserves the significance of historic assets; preserves the character and appearance of Conservation Areas; and preserves listed buildings. This aspect of the proposal would therefore be in accordance with the development plan.

Highway Safety

14. The B5054 is a classified road with a speed limit of 30 mph. It has a pedestrian walkway on its southern side. Local residents and visitors park on this side of the road on a regular basis. The width of the carriageway is such that vehicles approach the site on the same side of the road from both directions. This would result in a high frequency of vehicles passing directly in front of the proposed access than would otherwise be the case. The road is straight and uncluttered by street furniture or other obstructions. No accidents resulting in injury have been recorded over the last 3 years in the vicinity of the appeal site.
15. The Highways Authority is of the opinion that a suitable degree of exit visibility cannot be achieved and that vehicles leaving the appeal property would need to edge into oncoming traffic from both directions owing to the frequent presence of parked cars on the opposite side of the road. Furthermore, it has been suggested that the sightline to the west could not be guaranteed because it would not be over the public highway or land controlled by the appellant if a visibility splay of 2.4 m x 47 m is assumed. As a result there would be no mechanism whereby this particular sightline could be kept free of obstruction.
16. The appellant contends that this splay is contrary to the accepted standard in the Manual for Streets (MfS) which is 2.4 m x 43 m and I agree. Neither the Highways Authority nor the Park Authority have offered any substantiated evidence or reasoned justification to support the imposition of longer sightlines in this particular instance beyond a stated 'lack of side friction'. Whilst not elaborated, this is clearly not the case owing to the presence of both vehicular and pedestrian access points at regular intervals that open directly onto the carriageway. Moreover, the speed census indicates that there is little difference in the speed of westbound and eastbound traffic and that the 85th percentile is 29.9 mph. The Highway Authority maintains that the census was 'un-verified' because raw data were not submitted. However, this statement is contrary to the established facts of the case and in any event no evidence to the contrary is before me that would suggest that this evidence is unreliable.
17. In the absence of substantiated evidence concerning the exact wording and substance of any conditions relating to the development at Chertmead, I accept that there would be no guarantee that western sightline would remain unobstructed in perpetuity if the original visibility splay was accepted. However, a revised plan submitted prior to the determination of the application clearly shows that a visibility splay of 2.4 m x 43 m is such that the western sightline would pass predominantly over the open agricultural access and a small part of the Chertmead boundary wall. Bearing in mind that any boundary feature over 1 m high that is next to a highway requires planning permission, I am satisfied that an effective means of controlling the western sightline is

present. This is because any decision relating to third party land would need to take this sightline and associated highway safety issues into account as a material consideration. This would apply to any changes to the garden boundary of the neighbouring property as well as any reinstatement of the wall across the agricultural access. Whilst in active use, I find it reasonable to assume that the latter will remain free of obstruction given its ongoing purpose and function.

18. I accept that the B5054 is a busy road with traffic approaching from both directions along the fronting lane. However, despite the presence of nearby properties with similar parking arrangements the fact remains that there has been no recorded road safety incidents associated with manoeuvres into 'live traffic' at this location. Bearing this in mind and the fact that the proposed access would meet the widely established MfS standard, I am satisfied that the safe and efficient operation of the highway would be maintained. I consequently conclude that the proposal would not cause significant harm to highway safety and that it would therefore be consistent with policies LT11 and LT18 of the LP that seek, among other things, to secure safe access arrangements for any development and ensure that parking areas respect the valued characteristics of an area. This would be in accordance with the development plan.

Conclusion and Conditions

19. For the above reasons and having regard to all other matters raised I conclude that, subject to appropriate conditions, the appeals should be allowed.

Appeal A

20. I have considered both the wording and grounds for the conditions suggested by the Authority in accordance with the tests set out in paragraph 206 of the Framework.
21. In addition to the standard time limit condition, a condition requiring development to be carried out in accordance with the plans is necessary to ensure that it is implemented as approved [1-2].
22. In the interests of preserving the character and appearance of the area two conditions relating to the use of materials and landscaping are necessary [3-4].
23. A further four conditions are necessary to ensure the safe and efficient operation of the highway during the construction and implementation phase of the development [5-8].
24. I have not imposed a condition requiring a revised scheme for the proposed development as the specified details have either been submitted already or are covered by other conditions. As such this requirement is both unreasonable and unnecessary thereby failing the appropriate tests.

Appeal B

25. In order to protect the special interest of the listed building and in addition to the standard time limitation [1], two other conditions are necessary to ensure that the work is carried out in accordance with the plans [2] and that all finishes match existing, original surfaces [3].

CONDITIONS

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 REV 0; 3.2 REV 2; 4.1 REV 1; and 5.3 REV 1.3.
- 3) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all hard and soft landscaping. The scheme shall be completed in accordance with the approved details and retained thereafter in perpetuity.
- 4) No wall shall be constructed until a sample panel of the materials to be used has been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 m x 1 m and show the proposed material, pointing technique and palette of materials to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for the loading and unloading of plant and materials as well as the storage of plant and materials used in the construction of the development hereby permitted. The approved Construction Method Statement shall be adhered to throughout the construction period.
- 6) The access and parking area of the development hereby permitted shall be no steeper than 1 in 10 and appropriate measures, the details of which shall be submitted to and approved in writing by the local planning authority, shall be implemented to prevent the flow of surface water onto the adjacent highway before first use as approved. These measures shall be maintained in perpetuity, free from any impediment.
- 7) The access and parking area of the development hereby permitted shall remain free of obstruction and any form of gated enclosure. The space shall be kept available at all times for its intended purpose and retained in perpetuity for this purpose.
- 8) No structure or erection exceeding 1 m in height within the curtilage of the dwelling shall be placed within the visibility splays shown on drawing no 5.3 REV 1.3 nor shall any shrubs, trees or other vegetation within the curtilage be allowed to grow above 0.6 m in height within these splays.

Appeal B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby authorised shall be carried out in accordance with the following approved plans: 1 REV 0; 3.2 REV 2; 4.1 REV 1; and 5.3 REV 1.3.

- 3) The materials to be used for making good any disturbed internal or external surfaces shall be of matching composition, form and finish to those of the adjoining original fabric.