
Appeal Decision

Site visit made on 8 June 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/M9496/W/21/3266728

69 Derby Road, Cromford, Matlock DE4 3RP

- 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 Dennis Hobson against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00535/FUL, dated 12 June 2020, was refused by notice dated 28 August 2020.
 - The development proposed is 1800mm timber fence to be constructed around the site perimeter. Fence to be constructed behind existing stone wall on street facing aspect.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I noted at my site visit that fencing has been constructed at the appeal site. However, I have determined the appeal in accordance with the drawings before me and on which the Council made its decision namely drawing numbers 2010_01 and 2010_02_B.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Derwent Valley Mills World Heritage Site (WHS), the setting of listed buildings - the Mill Manager's House, Rock House, and the Coach House (all Grade II) and 69 Derby Road (Rock Lodge) as a non-designated heritage asset, and whether the development would preserve or enhance the character or appearance of the Cromford Conservation Area (CCA).

Reasons

4. 69 Derby Road (Rock Lodge) is a detached former lodge to Rock House with a good-sized garden that has boundaries with Derby Road, a public footpath, and a private drive.
5. The appeal site falls within the WHS, inscribed in 2001, being of outstanding universal value and includes the majority of the CCA. It is a heritage asset of the highest significance as set out in Paragraph 184 and 194 of the National Planning Policy Framework (the Framework) and Planning Practice Guidance¹. Any harm to, or loss of, the significance of the heritage asset, from its

¹ Paragraph: 026 Reference ID: 18a-026-20190723; Revision Date 23 07 2019

- alteration or destruction, or from development within its setting, should require clear and convincing justification.
6. The Mill Manager's House, Rock House and associated Grade II LB's built Circa 1780 are of high historical significance as the former home and associated buildings and mill complex of Sir Richard Arkwright.
 7. The historic character of Cromford is predominantly that of an estate village, where common materials and details were employed by a single landowner, who managed all aspects of life. The significance of the CCA in part derives from the industrial core of mill buildings, prevalent use of gritstone for boundary walls and yew tree planting. Cromford Conservation Area Appraisal acknowledges that Rock Lodge has been altered but states that it is clearly identifiable as an entrance lodge and is an important component of the Arkwright village.
 8. Derby Road is a busy road and properties that have a frontage to it are enclosed by a mix of boundary walls and hedging with some fences evident close to the appeal site as identified in the appellant's appeal statement. The existing boundary wall adjacent to Derby Road is part of a continuous wall from the entrance to the public footpath as far as the gate pier at the entrance to the parkland associated with the Rock House estate. I agree with the Council that the designed stone walling, entrance and gate piers contribute to the character and appearance of the CCA and WHS.
 9. The proposed fence to the Derby Road frontage would be close to, and extend significantly above, the height of the existing wall. Even though it would be stained to reduce its prominence the fence would result in a considerable length of solid enclosure along the boundary. The fencing would be a prominent and discordant feature of the street and would detract from the importance of the wall as the entrance to the Rock House estate. It would have an adverse impact on the character and appearance of the CCA and the WHS.
 10. I accept that there are other examples of fenced boundaries close to the site, however, the existing fences are not directly associated with the entrance to the Rock House estate and their presence does not justify the identified harm.
 11. Adjacent to the public footpath and the private drive the proposed fencing would be boarded in vertical panels with alternate boards removed. The fencing would be stained green and sited with sufficient space from the back of the wall to allow yew hedging to be planted. The fencing would be removed after 3 years according to the drawings when the hedging matures (although the appellant's statement refers to a period of 5 years).
 12. The fencing would be prominent from the private drive entrance from Mill Road and from the public footpath. The proposal to use fencing designed with alternate vertical boards would not soften the hard appearance of the fence to any meaningful extent. Because of its height, length, and prominence the proposed fencing would be an obtrusive and incongruous feature that would disrupt the attractive contrast between the historic stone buildings and walls and their mature landscaped setting. Consequently, the proposal would detract from setting of adjacent listed buildings and the character and appearance of the CCA and the WHS. Although the fencing may be removed after 3 to 5 years, in this particularly sensitive location I am not satisfied that other means

to secure the garden have been sufficiently explored to warrant such visual intrusion for an extended period.

13. Taking the above points together, and being mindful of the duties arising from sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I conclude that the proposed development as a whole would fail to preserve or enhance the character or appearance of the CCA, the character and appearance of the WHS and would harm the setting of the adjacent listed buildings. It would also harm the setting of Rock Lodge as a non-designated heritage asset.
14. Whilst the harm to the heritage assets would be less than substantial, I must nonetheless give this great weight. Paragraph 196 of 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.
15. I note that the appellant requires the fencing to secure the boundaries of the site to protect his family from the busy road and adjacent public areas and to reduce the environmental pollution associated with the gardens proximity to the main road. However, the limited evidence provided does not satisfy me that the garden boundaries could not be secured by other means or a smaller area within the garden secured for children's play. Nor am I satisfied that the protection of the site from noise and air pollution cannot be achieved by other means. The planting of yew hedging would be a benefit in terms of providing additional landscaping of an appropriate species. Even so, the fenced backdrop limits the benefits of this in the short to medium term and applies to part of the development only. These limited public benefits do not outweigh the less than substantial harm to the significance of the heritage assets.
16. Overall, the proposal would fail to satisfy the requirements of the Act and the Framework. It would conflict with Policies S3, PD1 and PD2 of the adopted Derbyshire Dales Local Plan dated 7 December 2017 which together require high quality design that is compatible with the character and appearance of the area and which conserves heritage assets in a manner appropriate to their significance.

Other Matters

17. Although the Council indicates that elements of the fencing adjacent to the public footpath benefit from permitted development rights, these elements have not been identified on the appeal plans. I have considered the scheme before me on its own merits and the fact that permitted development rights might apply to part of the development does not lead me to a different conclusion on the main issue.

Conclusion

18. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR