
Appeal Decision

Site visit made on 2 June 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/P1045/D/21/3269649
158 Derby Road, Cromford DE4 3RN

- 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 D Sheldon against the decision of Derbyshire Dales District Council.
 - The application Ref 20/01275/FUL, dated 24 November 2020, was refused by notice dated 19 February 2021.
 - The development proposed is replace 1.6m panel fence with 1.9m close boarded timber fence.
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Decision

1. The appeal is allowed and planning permission is granted for replace 1.6m panel fence with 1.9m close boarded timber fence at 158 Derby Road, Cromford DE4 3RN in accordance with the terms of the application Ref 20/01275/FUL, dated 24 November 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block and Location Plans; Fencing Detail Plan.
 - 3) The development hereby approved shall be painted a dark brown colour within one month of being erected and shall be retained and maintained as such.

Procedural Matters

2. When on my site visit. I observed that further past the part of no. 158 which faces Derby Road, some fencing had already been erected which does not appear to be shown on the submitted plans. Notwithstanding this fencing being in place, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.
3. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Cromford Conservation Area (CA).

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the CA with reference to the setting of the Derwent Valley Mills World Heritage Site (WHS).

Reasons

5. The appeal site is located on the junction between Intake Lane and Derby Road. While on my visit I observed that the existing boundary treatment where the proposal would be located comprises the combination of a small stone wall with fencing on top of it with many semi-mature trees and some taller mature trees behind them. In many places this existing fencing was in a dilapidated state with some pieces missing. I also observed that the neighbouring property had brown coloured timber fencing on top of its boundary wall facing Derby Road which appeared to be similar to the proposal.
6. Given the appeal site's location I consider it to be visually prominent within the street scene. Even so, given the proposal's size, colour, location, and design as well as the fact that several properties fronting Derby Road have similar boundary treatments it would not necessarily look out of place. Consequently, while I note that timber fencing is not a traditional boundary treatment it would not harmfully detract from the character, appearance, setting or significance of the wider CA thereby having a neutral impact. For similar reasons, it would also not harmfully detract the setting or cultural value of the WHS thereby also having a neutral impact on it. As a result, I find that the proposal would preserve the character of the CA and the cultural value of the WHS in accordance with the aims of the National Planning Policy Framework (the Framework).
7. I also note that the proposal would be higher than the fencing it would replace. However, it would not be so high as to dwarf the other boundary treatments nearby or to look incongruous within the street scene particularly given the presence of the semi-mature and mature trees behind it. The Council have also suggested that instead of the replacement fencing, that the existing boundary wall should be increased in height and that dense evergreen planting should be placed behind it. However, any increase in the height of the boundary wall would not be in keeping with the other similar boundary treatments on this part of Derby Road.
8. I therefore conclude that the proposal would be consistent with the preservation of the character of the CA and the cultural value of the WHS. Accordingly, it would meet the requirements of policies PD1, PD2 and HC10 of the adopted Derbyshire Dales Local Plan.

Other Matters

9. Interested parties have raised concerns that the proposal would be too high and would therefore cause visibility problems for vehicles using the road junction. However, the Highway Authority have not objected to the proposal and I have no substantive evidence before me to suggest that it would cause any issues in relation to highway safety.
10. An interested party has also expressed concern that a new vehicular access has been formed in the boundary wall of the appeal site, new surfacing has been laid and that trees and hedges have been pruned and/or removed from the

boundary without planning permission. However, this is not a matter for me to consider as part of this s78 appeal as enforcement issues are something that should be dealt with by the local planning authority in the first instance.

11. None of the other matters raised alter or outweigh my conclusions on the main issue above.

Conditions

12. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. I have also imposed a condition requiring the colour of the proposed fencing to be brown in the interests of the character and appearance of the area.

Conclusion

13. For the reasons set out above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR