
Appeal Decision

Site visit made on 6 January 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Appeal Ref: APP/M9496/D/20/3261870

The Lost Brook Cottage, The Bank, Stoney Middleton, Hope Valley S32 4TD

- 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 David Staniland against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0520/0456, dated 24 May 2020, was refused by notice dated 5 August 2020.
 - The development proposed is to remove a uPVC conservatory from the side of the house and erect a wooden over door canopy and remove 1.2m of a wall and replace with a wooden gate.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and precision, I have taken the description of the development in the banner heading above from the Council's decision notice as it more accurately and succinctly describes the proposed development. I have also inserted 'Hope Valley' into the address in the banner heading as it is listed on the appeal form.
3. The appeal site is located within the Stoney Middleton Conservation Area (SMCA). In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the SMCA.

Main Issues

4. The main issues of this appeal are:
 - i. the effect of the proposed development on the character and appearance of the appeal site, the SMCA and its inclusion within the Peak District National Park (PDNP); and,
 - ii. the effect of the proposed development on highway safety.

Reasons

Character and appearance

5. The host dwelling is located within a prominent location of the SMCA, close to the junction of The Bank and the A623 (the junction). The appeal scheme is for

the creation of an area of off-road parking following the removal of the existing uPVC conservatory and a section of the existing wall/fence that currently serves as the front boundary treatment to the side garden, which faces The Bank. A timber canopy would also be erected on the side elevation of the host dwelling. I acknowledge that the demolition of the conservatory does not require planning permission, Nonetheless, the removal of a section of the boundary wall does.

6. Paragraph 172 of the National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks. Paragraph 192 of the Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of development making a positive contribution to local character and distinctiveness.
7. Overall, very little detail has been provided by the appellant to support the proposed development. Accordingly, I cannot be certain due to the level of information provided that the proposed development would not significantly harm the character and appearance of the host dwelling, the SMCA or the PDNP. Consequently, it has not been demonstrated that the proposed development would not have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of paragraph 196 of the Framework. To allow the proposal the resultant harm would need to be clearly outweighed.
8. The proposal would provide some off-road parking, but this would be at the expense of at least one on street parking space. In this instance, I find that the public benefits of the proposed development would not outweigh the harm to the significance of the SMCA. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. On the details before me, I consider the proposed development fails to accord with this duty.
9. For the reasons given above, I conclude that the proposed development would significantly harm the character and appearance of the appeal site, the SMCA and the PDNP. Therefore, the proposed development would conflict with the design, heritage, character and appearance aims of Policies GSP1, GSP3, L1, L3 of the Council's Core Strategy Development Plan Document 2011; Policies DMC5, DMC8 of the Development Management Policies Part 2 of the Local Plan 2019 (DMP) and the requirements of the Framework.

Highway Safety

10. DMP Policy DMC3 seeks to pay attention to the accessibility of the impact on accessibility of the development if permission is to be granted, and DMP Policy DMT3 requires a safe access that is achievable for all people, amongst other things.
11. During my visit, I noted the proximity of the site to the junction and how the boundary wall of the host dwelling adjoins the road, as no footpath is present outside of the site, although a small section of pavement was evident on the opposite side of the road. Outside the host dwelling and on the same side of the road, in the direction towards the junction I noted a number of vehicles parked, as there were no apparent restrictions, unlike other sections of The Bank.

12. Again, like on the previous main issue, little detail has been provided regarding the access, including its form and function. Nonetheless, it is apparent that the visibility from the new access would be restricted due to the boundary wall and the host dwelling itself. Whilst no sight lines have been provided within the submission, it is evident that the layout of the proposed development would not be able to achieve the desired visibility splays. Thus, it has not been demonstrated that the proposed development would not result in any vehicular conflict or wider highway safety issues.
13. For the reasons given above, I conclude that the proposed development would significantly harm highway safety. Therefore, this would conflict with the highway safety aims of DMP Policy DMC3, DMT3 and the requirements of the Framework.

Other Matters

14. I have had regard to the historic photograph's provided by the appellant and to Stoney Middleton Parish Council not objecting to the proposed development, but on the evidence before me these are not reasons to grant permission in the face of the harm identified. I have considered this appeal scheme on its own particular merits and concluded that it causes harm for the reasons set out above.
15. I have also had regard to concerns raised by the appellant about the way that the Council handled the application, but this does not affect the planning merits of the case.

Conclusion

16. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR