
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: 13th July 2021

Appeal Ref: APP/P1045/D/21/3269966

26 Gorsey Bank, Wirksworth DE4 4AD

- 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 Sue Allanson against the decision of Derbyshire Dales District Council.
 - The application Ref 20/01141/FUL, dated 13 November 2020, was refused by notice dated 4 January 2021.
 - The development proposed is elongation of existing first floor window opening to form new glazed doorway and installation of a balcony and privacy screen.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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 Gorsey Bank Conservation Area (CA).

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the CA.

Reasons

4. The appeal property is a two-storey end of terrace dwelling with a traditional stone façade and tiled roof. The surrounding area is predominately residential comprising single and two storey dwellings and cottages all with traditional material finishes, giving it the feel of a small picturesque village. None of the other dwellings or cottages have a balcony that is visible from public vantage points within the CA. The significance of the CA derives from the traditional style and material finishes of these cottages and dwellings as well as those of the other buildings within it.
5. The proposal would replace one of the first-floor windows to the side elevation of the appeal property with a larger opening to facilitate the addition of a new first floor balcony. The proposed balcony would have a contemporary rather than a traditional material finish.

6. Consequently, given that this side elevation is in a visually prominent location next to the nearby footpath, and that no other nearby properties have such a balcony, the proposal would be at odds with the prevailing pattern of development in the area. As such, even though it would demonstrate a clear contrast between its contemporary design and material finish and the traditional ones within the CA, it would represent a discordant addition to the street scene nonetheless, thereby having a significant adverse visual impact.
7. As a result, I find that the proposal would negatively affect the historic interpretation of this part of the CA. Accordingly, it would fail to preserve or enhance the character or appearance of the CA as a whole thereby having a negative effect on the significance of a designated heritage asset resulting in less than substantial harm. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework), given its scale, the proposed balcony would provide limited social benefits. Consequently, these benefits would not be of sufficient weight to outweigh the harm to the CA to which I must attach great weight.
8. I acknowledge that the proposal would be on the side elevation of the appeal property rather than its more formal front or rear elevations. However, given the visual prominence of the side elevation's location in relation to the public footpath it would cause less than substantial harm to the significance of the CA, nevertheless.
9. I also acknowledge that the existing window that would be replaced has a poorer quality modern timber frame with a transom panel which is not necessarily in keeping with the traditional character of the host building. However, this minor contrast with the prevailing character of the area is by no means as striking as that of the proposed balcony, given its comparative size.
10. Similarly, even though the proposed enlarged window opening would include the installation of traditional gritstone quoins, it would not mitigate the fact that this opening would be much larger than all the other first-floor windows on the appeal property, which would give it an unbalanced appearance, all the same.
11. I note that when viewed from the bottom of the ginnel on Gorsey Bank that the vegetation on the boundary would provide some screening. However, as shown by the photo in the appellant's statement, this vegetation would not be high enough to fully screen the proposal when viewed from this vantage point. In any event, this vegetation would not provide sufficient screening of the proposal when viewed from the nearby footpath at close range.
12. I therefore conclude that the proposal would neither preserve nor enhance the character or appearance of the CA. As a result, the proposed development would conflict with paragraph 193 of the Framework, which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting. It would also conflict with paragraphs 194 and 196 of the Framework which seek to conserve and enhance the historic environment. Accordingly, the proposal would also fail to meet the requirements of policies PD1, PD2 and HC10 of the adopted Derbyshire Dales Local Plan.

Other Matters

13. I also note that the proposal: would not cause visual intrusion or unacceptable overlooking or overshadowing of neighbouring properties; would provide a high standard of amenity for occupiers of the building in terms of enjoyment of the view; and would provide increased levels of daylight for these occupiers. However, these matters are not of sufficient weight to outweigh or overcome the substantial harm to the character and appearance of the CA I have identified above.

Conclusion

14. The proposal would not accord with the development plan and the Framework when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within them. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan.
15. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR