



Appeal Decision

Site Visit made on 19 October 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/P1045/W/21/3277234

27 Rise End, Middleton By Wirksworth, Derbyshire 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 Mrs and Mr Alice and Peter McNeil against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00303/FUL, dated 4 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is erection of timber garden office to enable working from home.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site forms part of the terraced garden area to a historic 19th century cottage and is within the Conservation Area of Middleton (CA). The site is positioned on relatively steep rising ground with an open field adjacent and the Rising Sun Public House towards the south at a lower level.
4. The key characteristics of the CA are set out within 'The Conservation Area Appraisal'¹ (CAA) including that its high, upland location provides panoramic views over a wider area. The CAA identifies the appeal site falling within 'Rise End', a small hamlet, located at the junction of two major roads. The landmark of the Rising Sun public house and the triangle of land in front of the pub are a pivotal point within the hamlet. Within Rise End there are focal points from a number of angles and views, with glimpses and principal views from the surrounding CA which incorporate the appeal site.
5. The proposed outbuilding would be located on the highest part of the terraced garden. It would be some distance from the property itself, which sits at a lower level than the garden area. This part of the terraced garden has been flattened to accommodate the proposal and therefore would exacerbate its visual and physical presence within the hillside. It would not be sympathetic to the local area or wider landscape. There would be significant public views of the

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

- proposed outbuilding on approach from the B5035, the area in front of the public house and from anybody accessing and using the beer garden.
6. Given its contemporary design, size and position it would not blend into the landscape, and there is limited vegetation or screening in this part of the garden and immediate hillside where it would be sited. Existing trees, and vegetation are located some distance further up the hill and would offer limited protection from the openness of the hillside and the surrounding views that would be afforded by the presence of the proposal. Resulting in it being seen as a prominent and visually isolated timber structure to the detriment of the character and appearance of the immediate and wider CA.
 7. As such, the overall design, appearance and siting would be unacceptable, resulting in an incongruous built form 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.
 8. 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.
 9. Paragraph 202 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 would be limited public benefits resulting from the proposal.
 10. The proposal would only benefit that of the appellant in terms of home working. I do not consider the contention that a home office is promoting sustainable ways of working, strengthening the economy and climate change initiatives in these circumstances. Although, I accept that it would likely limit journeys to and from a workplace, and there would be no harm to the living conditions of neighbouring occupiers. However, this does not outweigh the harm found to the significance and the weight to be given to the conservation of this heritage asset.
 11. Therefore, for the reasons given above, I find that the proposed development would be contrary to Policies PD1 and PD2 of the Derbyshire Dales Local Plan, 2017. Taken together these policies require development to be of a high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes; contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials; and conserve heritage assets in a manner appropriate to their significance and take into account the desirability of sustaining or enhancing their significance.
 12. 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

13. I have had regard to the other outbuildings and timber structures in the area that have been drawn to my attention by the appellant. Whilst I accept there is variation of style between those structures and the proposal, I have limited evidence on the circumstances that led to these proposals being accepted so cannot be sure that they represent a direct parallel to the appeal proposal.
14. Furthermore, I observed at the time of the site visit the outbuilding further up the hill differs from this appeal proposal in respect of design, building form/shape, screening, position and location. In any event, those that I saw served to confirm that such outbuildings are significantly visible within the hillside from views in and around the CA, to the detriment of the character and appearance of the area. Moreover, 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

15. 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.
16. For the reasons given above, I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR