
Appeal Decision

Site visit made on 14 November 2017

by A Jordan BA Hons MRTPI

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

Decision date: 6 December 2017

Appeal Ref: APP/P1045/W/17/3181142

Shaw Wood, 28 Derby Road, Ashbourne, DE6 1BH

- 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 & Mrs Wilson against the decision of Derbyshire Dales District Council.
 - The application Ref 17/00105/FUL, dated 8 February 2017, was refused by notice dated 12 April 2017.
 - The development proposed is a dwellinghouse.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue for the appeal is the effect of the proposal on the character and appearance of the surrounding rural area.

Reasons

3. Shaw Wood is a substantial detached dwelling which sits on land off Derby Road, in open fields outside Ashbourne. The house is adjoined by a small collection of assorted outbuildings and sits alongside a small coppice to the east which rises up the slope to meet the site. Although the property is largely screened from view from the main road to the south, it sits in an elevated and open position above Belper Road to the north, where it is visible as a prominent feature on the skyline. In views from Belper Road below the site, Derby Road sits out of view and Shaw Wood sits on its own within a collection of small out-buildings.
4. Outline planning permission¹ was granted in 2016 for a single dwelling on a site which comprises part but not all of the appeal site. The appeal scheme differs in that it is for full permission and comprises a larger site which extends to the east and includes a separate access. Furthermore, the previous outline consent included an indicative layout which orientated the proposed dwelling in a "east-west" direction, with the narrower side gable of the property facing the prominent northerly aspect, the garage positioned at right angles and with planting along the northerly extent of the site. I noted on site that the existing collection of outbuildings which sit within the wider setting of Shaw Wood are visible in views of the site from the north. I concur with the Council that the previous layout was broadly reflective of this, and that as such, the site could accommodate further development in principle without compromising wider

¹ 16/00547/OUT

visual amenity or significantly altering the existing character or appearance of the area.

5. However, the scheme as proposed is significantly wider than the previous layout indicates, and is also positioned further back in the site, towards the ridgeline. As a result, despite its varying height, the proposed dwelling would be perceived as a building of significant mass and would appear very prominent in sustained views from the north along Belper Road. It is also apparent that the local topography is such that a building of the width proposed would extend across the width of the existing built up portion of the site, into the open and sloping land to the east. The proposal is not supported by a topographical survey and although the difference in levels is acknowledged on the plans by the lower level of the proposed garage, taking into account the slope as viewed from the north, it appears likely that some remodelling of the land would be necessary to facilitate the dwelling proposed. This would be likely to compound the visual impact of the dwelling and its visual prominence on the skyline. In views from the north it would compete in scale with the already prominent Shaw Wood, and as a consequence would erode the open character of the countryside in this location.
6. The Council have also expressed concerns in relation to the introduction of a separate access to the site to the south, and the potential effect of the access route on existing trees. Taking into account the proximity of established housing to the south, I am satisfied that the proposed access would have a very limited impact upon the character of the countryside in this location. Furthermore, whilst I would anticipate that there would be very limited removal of established vegetation, I am also satisfied that any effects in this regard could be mitigated by a condition requiring replacement planting. Lastly I note that the Council have no objection to the proposed materials, and I see no reason to dispute this.
7. Nevertheless, taking into account my concerns in relation to the scale and orientation of the proposed dwelling I am of the view that the proposal would appear as an unduly prominent and urbanising feature on the skyline, which would detract from the distinctive open quality of the countryside in this location.
8. I therefore conclude that the proposal would fail to comply with policy NBE8 of the *Derbyshire Dales Local Plan* (Local Plan) which seeks to ensure that new development protects or enhances the character and local distinctiveness of the local landscape. Furthermore, although I find no conflict with policy NBE6, in relation to the effect of the proposal on trees, I consider that the proposal would conflict with policies H9 and SF5 of the Local Plan which together seek to ensure that the scale and form of new residential development is in keeping with the character of its surroundings. It would also fail to comply with guidance in the *National Planning Policy Framework* which recognises the intrinsic character and beauty of the countryside.
9. I have also been provided with policies from the *Derbyshire Dales Local Plan – Pre Submission Draft Plan*. This is still at a very early stage and as I cannot be assured that it will come forward to adoption in its present form, I attribute very limited weight to them.
10. Accordingly, having regard to all other matters raised, the appeal is dismissed.

A Jordan

INSPECTOR