



Appeal Decision

Site Visit made on 27 April 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/P1045/W/20/3264715

Land at The Old Barn Rise End, Middleton by Wirksworth, DE4 4LS

- 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 Ms Cheryl Harris against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00348/FUL, dated 9 April 2020, was refused by notice dated 17 June 2020.
 - The development proposed is erection of a detached dwelling and reconfiguration of access.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Ms Cheryl Harris against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant has advised that the Council's decision notice refers to drawing no. G03-09B, G05-09C and this is incorrect. The Council have clarified that there are typographical errors, and this should be drawing no. G03-09C. I have therefore dealt with the appeal on this basis.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Middleton Conservation Area.

Reasons

5. The appeal site forms part of the curtilage and access to The Old Barn. It lies within the settlement of Middleton-by-Wirksworth and is within the Conservation Area of Middleton (CA).
6. The Conservation Area Appraisal¹ (CAA), sets out the key characteristics of the CA including that development is dense, built largely along the roadside, dominated by a mixture of carboniferous limestone and rendered cottages with blue clay tiled roofs. The high upland location provides panoramic views over a wider area, villages are tied to the upland landscape and geology through the predominant use of rubble limestone boundary walls.

¹ Middleton-by-Wirksworth, Conservation Area Appraisal, 2009

7. The CAA identifies the appeal site falling within the hamlet of Rise End. The settlement was established in the 18th century and is dominated by three-storey town houses and a number of two-storey 18th century cottages, which were added to and adapted during the 19th century.
8. The site lies between existing dwellings, No.40, a large detached property with a side gable directly facing the roadway, and the 'Old Barn', located towards the east of the main road and is a historic, former, agricultural building converted to residential use. There are a mix of other residential properties to the opposite side of the road, either directly facing the main highway or just set back, despite some variation in architectural form, overall, they appreciably contribute to the character and appearance of the settlement and the CA.
9. The proposed building would form a three-bedroom dwellinghouse and would be of a rectangular structure with a dual pitched roof, having minimum fenestration. Although, the overall form/shape has assimilation with the CA and association with the 'Old Barn', reflecting its historic agricultural nature, its overall design incorporates features that would appear at odds with the simple local vernacular form.
10. I appreciate that the proposals were amended to some degree following the Council's design comments. However, the introduction of the lean-to porch to the west elevation would appear as a heavy, bulky domesticated feature, at odds and exacerbated by the lack and type of fenestration to this elevation. The casement windows would be of a cottage style rather than being of an agricultural character, proportion, pattern and detailing. Furthermore, despite the materials of random limestone rubble facings, the east and west elevations would be finished with a stone-grey coloured render, which would be at odds with the prevailing context of the 'Old Barn', the overall size and shape of the proposed building and properties within the immediate setting of the appeal site.
11. Whilst not all the dwellings within the immediate area were originally agricultural buildings, many have been designed with that aesthetics in mind. Given the location of the appeal site and its context, location within the CA, the overall design should reflect that of the 'Old Barn' and not as a hybrid dwellinghouse / barn. Thus, it would result in a proposed dwelling with no overall identity by combining different elements of design into the simple, rectangular shaped building. As such, the overall design would be unacceptable, resulting in an incongruous dwelling within the CA, it would therefore cause harm and fail to preserve or enhance the character or appearance of the immediate and wider setting of the CA.
12. Moreover, the proposals would also result in significant engineering works to accommodate the dwelling within the site due to the topography of the area and existing changes in land levels. The proposed dwelling does not appear to have been designed to respond to the site's ground and changing levels and there is limited evidence on this matter. Therefore, I am not satisfied on how the car parking, access into the property itself, and gradients would work with these significant changes in levels.
13. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons given, I conclude that the proposed development would harm the

character and appearance of the CA and fail to preserve it. Whilst the harm would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.

14. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. From the evidence before me, there is limited public benefit to the proposed development, although there would be a contribution to the Council's housing land supply, this would be limited due to the quantum of development proposed.
15. There would be a small social benefit in providing the house and economic advantages would also arise from the construction and occupation of the new house, however this does not outweigh the harm found to the significance and the weight to be given to the conservation of the heritage asset.
16. Therefore, for the reasons given above, I find that the proposed development would be contrary to Policies, S1, S3, PD1 and PD2 of the Derbyshire Dales Local Plan, 2017. Taken together these policies require development to be of a high quality design, conserve and where possible enhance the Peak District Character, including the setting of settlements; be of a compatible scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement; contribute positively to character of the built and historic environment; and conserve heritage assets in a manner appropriate to their significance and take into account the desirability of sustaining or enhancing their significance.
17. I also find, the proposal would be contrary to the design objectives in the Framework, particularly Section 12, paragraph 127, which seeks to ensure new development is visually attractive, maintains a strong sense of place and adds to the overall quality of the area. It would also be in conflict with Section 16 of the Framework as it would not conserve the heritage asset in a manner appropriate to its significance, or positively contribute to local character or distinctiveness.

Other Matters

18. Local residents have raised other concerns relating to highway safety, water and sewage location and privacy/overlooking. However, these were not reasons for refusal on the Council's decision notice and I have no substantive evidence to support these concerns. I acknowledge the appellant's desire for a new home for a family member on a low income. However, these matters do not outweigh the concerns I have raised above.
19. The appellant has provided copies of correspondence with the Council relating to the application and pre-planning advice. I note the appellant's comments and frustration with no/limited response from the Council, but I have given this limited weight. It appears to me that the Council have explained their pre-planning advice scheme, and informal advice was given, albeit delayed. Furthermore, it appears to me that this was in accordance with the planning

practice guidance² (PPG), and pre-application advice provided cannot pre-empt the democratic decision-making process or a particular outcome, in the event that formal planning application is made. In any event, I have dealt with the appeal on the proposals I have before me.

20. I have had regard to the other properties that have been drawn to my attention by the appellant at Jacksons Ley and within Middleton village. Whilst I accept there is variation of style between those dwellings, I have limited evidence on the circumstances of each of these, and those differ from this appeal proposal in respect of design, building form/shape, fenestration, position and location. These matters do not diminish the concerns I have identified in relation to the proposal in the context of the appeal site nor the harm I have identified in respect of the main issue. In any case, I must consider the appeal on its own merits.

Conclusion

21. The proposed development 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 that the application should be determined other than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR

² Paragraph: 001 Reference ID: 20-001-20190315, Revision date: 15 03 2019; Paragraph: 003 Reference ID: 20-003-20140306, Revision date: 06 03 2014; 004 Reference ID: 20-004-20180222; Revision date: 22 02 2018