

Appeal Decision

Site visit made on 16 September 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 26 September 2019

Appeal Ref: APP/P1045/W/19/3225891

Rock House, Derby Road, Cromford, DE4 3RP

- 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 D Potter against the decision of Derbyshire Dales District Council.
 - The application Ref 18/01011/FUL dated 7 September 2018 was refused by notice dated 5 December 2018.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on the setting of the Rock House Grade II Listed Building, the character and appearance of the Derwent Valley Mills World Heritage Site and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Cromford Conservation Area; and the amenity value of the nearby protected trees.

Reasons for the Recommendation - Heritage Assets

4. The appeal site is located in the Cromford Conservation Area (the CA) and Derwent Valley Mills World Heritage Site (WHS). It comprises a disused tennis court incorporated in the grounds of the Rock House Grade II Listed Building.
5. The surrounding part of the CA is characterised by its residential nature and the mix of traditional buildings such as Rock House with a more modern 20th Century housing development. These more modern dwellings vary in size and design but retain an overall consistency in terms of architecture and character. Throughout the grounds of Rock House the residential dwellings are interspersed by areas of open lawns. The location contributes positively to the CA by virtue of the Listed Building, which is a prominent feature in the immediate setting.
6. The style of Rock House is typical of the wider historic character of the CA. Its elevated position marks it as a having been one of the houses of high status

when it was built which, in accordance with the Conservation Area Appraisal, were placed carefully and deliberately to make the most of the surrounding views. It is complemented by the former stable block and coach house which contribute further to the character of the CA, and consequently to the setting of the Listed Building. While more modern dwellings are located in the immediate area, the overall setting contributes positively to the significance of Rock House from both a visual and historic perspective.

7. The appeal site also falls within the WHS, which defines the area as being of outstanding universal value. While no Statement of Outstanding Universal Value or Management Plan has been submitted with regards to the WHS, its designation indicates that the site is of the highest significance as a heritage asset and account has will be taken of the guidance set out in the National Planning Policy Framework and in the Planning Practice Guidance with regard to development within its setting.
8. The proposal involves the erection of a modern style dwelling at the appeal site. By virtue of its positioning, the proposal would be in proximity to both Rock House and the surrounding housing development. While screening would be in place due to the planting of hedges and the pre-existing trees on site, the proposal would nonetheless be experienced alongside both Rock House and the housing development from certain vantage points. In these contexts, it would appear as an incongruous addition due to its overtly modern design. Despite the mixture of styles in the immediate locality, the proposal would stand out against both the 20th Century style of the dwellings and, more particularly, the traditional architecture of Rock House. It would introduce a new style to the immediate surroundings of the CA and WHS which would not be in keeping with the character and appearance, detracting further from the historic feeling of these grounds.
9. The proposal would cause visual harm to designated heritage assets. However, it does not impact the fabric of the Listed Building itself and would only be visible from a limited section of the CA and WHS, which already contain a mix of development styles. Furthermore, the proposal is only one storey tall and there would be hedgerow screening in place. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight.
10. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would make a contribution to the Council's five-year housing land supply, albeit a minimal one. While the harm to the significance of the heritage assets would be less than substantial, the benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets.
11. On the main issue, I find that the development would fail to preserve or enhance the character or appearance of the CA and would harm the setting of the Listed Building and the WHS. Accordingly, it would fail to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

Trees

12. The trees which are located at the appeal site are covered by a Tree Preservation Order. In accordance with the appellant's submitted Arboricultural Report, those trees closest to the proposed location of the dwelling fall in Retention Categories B and C. While the retention of those in Category C should not impose a constraint on development in accordance with British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations', Category B trees are deemed to be of moderate quality and value, including public visual amenity value.
13. The proposal would not require the removal of any of the trees on site. However, a group of Category B trees would be in proximity to the proposed location of the dining room, living room and two bedrooms, each of which has a glazed area looking out to the trees. With their canopy spread, these trees could result in heavy shading to these rooms and have an impact on the occupiers' outlook. As a consequence, this would be likely to result in future pressures from the occupiers for the trees to be lopped, topped or felled. This would substantially reduce their amenity value.
14. I conclude the proposal would have an unacceptable effect on the amenity value of the protected trees. As such, it would not comply, in this regard, with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

Conclusion and Recommendation

15. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR