
Appeal Decisions

Site visit made on 13 November 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 20 November 2017

Appeal A: Ref: APP/M1005/W/17/3180966
5 Chevin View, Belper, DE56 1BB

- 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 Terence Martin against the decision of Amber Valley Borough Council.
 - The application Ref: AVA/2017/0456 dated 10 April 2017, was refused by notice dated 7 July 2017.
 - The development proposed is "a porch outside the kitchen door built over a small enclosed yard. The porch built on top of the existing low yard wall and constructed from a glazed timber frame featuring a traditional stable door"
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Appeal B: Ref: APP/M1005/Y/17/3180981
5 Chevin View, Belper, DE56 1BB

- 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 Terence Martin against the decision of Amber Valley Borough Council.
 - The application Ref: AVA/2017/0457 dated 10 April 2017, was refused by notice dated 7 July 2017.
 - The works proposed are "a porch outside the kitchen door built over a small enclosed yard. The porch built on top of the existing low yard wall and constructed from a glazed timber frame featuring a traditional stable door"
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Decision

1. Both appeals are dismissed.

Procedural Matter

2. The proposal is retrospective, as the porch has already been erected in accordance with the submitted details. Therefore, I intend to consider the appeal on the basis of the proposal being for the retention of the porch as described on the application forms.

Main Issues

3. The main issue in both appeals is the effect of the porch on the special architectural and historic interest of the Grade II listed building and the character and appearance of the Belford and Milford Conservation Area.

Reasons

4. The appeal property is a Grade II listed terraced dwelling within the Belper and Milford Conservation Area and the Derwent Valley Mills World Heritage Site (DVMWHS), inscribed by UNESCO for its Outstanding Universal Value.
5. Saved Policy EN27 of the *Amber Valley Borough Local Plan* (LP) requires proposals to contribute to the preservation or enhancement of a conservation area, and Policy EN24 says the alteration and extension of listed buildings will only be permitted where the proposal contributes to the preservation of a listed building and its setting, having regard to the elements which make up its special interest. LP Policy EN29 requires development to preserve or enhance the character and appearance of the DVMWHS. I have also been referred to a Supplementary Planning Document: *Listed Buildings and Buildings in Conservation Areas* (SPD). This says that in those instances where the extension of a listed building is justified, the design must take full account of the character and design of the existing building.
6. Sections 16 & 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.
7. No 5 is listed as part of the three-storey sandstone terrace formed by Nos 1-10. These are an early example (c.1790) of Strutt back-to-back housing. Originally the 29 back-to-back houses were known as Berkin's Court, although with two exceptions they have been converted to single dwellings. The row of cottages makes a significant contribution to the DVMWHS and the 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.
8. No 5 is located within the original phase of the development. The west elevation of the terrace, facing away from Bridge Street, has later lean-to sculleries to the ground floor. Whilst these offshoots have been altered in various ways, the original rhythm between the lean-to's and the yard areas is still present, with the original window openings set back between. The small yard areas are enclosed by low brick walls. The recently erected porch to No 5, the subject of these appeals, has been built up above the existing low brick walls with a timber frame glazed structure incorporating a window and glazed 'stable' door. The transparent roof is constructed of polycarbonate sheeting at a lower pitch than that of the scullery offshoot.
9. Although the west elevation of the terrace is less publicly visible and less regular than the east elevation, it is nonetheless is part of the original concept and design which means it is still of significance in understanding this heritage asset. This is recognised by the Council, whose main concern is that the porch changes the look of the terrace and the rhythm of the sculleries and the small yards between them. It is not constructed of the same materials as the sculleries and the wide window and 'stable' door appear out of keeping. Furthermore, because of the mid-terrace location, the porch impacts on the character and appearance of the whole terrace. The original pattern of the terrace is an integral part of its character, and by reason of its position, materials, and design, I consider the porch would materially harm the special

architectural and historic interest of the listed building and its significance in the Conservation Area DVMWHS.

10. Paragraph 132 of The *National Planning Policy Framework* (the Framework) makes it clear when considering the impact of a proposal on the significance of a heritage asset that great weight should be given to the conservation of heritage assets (including listed buildings, conservation areas, and world heritage sites). That significance can be harmed or lost through alteration of a 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 and the character and appearance of the Conservation Area and the DVMWHS. However, I am satisfied in this case that the degree of harm caused would be less than substantial.
11. In such situations this harm should be weighed against the public benefits of a proposal, including securing the heritage asset's optimum use. I am aware that the original kitchen is very small and the porch would provide valuable extra space as well as providing insulation to the back door and dining room window. However, 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.

Other Matters

12. The appellant has referred to far more extensive alterations to the structure and fabric of No 8 Chevin View which have been permitted by the Council and also involved the loss of the small yard area. Although I noted those alterations at my site visit I have no other details, and the site-specific circumstances and material considerations will clearly differ in each case. In any event, each application and appeal falls to be dealt with on its own merits.

Conclusion

13. 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 DVMWHS. It has not been shown that public benefits would outweigh this harm, and so the proposal would conflict saved LP Policies EN24, EN27 and EN29, advice in the SPD, and National policy in the Framework.
14. I have taken into account the representations made by local residents and other interested parties both for and against the proposal. A letter of support has been received from the occupier of the adjacent property saying that the porch is in keeping with the listed building. I also note that the Parish Council has no objections. However, these do not affect my conclusion that the appeals should fail for the reasons given above. Therefore, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Nigel Harrison

INSPECTOR