



Appeal Decision

Site visit made on 25 February 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

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

Decision date: 13th March 2020

Appeal Ref: APP/C1055/Y/19/3237299

19 Mile Ash Lane, Derby DE22 1DD

- 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 Mrs Wendy Mackney against the decision of Derby City Council.
 - The application Ref 19/00874/LBA, dated 23 March 2019, was refused by notice dated 22 August 2019.
 - The works are described as 'To retain windows and doors that conservation officers believe to be UPVC - they are actually timber and fully comply with the character of the building and surrounding neighbourhood. Old windows were replaced due to rotting wood / woodworm for new timber windows'.
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Decision

1. The appeal is allowed and listed building consent is granted for retention of replacement windows and door at 19 Mile Ash Lane, Derby DE22 1DD in accordance with the terms of the application Ref 19/00874/LBA dated 23 March 2019 and the plans submitted with it.

Preliminary Matters and Main Issue

2. The application for listed building consent was made retrospectively as the windows and door are already in place.
3. I have used the Councils description of the scheme from their decision notice in my decision above as opposed to that from the application form as I consider this to be more precise. I have, however, slightly altered the description as the scheme only involved the replacement of one door.
4. The main issue for this case is whether the windows and door preserve the special architectural and historical interest of the listed building.

Reasons

5. No 19 Mile Ash Lane is Grade II listed within a group of 12 three storey terraced mill workers houses, stated by the listing to have been built by the Evans family. The distinctive tall properties are stepped at each party wall along the reasonably steep road and have segmental brick arched lintels and sash windows often with glazing bars. Over time the homogeneity of the dwellings has been altered, with some pebble dashed, some painted and some brick façades and some altered windows, both to non-sash and with differences in glazing bar designs. The rear of the terrace has been altered more significantly with several houses having single storey rear extensions of varying designs and quality and differing designs of windows and doors on display. The

significance of the terrace can be defined as from its historical interest as mill workers cottages built by the Evans family for the Darley Abbey Mills and by its design, rhythm and form, particularly on the façade of the terrace as a whole.

6. The terrace lies within the Darley Abbey Conservation Area and the Derwent Valley Mills World Heritage Site (WHS). Policies CP3, CP4, CP20 and AC9 of the Derby City Local Plan¹ together state that the Council will expect high quality design which responds positively to local character and heritage assets to preserve and enhance their special character and significance, and that the Council will seek to preserve, protect, and enhance the special character and distinctiveness of the WHS. Saved policies E18 and E19 of the City of Derby Local Plan Review state that within Conservation Areas development should preserve or enhance the special character of the Conservation Area and that proposals which would have a detrimental effect on the special architectural or historic interest of a listed building its character or setting will not be approved.
7. The Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving a listed building and any features or architectural interest it possesses.
8. A new rear door and rear windows at ground and first floor level were installed in January 2019. These windows are of fairly simple design, being two panel windows with the upper panel top hung. The door is also of a simple design, primarily consisting of glass. All new openings are constructed in hardwood and are painted white. The windows are of a different design to the likely original design of the rear windows of the terrace, which potentially may have been eight panel sash windows, as the majority of the façade of the terrace remain (but not all of them). Rear doors would have likely originally been solid
9. The design of the windows and door is therefore different to the original designs. However, they are constructed in hardwood and are simple in their design. Visibility of the rear of the terrace is difficult from public areas, with only partial views possible from the junction of Mile Ash Lane and Lavender Row. From the higher rear garden of No 19 more views are possible. Such views show the fairly extensive changes which has occurred to the rear of the terrace. A good number of the properties have rear single storey extensions of varying designs and quality. Of the 8 properties within the terrace (of a total of 12) that was visible on my visit only 1 property retained an upper floor window of a similar design to the likely original design and this appeared to be side hung. Similarly, rear doors were of varying design. Visible windows and doors were of varying ages, quality and appropriateness.
10. While I can appreciate that a historically accurate design to windows and doors may be desirable on the terrace, given the wide variety of window designs and doors on the rear of the terrace it does not seem entirely reasonable, as such a feature no longer forms part of the architectural or historic interest of the listed building. The Council refers to evidence from a previous application which showed a historic first floor window at the property. One photograph in evidence shows a previous first floor window in similar design to the façade but details are scant and the age of this window is not evident. The windows and doors do not in my opinion have a detrimental effect on the extensively varied rear elevation of the terrace, and consequently do not have an adverse effect on any features or architectural interest of the listed building. Accordingly, they

¹ Derby City Local Plan – Part 1 Core Strategy January 2017.

also preserve the character and appearance of the Darley Abbey Conservation Area and preserve the special character and distinctiveness of the WHS.

11. Concern is raised by a local resident over the precedent. Each case must be considered on its own merits; furthermore, I have found that the works in this case do not cause harm to the listed building, the Conservation Area, or to the WHS.
12. As such, I find no conflict with the Local Plan policies CP3, CP4, CP20 and AC9 and with the S39 and D13, or with the Local Plan Review policies E18 and E19.

Conclusion

13. To summarise I consider that the proposal preserves the special architectural and historical interest of the Grade II listed building. Therefore, for the reasons given above I conclude that the appeal should be allowed. No conditions are required or imposed as the changes are already in place.

Jon Hockley

INSPECTOR