



Appeal Decision

Site Visit made on 16 March 2021 by Gareth Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/P1045/D/20/3264332

Milnhay, Broadway, Kirk Ireton, Derbyshire DE6 3LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr David Curtis against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00317/DCOND is dated 27 July 2020 sought approved for details pursuant to condition No. 4 of planning permission Ref: 20/00317/FUL, granted on 8 June 2020.
 - The application was refused by noticed dated 23 November 2020.
 - The development proposed is single storey rear extension, removal of rooflight, modifications to openings and insertion of new windows and rooflights.
 - The details for which approval is sought are: Prior to installation full constructional details of all new windows and doors (inc materials, treatment and/or colour) shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Main Issue

3. The effect of the proposed materials upon the character and appearance of the dwelling and linked to that, the extent to which the proposal would preserve or enhance the character or appearance of the Kirk Ireton Conservation Area (CA).

Reasons for the Recommendation

4. The CA covers most of Kirk Ireton with many of the dwellings constructed from sandstone with Staffordshire blue clay tiles. The windows and doors are typically constructed from dark brown materials, although there are a number of dwellings with lighter coloured windows and doors. The consistent use of materials and in the appearance of the dwellings themselves are characteristics that positively contribute to the character and appearance of the CA.
5. Planning permission was granted for an extension to Milnhay which included the insertion of a number of new windows and doors. Condition No.4 required

the construction details for the windows and doors to be submitted prior to their installation. The information submitted to discharge the condition sought to construct the windows from UPVC and to be coloured agate grey. Milnhay is a relatively modern dwelling that is part of a courtyard development. The buildings have been constructed using the predominant materials in the CA and the windows and doors across the courtyard development are dark brown. Some appear to be made from UPVC and others timber, but they are all a very similar colour. Whilst the dwellings were not originally agricultural buildings, they have been designed with that aesthetic in mind. The consistent use of materials as well as the appearance of the dwellings across the courtyard creates a strong sense of coherence in the group which positively contributes to character and appearance of the CA.

6. Both the Conversion of Farm Buildings Supplementary Planning Document (SPD) (adopted 2019) and the Kirk Ireton Conservation Area Appraisal (adopted 2014) note that there are several different colours of windows that could be acceptable. Nevertheless, Milnhay is part of a courtyard development and the consistent use of materials across this development positively contributes to the character and appearance of this group of dwellings and the wider CA. I appreciate that the appellants wish to use a 'heritage' grey. Whilst that may be acceptable in some circumstances it would fail to have regard to the coherent design of the development as a whole. The introduction of this incongruous colour choice on one dwelling but not the rest of the development would detract from this consistent design approach that can be seen across the courtyard.
7. The rounded corners of the proposed windows would only be visible from up close and would not be particularly visible when appreciating the groups of dwellings as a whole. Given the small-scale variation between the square corners and rounded corner windows, they would preserve the character or appearance of the group of dwellings and the CA.
8. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development 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 alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the scale of the proposed development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. From the information before me, there are no public benefits associated with the proposal.
9. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would not preserve or enhance the character or appearance of the CA. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework. Furthermore, the proposal would also be contrary to Policy PD1 and PD2 of the Derbyshire Dales Local Plan (adopted 2017) which requires development to contribute positively to the areas character and history through the use of appropriate materials.

Other Matters

10. Whilst I note that replacing windows and doors can sometimes be completed using permitted development rights, based on the information submitted it is not clear if the dwelling benefits from permitted development rights. It is not the purpose of a section 78 appeal to consider whether development would be permitted development. The appellant could have submitted an appeal against the original planning permission for the condition to be removed in its entirety but did not. As a result, I can only consider the proposal before me. It is common practice for the Council to attach conditions requiring materials to be approved for new windows and doors to ensure the external materials are acceptable, especially when said development is in a CA.
11. The appellant has identified a number of buildings within the CA that do not have dark brown windows or doors. In those instances, those dwellings were not typically part of a courtyard development, like Milnhay, where the consistent design approach is an attractive quality of those dwellings which itself positively contributes to the character and appearance of the CA. Consequently, the variety elsewhere does not alter my conclusions in this instance.

Conclusion and Recommendation

12. The proposed development would cause harm to the character and appearance of the dwelling, as well as the wider courtyard development. Furthermore, the proposal would fail to preserve the character or appearance of the CA and as a result would be contrary to the development plan taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

Gareth Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR