



Appeal Decision

Site visit made on 24 September 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/M1005/W/19/3232053

Ty Bach, 2 Coddington Cottages, Coddington Lane, Whatstandwell, Matlock DE4 5EL

- 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 Neil Perry against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2019/0158, dated 18 February 2019, was refused by notice dated 30 May 2019.
 - The development proposed was originally described as alteration and extension of the ground floor for improvement of the existing living space and change of use to allow extension of the EXG terrace. The void below the proposed terrace extension will be used for domestic garden storage.
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Decision

1. The appeal is allowed and planning permission is granted for alteration and extension of the ground floor and change of use to allow extension of the existing terrace. The void below the proposed terrace extension will be used for domestic garden storage at Ty Bach, Coddington Cottages, 2 Coddington Lane, Whatstandwell, Matlock DE4 5EL, in accordance with application Ref. AVA/2019/0158, dated 18 February 2019, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings:

1903-02 Proposed plans/elevations and 1903-03 Block and location plan.
 - (3) Details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal must be submitted to and approved in writing by the Local Planning Authority for;
 - i) walling materials before commencement of the external walls of the extension.
 - ii) roofing materials before commencement of the roof finish.
 - iii) walling stone before commencement of the external cladding of the terrace extension.

Once approved in writing the development shall be carried out in full accordance with the approved materials and finishes.

Procedural Matter

2. The original description included superfluous text. I have therefore considered the proposal on the basis of the description on the Council's decision notice.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the adjacent wider countryside.

Reasons

4. Ty Bach is one of a pair of traditional stone cottages with an associated terrace and access drive. An irregular shaped open croft consisting of mown grass, also in the appellant's ownership, sits next to and at a lower level to the dwelling and associated terrace. The proposed single storey extension would infill a gap within the existing built footprint of the dwelling. The extension of the terrace would marginally encroach into the croft with steps to this land.
5. My attention has been drawn to a previous appeal decision¹ in which the Inspector considered the appeal site in that instance against the proposals map for The Amber Valley Borough Local Plan (2006) (the LP). The LP remains the relevant development plan document for the purposes of assessing the current appeal. The proposals map does not define the settlement limits of Whatstandwell. It identifies Ty Bach and the open croft as being situated within the Whatstandwell Conservation Area (CA) but not within the designated Special Landscape Area (SLA) which begins immediately to the west of the prominent dry-stone wall which forms the boundary of the open croft with neighbouring fields. The boundary of the SLA is not hard up against the residential curtilage of Ty Bach leaving the undeveloped land of the croft as sitting between the two.
6. The above factors are not conclusive evidence that the development should be assessed as being within the open countryside for planning purposes. As with the previous appeal, this is significant in my consideration of the proposal as Policy EN1 of the LP contains a presumption against new development in the countryside, outside the built framework of settlements, unless certain criteria are met. The proposals would not meet these criteria. However, I share the view of the previous Inspector that in view of the site specific circumstances, the prime consideration in this particular case must be an assessment of the visual impact of the proposal "on the ground".
7. The Council contend that the development would encroach further into countryside, would not follow the ribbon development arrangement and would widen the existing terrace into agricultural land with steps to it for further domestic use. However, the Council's evidence does not identify any specific harm to the character and appearance of the area. The shape, dimensions and position of the croft relative to existing residential development and the boundary in place with the neighbouring field mean it does not currently display the characteristics of agricultural land and it is already easily accessible from existing steps from the terrace at Ty Bach. I also noted on my site visit that the dry-stone wall boundary of the open croft sits on a similar alignment to neighbouring residential curtilages which also back on to the fields.

¹ APP/M1005/A/10/2138608

8. Given the modest proportions of the single storey extension and the terrace extension, the proposals would be seen in close context with the existing dwelling and any visual impact would be hardly perceptible in wider views. For these particular reasons, the development would not result in harm to the character and appearance of the adjacent countryside and the distinction between the residential curtilage, the croft land and the neighbouring agricultural fields would be relatively unchanged.

Other Matters

9. I have a statutory duty to consider whether the development affects the setting of the Whatstandwell Conservation Area and the neighbouring dwelling at 31 Hindersitch Lane, which is a Grade II listed building. The Council is satisfied that the setting of these heritage assets would not be harmed. From what I saw on site and taking into account the subservient design of the proposal and discreet positioning to the rear elevation of the dwelling, I find no reason to disagree with the Council and conclude that the setting of these heritage assets would be preserved.
10. My attention has been drawn to there being a separate planning application proposing to keep all proposed works within the existing residential curtilage. I have not been provided with full details of that application, nor its current status. It has therefore not been influential in my consideration of the particular merits of the appeal proposal.

Conditions

11. In addition to the standard time limit, I consider it reasonable to attach a condition confirming the approved drawing numbers in the interests of certainty. Noting the comments of the Council's Conservation officer, I agree that it would be appropriate to attach a condition requiring confirmation of the materials and finishes to be used in the external elevations. The agent has made a request that details of materials are provided before commencement of the relevant part of the build. I consider this to be a reasonable request that should not impact on the quality of the finishing materials.

Conclusion

12. In view of the lack of identifiable harm to the character and appearance of the countryside the appeal is allowed.

M Russell

INSPECTOR