The Planning Inspectorate

Appeal Decision

Site visit made on 11 January 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/P1045/D/21/3277436
Derwent Reach, Aston Lane, Oker, Matlock, DE4 2JP

- 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 byMr Martin Seddon (Martin Seddon Limited) against the decision of Derbyshire Dales District Council.
- The application Ref 21/00441/FUL, dated 4 April 2021, was refused by notice dated 28 May 2021.
- The development proposed is replacement garage/office with ancillary accommodation at first floor.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of the development from the appeal form as the appellant agrees that the description has changed from that stated on the application form. I have determined the appeal accordingly.

Main Issues

3. The main issues are:

   - the effect of the development on the character and appearance of the area, and
   - whether the proposal would constitute ancillary accommodation and if so whether the proposal would accord with the relevant development plan policies.

Reasons

Character and appearance

4. Aston Lane is a narrow rural lane with a small number of properties of various siting and design along it. The appeal property is one of three dwellings broadly to the west side of Aston Lane set in generous gardens elevated above the lane with views over the river Derwent. It is a detached bungalow which is a long, low structure, built of buff coloured coursed artificial stone with grey tiled roof.

5. The bungalow's design is consistent with the neighbouring property to the south-west. To the north-east the appeal site is adjacent to a wooded area with the remainder of Aston Lane in that direction largely undeveloped. The rear garden of the appeal property rises considerably, and significant tree and shrub

planting separates the plot from dwellings at a higher level that face Stitch Lane. The bungalow is not a local vernacular building, but its design is consistent with its neighbour. The two bungalows have limited visual significance in the landscape and their spacious plots contribute to the rural character of the lane.

6. The proposed garage/office with ancillary accommodation would replace the existing flat roofed structure comprising two single garages and storage room attached to the existing property by a boundary wall and access gate. The proposed building would have an eaves and overall height considerably above that of the existing bungalow and it would be larch timber clad with a dark grey corrugated roof.

7. The proposal is intended to set a higher design standard as a separate barn-like structure. However, its height, scale, design, and materials would not sit comfortably with the scale and form of the bungalow. Although it would be set back, to the side and behind the existing bungalow, the building would be conspicuous in views from Aston Lane because of its height and design. Consequently, as the proposal would not be sensitive to the bungalow's scale and form it would be prominent in its setting and would look harmfully out of place.

8. I have noted the photographs of other development in the vicinity of the appeal site, including the wooden garage on Aston Lane. Whilst the examples illustrate that new structures of a different design can assimilate with existing buildings, in the example's provided outbuildings are generally subservient in scale or replicate the shape and form of the original or main building. Based on the limited evidence provided, I do not consider that these other schemes are directly comparable with the proposed development in its context.

9. I accept that existing landscaping to the front of the bungalow and within the woodland would filter some views of the proposal, but such features change over time and the existing landscaping does not alter my concerns about the proposal's design.

10. Overall, the proposal would harm the character and appearance of the area and would conflict with Policy HC10 of the Derbyshire Dales Local Plan (2017)(Local Plan) where it requires the height, scale, form, and design of outbuildings to be in keeping with the scale and character of the original dwelling.

Ancillary accommodation

11. The proposal would provide all the facilities necessary for the living accommodation to be self-contained. The appellant states that the ground floor study area and the garaging would be used on a day-to-day basis in connection with the main house. The first-floor accommodation would provide space for family visits and would remain empty for considerable periods of time. At 3 metres from the main house and utilising the same access and garden, the appellant also states that the proposed development would not operate separately from the main house.

12. The appellant draws my attention to case law where it was concluded that even if accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling, instead it would be a matter of fact and degree.

13. There is no evidence before me that the dwelling would be occupied independently of the main house and although I note the Council's concern that the proposed accommodation would be tantamount to a new residential planning unit, I must consider the development applied for, which is ancillary accommodation. Even if the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted.

14. Policy S4 of the Local Plan supports certain forms of development outside defined settlement development boundaries (in the Countryside). The appellant argues that the replacement of the garage would accord with Policy S4 a) which supports development of previously developed land for employment use in certain circumstances. Whilst the appeal site may be termed previously developed land as the garden is not in a built-up area, the proposal is not principally for employment use and, for the reasons I set out above, would detract from the character and appearance of the area.

15. Further, whilst Policy S4 i) supports extensions to existing dwellings in accordance with Policy HC10, given my conclusion that the proposed building would not be acceptable in terms of Policy HC10, the proposed development would also conflict with Policy S4 in this respect.

16. Regarding Policy S4 m), siting the proposed building 3 metres from the existing bungalow would not lead to excessive encroachment or expansion of development away from the original building.

17. However, overall, whilst I have no evidence to conclude that the first-floor accommodation would be other than ancillary to the main house, for the reasons given above the appeal site is not an appropriate location for the proposed development having regard to Development Plan policies, and the proposal would conflict with Policy S4 of the Local Plan.

Other Matters

18. Even if ground conditions dictate the form of the construction of the building, there is no basis to conclude that the proposal would need to be the specific design applied for. Further, whilst the replacement of an inadequate structure and the use of energy from renewable sources is to be supported, I do not have sufficient evidence that the replacement structure would result in an overall environmental benefit. Therefore, I give these matters little weight.

19. I acknowledge that the Council did not seek to negotiate with the appellant. This is regrettable, but this factor alone does not remove the requirement for me to assess the appeal proposal on its own merits.

Conclusion

20. Overall, for the reasons given 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