



Appeal Decisions

Hearing Held and Site Visit made on 21 January 2020

By Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal A: APP/R1038/Y/18/3214871

26 Hallowes Lane, Dronfield S18 1SS

- 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 Andrew Bayliss against the decision of North East Derbyshire District Council.
 - The application Ref 18/00637/LB, dated 21 June 2018, was refused by notice dated 4 September 2018.
 - The works proposed are part demolition and rebuilding of a boundary wall.
-

Appeal B: APP/R1038/W/18/3214868

26 Hallowes Lane, Dronfield S18 1SS

- 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 Andrew Bayliss against the decision of North East Derbyshire District Council.
 - The application Ref 17/00914/FL, dated 25 August 2017, was refused by notice dated 12 September 2018.
 - The development proposed is demolition of an existing garage and the erection of a detached dwellinghouse.
-

Decisions

1. A: The appeal is dismissed and listed building consent is refused for the part demolition and rebuilding of a boundary wall.
2. B: The appeal is dismissed.

Procedural Matters

3. It was explained that the appellant is no longer the owner of the appeal site but retains an interest. I was advised that the new owner has been notified of the appeals and is content for them to proceed. On this basis, I am satisfied that the owner of the appeal site would not be prejudiced by the determination of the appeals.
4. The main parties agreed that the relevant saved policies of the North East Derbyshire Local Plan (2005) (the Local Plan) are broadly consistent with the National Planning Policy Framework (the Framework) and carry full weight. Moreover, there was no longer any dispute in relation to the existence of a five-year supply of deliverable housing sites.
5. Policies of the emerging Local Plan (publication draft 2014-2034) are referenced in both decision notices. I was not provided with any details relating to unresolved objections to the relevant policies and I understand that the

strategic policies are subject to review. Therefore, I can only afford the emerging policies limited weight.

6. Since the appeals were determined, the Dronfield Neighbourhood Plan has been 'made'. I have had regard to the relevant policies in my consideration of these appeals.
7. The main parties agreed that the plans before me in relation to both appeals are as follows:
 - Location and Plan 1690 02 P
 - Vehicular Existing Layout 1690 21
 - Proposed Ground Floor Plan 1690 01 K
 - Proposed First Floor Plans 1690 03 K
 - Proposed Elevations 1690 05 G
 - Proposed Elevations 1690 06 H
 - Section Plans 1690 09 C
 - Sections 1690 11 B
 - Proposed Roof Plan 1690 15 C
 - Proposed Basement Plan 1690 18
 - Site layout and visibility splays 1690 10F
 - Boundary layout 1690 20
8. The application for listed building consent (Appeal A) was determined on the submitted Location and Block Plan (Ref 1690 02 M), which was different to that considered for the planning application. The main parties agreed that this plan should be disregarded for the purposes of these appeals. I am satisfied that I can determine the appeals on this basis as the above listed plans have been subject to consultation and interested people have had the opportunity to comment. There would be no prejudice, therefore.
9. My attention has been drawn to a relevant planning history. In summary, planning permission was granted on appeal for two detached dwellings in the former garden of the appeal property¹. The houses have been built and are known as Nos 26a and 26b Hallows Lane. More recently, two planning applications relating to the widening of the access to the property were approved². I have taken account of these decisions as set out below.

Background and Main Issues

10. I saw that works have taken place on site to create a widened access and a new parking area. The shared boundary with No 30 Hallows Lane appears unchanged from how it appeared in a street view image dated 2014, however, the northern part of the wall defining the access has been demolished and rebuilt much closer to Quoit Green House. In addition, an extended area of hardstanding has been laid out in front of southern elevation of the House. These works are currently unauthorised.
11. For the avoidance of doubt, Appeal A is not seeking listed building consent for the works as constructed.
12. The main issues are:

¹ Ref APP/R1038/A/08/2091446 dated 21 May 2009.

² Ref 17/00796/FLH dated 14 September 2017 and ref 16/00765/FLH dated 19 September 2016.

- Whether the proposals would preserve a Grade II listed building, 'Quoit Green House' and any of the features of special architectural or historic interest it possesses; and its setting;
- The effect of the proposals on the setting of the Dronfield Conservation Area.

Reasons

13. The appeal site comprises part of the garden to Quoit Green House, a detached stone built, former farmhouse which is listed grade II. The site is currently given over to an area of hardstanding and is occupied by a double garage. Access is taken from Hallowes Lane, directly to the south of the House. The access was altered around 2017/18 as described above. There are a number of mature trees within the site, largely situated around the boundaries. The surrounding area is predominantly residential, characterised by varied house types in a non-uniform layout. The site lies outside but adjacent to the Dronfield Conservation Area.
14. The application sought planning permission for a new detached dwelling, which would be located to the south of Quoit Green House, partly on the site of the existing garage. The development would necessitate further alterations to the stone boundary wall at the access to create the required visibility splays. This formed the basis of the listed building consent application. Six car parking spaces would be provided to serve both properties. The development would require the removal of trees, in particular those along the southern boundary. A landscaping scheme would be provided.
15. The principal listed building is Quoit Green House which dates from the early 17th Century. The house has been subject to alterations and extensions over the years, some of which are more successful than others. Its significance, insofar as is relevant to the matters before me, relates to the age of the building, the quality of the traditional materials and their use, the architectural details and the social role of the house in association with its extended gardens.
16. A historic stone wall formed the boundary to the property with Hallowes Lane. This has been altered, as described, and further alterations are sought. The works would involve removing an additional part of the wall and reconstructing it closer to the principal listed building, incorporating a curved visibility splay. The area of hardstanding in front of the southern elevation would be returned to lawn. The main parties have agreed that the historic wall is to be treated as part of the listed building.
17. Although a relatively large part of the boundary wall has been removed, the Council's evidence includes street view images and a historic map which shows the location and nature of the wall prior to the alterations. It is highly likely that historic fabric has been lost as a result of the recent works.
18. The remaining section of the historic wall gives an indication of its likely age, evidenced by the type and quality of materials and method of construction. I saw that the remaining wall has a distinct character, typified by narrow stone blocks laid in regular courses akin to a field boundary. The elements of rebuilt wall are noticeably different, despite the use of stone, as the traditional method of construction cannot be replicated easily.

19. The proposed alterations to the remaining section of wall would lead to the further loss of historic fabric which is an important part of the asset's significance. Retention of as much as possible is likely to fulfil the Framework policy to conserve heritage assets in a manner appropriate to their significance. In this case, the alterations are required to enable development in the garden of the listed building which, in itself, is not an adequate justification.
20. I have taken account of the previous planning permissions for the widening of the access, however, the proposals before me are more extensive. Overall, I find that the proposed alterations to the boundary wall would fail to preserve part of a Grade II listed building, 'Quoit Green House'.
21. The historic map series, dating from the 19th Century, indicates that Quoit Green House was within a large plot of land that was commensurate with the status of the building. Over the years, the land holding has been reduced as development has taken place. Most recently, two substantial houses have been built to the west of the house. However, the garden area that remains retains a clear functional and visual relationship with the principal listed building, in part due to the fenestration on southern elevation which enables inter-visibility and provides a connection with the garden.
22. The appellant argues that the curtilage of the listed building extends only to a small portion to the south, evidenced by what appears to be a separate area of walled garden within the grounds which is shown on historic maps. Nonetheless, the matter at issue in these appeals relates to the setting of the listed building. As explained, the site has a clear visual, functional and historic relationship with the listed building, in addition to providing views of the building. The site makes a positive contribution to the setting of the listed building and allows it to be appreciated as a building that formerly had some local status.
23. The proposed development would introduce substantial development into the remaining garden of the House. I appreciate that the scale of the proposed dwelling has been reduced from the original scheme, but it would still result in a relatively large and dominant form of development sited close to the listed building. Notwithstanding the attempts to reduce the impact through excavation, in my judgement, the development would visually compete with the building, distracting from its architectural and historic significance.
24. The appellant has suggested that the proposal would not harm the listed building because it would not be more widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
25. The associated hardstanding, boundary treatment and alterations to the historic wall would further erode the setting to the listed building, having an additional adverse effect on the asset's significance. Consequently, I find that the proposals would fail to preserve the setting of the Grade II listed building, 'Quoit Green House'.
26. The site lies adjacent to the Dronfield Conservation Area. The Council's Character Statement (2000) describes sandstone walls, hedges and trees as important features. It is explained that their spatial distribution linking buildings, gardens and open spaces, their visual appearance and colour, combine to give the town its unique character.

27. The former boundary wall would have made a positive contribution to the setting of the Conservation Area as it was part of the area's distinct character and hence its significance. The widened access and visibility splays, combined with modern construction methods, would erode that distinct character. I conclude therefore, that the alterations to the wall would have an adverse effect on the setting to the Dronfield Conservation Area.
28. Despite the harm caused by the alterations to the wall, I accept that the proposed dwelling would not be detrimental to the setting of the Conservation Area. This is because the development would not be widely visible from the public domain. Unlike listed buildings, the significance of a Conservation Area is dependent upon how it is more widely experienced.

Conclusion

29. I conclude that the proposed works and development would: (i) fail to preserve the special interest of a curtilage structure associated with Quoit Green House, a grade II listed building; (ii) fail to preserve the setting of the grade II listed building and therefore its significance, and; (iii) have an adverse effect on the setting to this part of the Dronfield Conservation Area, which makes a positive contribution to its significance. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
30. While the harm to the significance of the designated heritage assets would be less than substantial in terms of national policy, I attach great weight to the assets' conservation. There are private benefits in that the proposals would enhance the access to the property. Public benefits are the limited contribution to the local housing supply and economy through the construction of a family house and additional local spending. However, the public benefits in this instance are relatively limited and do not outweigh the totality of the harm identified above.
31. Given the above and in the absence of any defined significant public benefit, the proposal would be contrary to saved Policies GS5, BE7, BE9 and BE11 of the Local Plan and Policies HOU1, D1 and D3 of the Dronfield Neighbourhood Plan (5 November 2019). The development would be contrary to Policies SDC6 and SDC12 of the emerging Local Plan, although these carry limited weight. In combination, the policies seek to protect heritage assets and Dronfield's unique historic environment.
32. Moreover, the proposal would not accord with the requirements of the statutory tests in the Planning (Listed Buildings and Conservation Areas) Act 1990; which require the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
33. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Debbie Moore

Inspector

APPEARANCES

FOR THE APPELLANT:

Jim Lomas
of DLP Planning Ltd

Matthew Pruce
of DLP Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Denise Knipe
of Aspbury Planning

Gaynor Mallinson
Of Aspbury Planning

DOCUMENTS

- 1 Saved Policy BE9 of the North East Derbyshire Local Plan (2005)
- 2 Five Year Housing Land Supply Statement 2019
- 3 Extracts from Dronfield Neighbourhood Plan (5 November 2019)
- 4 Planning permission ref 17/00796/FLH dated 14 September 2017 and delegated report
- 5 Planning permission ref 16/00765/FLH dated 19 September 2016 and delegated report
- 6 Publication Draft Local Plan emerging policies SS1, SS2, SP1, SDC5, SDC6 and SDC12
- 7 Street View Images 2014, 2008, 2017 and OS plan 1964
- 8 Copy of email dated 7 January 2020 concerning procedural matters
- 9 Dronfield Conservation Area Character Statement (May 2000)