



Appeal Decisions

Site visit made on 19 May 2020

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2020

Appeal Ref: APP/M1005/W/19/3240458

The Old Court House, Chesterfield Road, Belper, DE56 1FD

- 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 and Mrs Bartram against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2019/0547, dated 29 May 2019, was refused by notice dated 13 August 2019.
 - The development proposed is a two storey side extension, lower ground floor level to be partially underground.
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Appeal Ref: APP/M1005/Y/19/3240467

The Old Court House, Chesterfield Road, Belper, DE56 1FD

- 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 Graham Bartram against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2019/0548, dated 29 May 2019, was refused by notice dated 13 August 2019.
 - The works proposed are a two storey side extension, lower ground floor level to be partially underground.
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Decision

1. The appeals are dismissed.

Main Issue

2. The main issues for both appeals is whether the proposal would preserve the special interest of the Grade II Listed Old Court House and any special interest the building possesses, and whether it would preserve or enhance the character or appearance of the Belper and Milford Conservation Area, and the Derwent Valley Mills World Heritage Site.

Reasons

3. The Old Court House is a Grade II listed building. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of that area. Saved Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006, requires that new development contributes to the preservation of Listed

Buildings and their setting. Saved Policies EN27 and EN29 requires that development preserves or enhances the character or appearance of the Conservation Area and the Derwent Valley Mills World Heritage Site. These policies reflect the requirements of the Act. The *National Planning Policy Framework* (the Framework) also requires that the significance of heritage assets is conserved in a manner appropriate to their significance.

4. The Old Court House was originally constructed as a lodge to the (then) Field Head House and was subsequently used as a Victorian Courthouse. The building is Grade II Listed. The listing identifies the building as dating from the early nineteenth century and describes it as a single-storey symmetrical building with a rounded corner to the street. It is understood the building has been in residential use since the mid 80's and I noted on site that it has been previously extended to the rear.
5. In addition to its former use and association with Field Head House, the building derives a large part of its interest as a heritage asset from its design and construction. As a lodge it appears as a small scale discrete building, designed to signpost the wider estate. The subdivision of the original curtilage, previous conversion works and rear alterations have altered the original character of the building. Nevertheless, the relatively ornate design, with a centrally placed coped Flemish gable and strongly symmetrical appearance, and the position of the building relative to the road, provides a pleasingly proportioned frontage to Chesterfield Road and in this regard some of the building's significance also lies in the contribution the unusual appearance of the building makes to the wider streetscene.
6. The proposal comprises a two storey side extension, which would use the natural slope of the site to provide a lower ground floor to the rear of the site. It would appear relatively restrained, and would use a linking element, limited detailing to the front and matching materials to provide a contemporary design. However, much of the character of the building is derived from its modest size and its strongly symmetrical appearance. Although the extension would very clearly be perceived as a modern addition, the linking device would be insufficient to provide effective visual separation of old and new.
7. As a result, in views from Chesterfield Road, the scale and position of the works would disrupt the balanced appearance of the building which provides much of its intrinsic character. It would also, when taken with the existing modern addition to the rear, expand the scale of the building to the extent that the original modest proportions of the lodge would be lost. This would impact upon the character of the listed building and as the works would be notable in views of the asset from the road, would also, to a lesser degree have a detrimental impact on the character of the Belper and Milford Conservation Area and the Derwent Valley Mills World Heritage Site.
8. I consider the level of harm caused to the significance of the heritage assets to be less than substantial which the Framework advises should be weighed against the public benefits of the scheme. The proposal would remove existing outbuildings and other domestic paraphernalia from the site. However, these structures are not notable as permanent features on the site and are not unsightly or incongruous, and so their removal would provide limited public benefit. The proposal would also provide enhanced family accommodation. As I have no evidence that accommodation at the property is sub-standard or

otherwise deficient, or that its long-term occupation as a residential dwelling is at risk, this matter also carries limited weight as a public benefit.

9. The Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets great weight should be given to the asset's conservation. I therefore attribute greater weight to the harm which would arise to the significance of The Old Court House as a result of this proposal and accordingly the benefits identified would be insufficient to outweigh this harm. It follows that the proposal fails to comply with national policy outlined in the Framework. It would also conflict with Saved Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006 which seeks to preserve the character and appearance of Listed Buildings and to ensure that new development does not result in the loss of features which contribute to the architectural or historic interest of the building.
10. Insofar as the proposal would harm the special character of the listed building it would also lead to some limited harm to the character of that part of the Belper and Milford Conservation Area and the Derwent Valley Mills World Heritage Site and so would conflict with both the Framework and Saved Policies EN27 and EN29 of the Local Plan.

Conclusion

11. The proposal would harm the significance of the Grade II listed The Old Court House. This matter on its own is determinative. It was also, to a lesser extent harm the character of that part of the Belper and Milford Conservation Area and the Derwent Valley Mills World Heritage Site. The stated benefits of the scheme would be insufficient to outweigh the harm identified.
12. Accordingly, and having regard to all other matters raised, the appeals are dismissed.

Anne Jordan

INSPECTOR