
Appeal Decision

Site visit made on 9 August 2019

by Mr A Thickett BA(Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/R1038/W/19/3227023

3 Church Street, Eckington, Derbyshire, S21 4BG

- 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 A Thompson against the decision of North East Derbyshire District Council.
 - The application Ref 18/01168/FL, dated 15 November 2018, was refused by notice dated 6 February 2019.
 - The development proposed is a 3 bed dwelling, road crossing and driveway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on highway safety
 - the impact of the proposal on the setting of the Old Rectory, a Grade II* listed building
 - whether the proposed development would preserve or enhance the character or appearance of the Eckington and Renishaw Park Conservation Area

Reasons

Highway safety

3. Church Street is subject to a 30mph speed limit as it passes the appeal site. The Highway Authority recommends that, as the road is on a bus route and carries HGVs, visibility splays of 2.4m by 47m should be provided in each direction. The appellant does not dispute the Highway Authority's assertion that visibility at the proposed access would be less than 10m in either direction. At best, utilising land within the appellant's control, the Highway Authority contend that 2.4 by 25m could be achieved but this would require demolition of the stone wall fronting the site (to which I will return below). However, this remains significantly below the required standard.
4. The appellant claims to have submitted two amended proposals with regard to the proposed access. I have seen only one which shows a new access close to No. 3 Church Street. The Council has stated that it based its decision on the original plans and I have determined the appeal on the same basis, noting that

the Highway Authority has stated that the amended proposals do not address its concerns.

5. I observed that Church Street is a busy road and the site is close to a tight bend. Drivers entering the highway from the proposed access would have little warning of vehicles approaching from either direction and particularly from the bend to the north. Drivers approaching the site would similarly have little warning of a car leaving the appeal site with potentially hazardous results. I conclude, therefore, that the proposed development would have an adverse impact on highway safety and that it conflicts with Policy T2 of the North East Derbyshire Local Plan 2005.

Heritage Assets

6. The appeal site comprises part of the garden to No. 3 Church Street. It is roughly rectangular with a frontage to Church Street formed by a stone wall topped by a hedge. Its northern and part of its eastern boundaries are shared with The Old Rectory. The Old Rectory dates back to the late 18th century. It is a grand building in spacious grounds befitting its historic standing in the village. It is surrounded by stone walls which are attractive as well as being of historic interest and form a strong feature in the Conservation Area.
7. I agree with the Council that the character of this part of the Conservation Area is defined by a strong building line of stone terraces fronting onto Church Street on its the western side. On the eastern side, Malt House Farm and No 3 are close to the back edge of the pavement. Views are channelled northwards by these buildings and the stone walls and hedges enclosing their gardens to the spire of the Church of St Peter and St Paul. Just beyond 3 Church Street, the view widens out with The Old Rectory being visible over the appeal site.
8. That view and the space which affords it is significant to the setting of The Old Rectory. The proposed building would impose into this space and obscure views of The Old Rectory and the stone wall that forms the shared boundary. The design of the proposed bungalow is plain and non-descript and far below the standard one would expect given the quality of the surrounding buildings. The adverse impact would be exacerbated by the proposed use of concrete tiles, brick and uPVC rainwater goods, windows and doors. I note the appellant's offer to use different materials but this would not overcome the harm to the setting of The Old Rectory caused by the erection of the proposed building in this location.
9. The stone boundary wall fronting Church Street makes an important contribution to the character and appearance of the Conservation Area. The provision of even the substandard visibility splays possible utilising land in the appellant's control would result in the loss of a significant section of this wall. It would also likely result in the loss of the mature tree immediately to the north of the proposed access which would also have an adverse impact on the street scene.
10. The appellant points to new development in the vicinity but my conclusions are based on the site specific circumstances of this case. I consider that the proposed development would have an adverse impact on the setting of The Old Rectory and that it would neither preserve nor enhance the character and appearance of the Eckington and Renishaw Park Conservation Area. I conclude that the proposal conflicts with Policies BE9 and BE11 of the Local Plan.

11. The harm I identify to The Old Rectory would be less than substantial. In such circumstances the National Planning Policy Framework states that any harm should be weighed against the public benefits of the proposal. The benefits to housing supply and the local economy through the construction of the proposed single dwelling and additional local spending are likely to be limited and do not outweigh the harm identified above.

Conclusions

12. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Anthony Thickett

Inspector