

---

## Appeal Decision

Site visit made on 19 May 2017

**by Sarah Colebourne MA, MRTPI**

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

**Decision date: 25<sup>th</sup> May 2017**

---

### **Appeal A Ref: APP/M1005/W/17/3168785**

#### **The School House, 111 Lower Road, Mackworth, Derby, DE22 4NG**

- 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 V Ashton against the decision of Amber Valley Borough Council.
  - The application Ref AVA/2016/1033, dated 5 October 2016, was refused by notice dated 19 December 2016.
  - The development proposed is the erection of a single garage.
- 

### **Appeal B Ref: APP/M1005/Y/17/3168786**

#### **The School House, 111 Lower Road, Mackworth, Derby, DE22 4NG**

- 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 Mrs V Ashton against the decision of Amber Valley Borough Council.
- The application Ref AVA/2016/1034, dated 5 October 2016, was refused by notice dated 19 December 2016.
- The works proposed are the erection of a single garage and associated alterations to, and reinstatement of, boundary wall. Resurfacing of driveway.

## **Decisions**

1. Appeal A is allowed and planning permission is granted for the erection of a single garage at The School House, 111 Lower Road, Mackworth, Derby, DE22 4NG in accordance with the terms of the application, Ref AVA/2016/1033, dated 5 October 2016, subject to the schedule of conditions attached to the end of these decisions.
2. Appeal B is allowed and planning permission is granted for the erection of a single garage and associated alterations to, and reinstatement of, a boundary wall and the resurfacing of the driveway at The School House, 111 Lower Road, Mackworth, Derby, DE22 4NG in accordance with the terms of the application, Ref AVA/2016/1034, dated 5 October 2016, subject to the schedule of conditions attached to the end of these decisions.

## **Main issues**

3. The main issue is the effect of the proposed development and works on the setting of the listed building at The School House and the character and appearance of the Mackworth Conservation Area.
-

## Reasons

4. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any harm should require clear and convincing justification.
5. Policies EN24 and EN27 of the Amber Valley Local Plan (LP) (2006) reflect the statutory duty and accord with the Framework in that respect, although they fail to acknowledge the need to weigh any less than substantial harm against the public benefits of the proposal as sought in the Framework.
6. The grade II listed building, referred to as The Old School in the listing description, is a mid-C19th building. I agree with the appellant's historical appraisal that its significance derives from its evidential and historical value regarding education provision in the village and its architectural value from the use of the Gothic style which was indicative of national architectural trends during that period. It contributes positively to the character and appearance of this small, rural Conservation Area, through its prominence in the street scene and its historical and spatial relationship with the village church and the dwellings that it served.
7. Planning permission and listed building consent was granted for conversion to a dwelling in 2012. An application for a single garage at the site was refused in 2015 on the grounds of harm to the listed building.
8. Although the proposed single garage would be sited close to the western elevation of the main building, it would be set back from the road, against the rear and side boundary of the property. Consequently, it would not be prominent visually within the street scene, being screened from the west by a high evergreen hedge and from the east by the main building. As most of the main arched window in that elevation would not be obscured, the character of the main building would also remain evident. In terms of size and scale, it would be sufficiently sub-ordinate to the main building whose greater size and scale would remain the dominant feature in the street scene. It would have a steeply pitched roof, not dissimilar to that of the main building and its detail would reflect that of the main building. By reason of its siting, size, scale and detail, it would not, therefore, detract from the character or appearance of the more imposing main building whose former use and significance would remain clearly evident.
9. The proposed works also include the rebuilding of the historic wall along the western side boundary and the removal of an existing area tarmac and its replacement with cobbles across the driveway. Both of these works would reinstate previous historic features which would enhance the character and appearance of the listed building and the Conservation Area.

10. As I found that the proposed development and works would not cause harm to the listed building or the Conservation Area, there is, therefore, no need for me to consider any public benefits.

**Conditions**

11. Other than the standard time limit and accordance with the plans conditions which are necessary to provide certainty, a condition for matching external materials is necessary in the interests of the listed building and the Conservation Area.

**Conclusion**

12. For these reasons, I conclude that the proposed development and works would preserve and enhance the special architectural and historic interest of the listed building and its setting and the character and appearance of the Conservation Area. It would accord with the development plan as a whole and there are no material considerations that would warrant determining the appeals otherwise. The appeals should be allowed.

*Sarah Colebourne*

Inspector

## **Schedule of conditions**

### **Appeal A**

- 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: 14009-013 rev A, 14009-012, Proposed site plan rev B, Proposed elevations rev B.
- 3) No development shall take place until samples of all external materials have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

### **Appeal B**

- 1) The works hereby authorised shall begin not later than three years from the date of this decision.
- 2) The works hereby authorised shall be carried out in accordance with the following approved plans: 14009-013 rev A, 14009-012, Proposed site plan rev B, Proposed elevations rev B.
- 3) No works shall take place until samples of all external materials have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

End of conditions.