
Appeal Decision

Site visit made on 15 October 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2020

Appeal Ref: APP/P1045/W/20/3253934

Holly Tree Cottage, Alfreton Road, The Cliff, Matlock DE4 5EZ

- 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 Smith against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00228/FUL, dated 20 March 2020, was refused by notice dated 19 May 2020.
 - The development proposed is described on the application form as rear conservatory, balcony and lower level garage including gravel access road.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. During the course of the Council's consideration of the planning application, the description of the proposal was changed to include reference to the extension to residential curtilage. The planning application was determined on that basis and I have considered the appeal on that basis.

Main Issues

3. The main issues are:
 - whether or not the proposal would preserve or enhance the character or appearance of the Lumsdale Conservation Area; and
 - the effect of the proposal on the living conditions of the occupiers of 2 Yew Tree Cottages with particular regard to privacy.

Reasons

Character and appearance

4. The Lumsdale Conservation Area (LCA) covers a relatively large area between the two settlements of Matlock and Tansley which includes open countryside together with steep valley sides and narrow winding roads. Buildings are sometimes sporadic but also form small clusters of traditional stone built properties both industrial and domestic.
5. From my observations on site therefore the significance of the LCA, in so far as it relates to this appeal, is largely derived from the number of high quality

- historic buildings, with the use of traditional materials and their siting in the open landscape.
6. The appeal property forms a stone house sited back from the A615. Due to the slope of the land the front of the property has two storeys and the rear has three storeys. The simple high rear elevation forms an imposing feature across the open valley to the rear of the property. It therefore contributes positively to the significance of the LCA.
 7. While I saw that there were balconies in the surrounding area these were mostly small additions to the host property. Despite the use of materials to match the host dwelling, the excessive height, width and length of the proposed extension would mean that most of the rear elevation of the property would be covered with only the second floor windows and roof visible. The set in distance from the side of the property would be minor and insufficient to allow any meaningful interpretation of the historic rear elevation. Consequently, it would not be subordinate to the existing house.
 8. Furthermore, the design of the extension would be particularly incongruous with the historic character of the property, through the inappropriate solid to void ratio of the garage, the uncharacteristic hip roof of the conservatory and the disproportionate size of the garage in relation to the conservatory. Consequently, the proposal would form a large bulky mass when seen from the side and rear, which would be an incongruous, prominent addition, out of scale and character with the host dwelling.
 9. According to the appellant the nearest footpath from which the proposal would be visible is some 892 metres away. This is some distance; however, the proposal would also be visible from the A615 and from neighbouring properties. The undue prominence of the extension would therefore be apparent within the wider area.
 10. There is little detail regarding the provision of the gravel access road. At the time of my site visit a gravel driveway had been constructed to the rear of the property, otherwise the rear space is mainly formed from grassland. Such development is minor, and further details could be the subject of a condition if the proposal was otherwise acceptable.
 11. The appellant has submitted a copy of the land registry title for the land within the extended curtilage which confirms that it contains restrictive covenants preventing the development of the land, other than for an extension to Holly Cottage or a driveway. I am satisfied therefore, that although the proposed extent of the extended curtilage would be large, the essential open character and appearance of the area would be maintained. In addition, while having a longer extent than properties to the west, it would be similar to that at Broadlands Farm. However, this would not outweigh the harm to the character and appearance of the area caused by the extension.
 12. For the reasons above, I conclude that the proposal would fail to preserve the character and appearance of the area and the significance of the LCA. It would therefore be contrary to Policies S4, PD1 and PD2 and HC10 of the Derbyshire Dales Local Plan 2017. These require, amongst other things that development protects and enhances the character, appearance and integrity of the historic environment and the height, scale, form and design of an extension is in

keeping with the scale and character of the original dwelling and sites wider setting.

Living conditions

13. No 2 Yew Cottages is a two storey dwelling to the west of the appeal site, sited marginally to the rear of the appeal property. It has a decked area with balcony within a small rear garden. It has a single storey side extension adjacent to the boundary with the appeal site which has an obscure glazed window in its rear elevation. All other visible windows are clear glazed, including windows in the gable end facing the appeal site.
14. However, there is a substantial vegetated boundary between the two properties. In addition, the proposed balcony and conservatory, although at a high level, would be some distance from the boundary between the properties. Consequently, the combination of these two factors would ensure that there would not be an unacceptable loss of privacy for the occupiers of No 2.
15. For the reasons above there would be no harm to the living conditions of No 2 Yew Tree Cottages with particular regard to privacy. There would, therefore, be no conflict with Policy PD1 of the Derbyshire Dales Local Plan 2017. This requires, amongst other things that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of overlooking.

Other matters

16. The appellant refers me to a planning application that has recently been approved for a large extension incorporating a balcony at Broadlands Farm¹. He considers that the percentage scale of the proposal before me now is less than that at Broadlands Farm. While I do not have full details of the proposal before me, I saw that Broadlands Farm is a modern dwelling, I therefore do not consider the two properties to be sufficiently similar in order to make meaningful comparisons. I also note that the Council reports that the design and scale of the extension was considered to be in keeping with the existing property.

Conclusion

17. I have found that the proposal would not preserve the character or appearance of the LCA. In the words of the National Planning Policy Framework (the Framework) this would cause less than substantial harm to the significance of the designated heritage asset. There are no public benefits of the proposal to be weighed against that harm and therefore, for the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR

¹ 19/00990/FUL