
Appeal Decision

Site visit made on 16 March 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 7th May 2020

Appeal Ref: APP/R1038/W/19/3242867

Carbery Wood, Kelstedge Lane, Brockhurst, Ashover S45 0HP

- 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 & Mrs Temperton against the decision of North East Derbyshire District Council.
 - The application Ref 19/00453/FL, dated 25 April 2019, was refused by notice dated 5 November 2019.
 - The development proposed is "to construct a 2nd dwelling to the site known as Carbery Wood on Kelstedge Lane in Ashover".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Temperton against North East Derbyshire District Council. This application is the subject of a separate Decision.

Appeal Procedure

3. 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.

Preliminary Matters

4. The description of development as set out above is taken from the application form. However, the Council's decision notice sets out the description of the proposal as being a two-storey detached dwelling with detached garage/ancillary accommodation. I have dealt with the appeal on that basis.
5. The appeal site is bounded by both Kelstedge Lane and the main A632 Matlock to Chesterfield Road. This road is referenced variously as Matlock Road and Amber Lane as well as the A632. For consistency I will refer to it as A632.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The site lies at the junction of Kelstedge Lane, a quiet narrow rural lane, and the busy A632 in a highly prominent location at the edge of the settlement opposite open countryside. The settlement comprises a mix of styles of property generally of modest appearance and of traditional design and form. Outbuildings tend to be small subservient buildings and plot sizes are generally generous. These elements contribute to the established rural character of the settlement.
8. The host property, Carbery Wood, is a modestly designed detached bungalow set in spacious grounds bound by a stone wall to Kelstedge Lane and a well-established hedge to the boundary with the A623. The bungalow sits slightly down into the site, away from the boundary and as such, although it has a large footprint the building does not appear dominant. Consequently, the site makes a positive contribution to the character and appearance of the area.
9. The proposed dwelling, which would be two storeys in height would be sited alongside the A623 roughly in alignment with the neighbouring residential property 'The Cottage'. The garage, which would also have two storeys and would accommodate additional living space including a bedroom and living room as well as garage space, would be sited parallel to Kelstedge Lane. The buildings, which would be occupied as one single unit, would back onto the two roads and would be accessed off the lane. The site boundary to the lane would be altered by the reduction in height of the boundary wall but it is proposed that a hedge would be retained to the A623 boundary. At the time of my visit, the site has been cleared of a substantial amount of vegetation including trees.
10. I understand that the layout of the development evolved after extensive consultation with Council officers, in order to break up the massing of the single building previously proposed. However, the scale of the development taken as a whole would be substantial in terms of its bulk. The form of the built development would sprawl over the site and consequently the sense of openness on the site would be significantly reduced. In addition, the garage building would be sited close to the boundary, well forward the building line of the bungalow on Kelstedge Lane, and would be prominent when viewed from both the lane and from the A632 for some distance. The ridge height of this building would be similar to that of the bungalow and only slightly lower than the proposed dwelling, but given the change in land levels across the site it would be seen as a dominant structure above the boundary wall. As a result of its height, and given its scale and blank elevation to the road, it would not be legible as a subservient addition to the house but would appear as a dominant and incongruous building on the prominent corner site.
11. The dwelling itself would be partially screened by the existing hedge but the upper part of the building and its roof would be visible. Its ridgeline would be commensurate with that of The Cottage, taking into account the slope of the hillside. However, I have taken into consideration the comments of the Council regarding its design and particularly the mix of traditional and modern styles.
12. The road fronting elevation would be relatively simple in terms of its design and would utilise traditional materials, although the irregular window pattern and significant amount of masonry at the upper level would not reflect the fenestration pattern of the more traditional houses in the area. The rear elevation, which would be apparent when viewed from Kelstedge Lane, would

have a contemporary appearance and would contain a mix of elements including box-like dormers in a contrasting material and a substantial area of glazing at ground floor level. The mixed palette of materials and bold design would be assertive in an otherwise traditional rural context.

13. Consequently, taking all these matters together, I am unconvinced by the assertion that the buildings would be read as a pair of traditional cottages. Whilst I acknowledge the benefits of the proposal in terms of the use of sustainable technologies, the character and layout of the development considered as a whole, along with its scale and massing, would be at odds with its surroundings.
14. For the above reasons the proposal would harm the character and appearance of the area and therefore be contrary to policies GS5, H12 and BE1 of the North East Derbyshire Local Plan (2005), Policies AP1 and AP11 of the Ashover Neighbourhood Plan (2018) which together seek to ensure that development respects the character and appearance of the area.

Other matters

15. The occupiers of the neighbouring property known as The Cottage are concerned about the impact the development would have on their living conditions, and specifically on the use of outdoor space including a raised patio. The design of the proposal would include a single storey element closest to the boundary. As such the side facing window on the first floor would be set back from the boundary and would also be partially obscure glazed. I am therefore satisfied that there would be no significant loss of privacy to the occupiers. In addition, because of the distance between the buildings, there would be no significant loss of light to the neighbouring property and nor would the proposal be overbearing. As such I am satisfied that the proposal would not cause undue harm to the living conditions of neighbouring residents.

Planning Balance and Conclusion

16. I acknowledge that site lies within the settlement boundary of the village, and it could be considered as a windfall site. Residential development would assist in delivering the Council's housing delivery target, albeit to a limited extent. This is a benefit of the proposal which carries limited weight in favour of the scheme. In addition, I have had regard to the personal circumstances of the appellant including the desire to remain within the village community post retirement, with other family members.
17. However, part of sustainable development, as set out in the National Planning Policy Framework, includes the need to achieve well-designed places by, as set out in paragraph 127, ensuring that developments are sympathetic to local character and establishing or maintaining a strong sense of place. For the reasons set out above the proposal would not meet these aims and would not be the sustainable development the Framework seeks to achieve. As such the benefits of the proposal would not outweigh the harm identified.

Conclusion and Recommendation

18. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR