



Appeal Decision

Site visit made on 1 December 2020

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Appeal Ref: APP/M1005/D/20/3258618

29 Langley Barton, Ashbourne Road, Kirk Langley, Ashbourne DE6 4NS

- 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 Zahida Zabir Ahsen Mohsen Ahmed against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2020/0308, dated 25 March 2020, was refused by notice dated 9 July 2020.
 - The development proposed is described as 'Demolition of existing conservatory and single storey rear sections of existing dwelling. Construction of double storey side and single storey rear extensions, internal alterations, new dormer roofs. Felling of two trees. New hardstanding to car parking area'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. There is no listed building consent appeal before me and as a consequence this appeal relates only to the planning merits of the case. It does not consider any works which would require listed building consent, but not planning permission.

Main Issues

4. The main issues are:
 - whether the proposal would preserve the grade II listed building Langley Barton, 29 Ashbourne Road (Ref: 1109093) and any of the features of special architectural or historic interest that it possesses; and
 - whether the proposal would preserve or enhance the character or appearance the Kirk Langley Conservation Area.

Reasons

The listed building and the conservation area

5. Langley Barton is an early nineteenth century red brick house with a plain tile hipped roof gabled to the rear. It is a simply composed and well-proportioned substantial detached Georgian dwelling set on a prominent corner plot on the approach to Kirk Langley. Although not mentioned in the listing entry, it has a
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much smaller two storey red brick ancillary annex building which is attached to the main house via a single storey link section. This annex is referred to by the appellant as the cottage and is in residential use. It appears on the first edition ordnance survey map which dates to 1880/81 and forms part of the listed building. The Council confirms that whilst its purpose is unknown, the cottage building has a domestic character annexed to the house itself and it seems to me that it could well have been used as servants quarters.

6. Both the main house and the cottage have been altered and extended. There is also a recently constructed detached building running along the boundary of the site adjacent to Ashbourne Road close to the entrance. I understand that this provides ancillary living accommodation in association with the main house and replaces an outbuilding. The cottage has a number of extensions to the rear including one which is evident on historic maps (along with the link building which joins the annex to the house). Additionally, the cottage has been extended more recently to the side elevation where there is a single storey octagonal sunroom/conservatory extension.
7. Nevertheless, the main house remains an attractive example of a reasonably high status and early Georgian dwelling within Kirk Langley. The cottage, with its simple rectangular shape and functional architectural design attests to the modest vernacular design and proportions of its historic form and subservient relationship to the main house. The various extensions to the cottage illustrate its adaptation and continued survival as ancillary living accommodation over time. Overall, this affirms the elevated status of the main house and contributes to its historic legibility.
8. I therefore find that the significance of the listed building, insofar as relating to this appeal, is primarily associated with the form and historic fabric of the cottage building, and its architectural character and scale in relation to the main house.
9. The appeal building is within the Kirk Langley Conservation Area which takes in much of the historic rural settlement. It is characterised by dispersed mainly linear development and is spread out and open in character. The conservation area incorporates a number of farms and workers cottages along with more substantial residential dwellings particularly along the main roads. The conservation area's historic and architectural significance is associated with the Kirk Langley's history and development as a rural settlement.
10. As an attractive higher order Georgian house which is prominent when entering the built up part of the settlement on approach on the A52 (Ashbourne Road), the appeal building adds to the architectural richness of the conservation area. As such, I consider, insofar as relating to this appeal, that the importance of the conservation area is mainly derived from the historic status and prestige of its larger historic residences. Thus, the appeal property contributes positively to the historic character and appearance of this part of the conservation area and its significance as a heritage asset in relation to this appeal.

The effect of the proposal on the listed building and the conservation area

11. The appeal proposal seeks to extend the cottage building. The basic structure of the main two storey element of the cottage would remain and it would be extended at two storey level to its eastern side and at single storey level to the rear.

12. Overall, the proposal would be disproportionately large and swamp the simple vernacular form of the cottage by significantly obscuring its traditional form and fabric. It would substantially increase the size of the cottage at first floor level and effectively double its length to provide a long and continuous two storey front elevation. Whilst lower than it, the two storey element of the cottage would be of a similar length to the overall width of the main house which would further add to the highly incongruent and over-dominant nature of this unsympathetic proposal.
13. The single storey additions to the rear would be arranged in three sections with a long central element which would extend considerably rearwards of the cottage and at right angles to it. This being so, the proposal would also significantly enlarge the cottage's footprint and introduce a discordant floorplan to what would have historically been a much smaller footprint and comprised a more compartmentalised linear arrangement.
14. The appellant argues that the proposal would refine the design of the cottage and replace the varied styles and materials there. It would use matching materials including red brick which is characteristic of the area. The corbel details at eaves level would be retained and the structural opening sizes would reflect those in the existing building. I also appreciate that the existing white uPVC windows would be replaced with new flush conservation style casement windows with natural grain appearance uPVC. However, this would not outweigh the harm that would be caused by the excessive massing of the proposal additions.
15. In addition to its excessive size, the proposal would introduce a number of inappropriate and highly incongruent features. To the front elevation four dormer windows with pitched roofs would be provided in a strong and uniform pattern. To the rear, the single storey elements of the proposal would result in a complex arrangement of three pitched roofs with a total of ten rooflights. Furthermore, the shorter flanking wings of the rear extension would be finished in render. These elements of the proposal would appear as alien and uncharacteristic features that would wholly undermine the modest vernacular architectural form and materials of this traditional cottage. Consequently, both the form and the massing of the proposed changes would be unacceptable.
16. The appellant considers that the removal of the existing extensions to the cottage would improve its appearance. The Council raises no objections to the loss of the more modern conservatory style side extension and I agree that this existing structure is an example of the much later phasing of the cottage and due to its design, form and materials it does not contribute to the significance of the listed building. However, due to its limited size and single storey scale along with its predominantly glazed design and octagonal shape (including its limited extent of attachment to the host building), it is for the most part appreciated as an independent structure somewhat separate from the cottage. Thus, I am not persuaded that this addition detracts unduly from the cultural significance or integrity of the building.
17. The extensions to the rear of the cottage that are to be demolished are older. I accept that they incorporate varied roof heights, floor levels and feature the use of more modern materials. Indeed they appear as a somewhat muddled assortment of piecemeal additions. Nevertheless, they are part of the varied historic fabric of the cottage as it has evolved and adapted and are testament

- to its continued residential use and phasing over time. As such, as part of its historic layering, they contribute to the overall significance of the building and illustrate its chronology. Their replacement with the appeal proposal would detract from this element of the building's special interest.
18. Taking all these factors into account, I consider that the proposal would introduce unacceptably bulky and over-dominant additions that would add extensively to the cottage and introduce uncharacteristic, alien features. They would completely alter the modest scale and simple linear form and character of the cottage and overwhelm its appearance. This would be to the extent that the cottage would be unrecognisable and it would be impossible to identify or appreciate the extent of the historic fabric of the building or to understand its historic form or scale.
 19. In doing so, the proposal would also undermine the cottage's historic role and relationship to the main house. As things stand, due to its modest proportions and functional simple detailing, the cottage reads as an ancillary annex to the main house and retains its sense of subservience to it. In contrast, by increasing the bulk and prominence of the cottage as proposed, it would appear as a much more considerable and dominant building. The proposal would increase the status of the cottage and impede the appreciation of its historic role and function as an ancillary domestic building. The resultant structure would challenge the visual dominance of the main house and would not appear subservient to it. This being so, it would erode the prestige and stature of the main house and undermine its higher status and primacy, thus detracting from its authenticity. As a result, overall, the proposal would seriously impair the listed building's historic legibility and fail to preserve its special interest.
 20. The listed building is a prominent feature in the settlement and the conservation area. As an early dwelling of high status it contributes to the sense of identity and place in this part of the conservation area. The cottage is highly visible through the entrance to the site from Ashbourne Road and is also seen in views through the entrance to the site from Barrington Close. In undermining the historic integrity and status of the listed building, the proposal would also detrimentally affect how the conservation area is experienced. I therefore consider that the proposal would cause harm to the significance of the conservation area and would fail to preserve its character and appearance.
 21. I therefore conclude on the main issues that the proposal would fail to preserve the special interest of the listed building or the significance of the conservation area. I give this harm considerable importance and weight in the balance of this appeal.
 22. The Framework advises at paragraph 193 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I consider that the harm in this case, although serious, would be less than substantial in the terms meant by the Framework. Paragraph 196 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

23. It has not been put to me that the property's continued viable use as a dwelling is dependent upon the appeal proposal, and I am aware that the building has an ongoing residential use that would not cease in its absence. Whilst the proposal would provide additional habitable rooms at first floor level in particular and create a more comfortable home for the appellant, these are private benefits only.
24. No public benefits have been put forward which would outweigh the harm to the designated heritage assets I have identified. For these reasons the proposed works would fail to satisfy the requirements of the Act and paragraph 192 of the Framework.
25. The proposal would also be contrary to Policy EN24 of the Amber Valley Local Plan (Local Plan) which states that proposals for the external alteration of listed buildings will only be permitted where they contribute to the preservation of the listed building and its setting, having regard to the elements which make up its special interest, including the character, appearance, scale and its original function. It would also conflict with Local Plan Policy EN26 which seeks to resist the demolition of buildings in conservation areas where they make a positive contribution to the character or appearance of the conservation area and Local Plan Policy EN27 which is permissive of development within conservation areas if they contribute to the preservation or enhancement of the conservation area.
26. The proposal would also be at odds with Local Plan Policy H12 which requires housing proposals to be in scale and character with their surroundings and Local Plan Policy LS3 which requires all new development to reflect the principles of good design by conserving or enhancing the quality and local distinctiveness of the natural and built environment.
27. The decision notice refers to policies in the Kirk Langley Neighbourhood Plan (NP). I understand that the NP is well advanced, has been subject to examination, and is due to go to referendum later this year. The Council indicates that it can be given significant weight in planning decisions. NP Policy HER1 is cited on the decision notice and is concerned about the distinct identity of Kirk Langley Village and Langley Common. In particular it refers to development which extends the built up area of the village along the A52. Whilst the appeal site is located along the A52 I am not convinced that the proposal would extend the built up area of the village and so regard this policy to be of limited relevance to the appeal scheme. Nevertheless, the proposal would be contrary to Policy HOUS5 of the NP which requires extensions to be of a high quality design appropriate to their local context.

Overall Conclusion

28. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR