
Appeal Decision

Site visit made on 20 July 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2022

Appeal Ref: APP/M1005/D/22/3294109

Lea Hurst Lodge, Unnamed Road from Lea Bridge to Lea Wood, Lea Bridge, Matlock DE4 5AE

- 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 Dr Cutting against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2020/1133, dated 16 November 2020, was refused by notice dated 9 December 2021.
 - The development proposed is single-storey rear extension including demolition and relocation of garden retaining wall and some interior alterations to existing property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted by Drs Cutting and Appleby. The appeal has been submitted in the name of Dr Cutting only and proceeds on that basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area, with particular regard to the effect on designated and non-designated heritage assets.

Reasons

4. Lea Hurst Lodge is a detached property with two annex buildings, one in use as a garage. Although previously extended, it sits modestly within the wider landscape, nestled in the descent of the valley close to its base. It is clearly visible from the public footpath that passes to the front of the site that leads to the Lea Wood Nature Reserve. The site is well screened, including by evergreen trees, along the boundary with the nature reserve. Despite vegetation, it is visible in glimpses from the public footpath to the north of the site, and along Mill Lane. Views of the proposed extension would be limited due to the topography, tree cover and the single storey nature of the proposal, although part of it would be visible from the path to the front.
5. The National Planning Policy Framework (the Framework) identifies World Heritage Sites as designated heritage assets of the highest significance. The site lies within the Buffer Zone for the Derwent Valley Mills World Heritage Site (the WHS) which effectively, but not exclusively, defines its setting. The Management Plan for the WHS identifies that protecting the setting is

particularly important because part of the Outstanding Universal Value of the WHS is its location within a rural landscape, arrested in time. Also, the Planning Practice Guidance (PPG) confirms that policies to protect a WHS and its setting should protect it from the effect of changes that are relatively minor but which on a cumulative basis could have a significant effect.

6. The appeal proposal would introduce a clearly modern building within the buffer zone of the WHS. Its non-traditional design would be at odds with the rural arrested in time character of its setting. Therefore the development would result in harm to the significance of the WHS. Having regard to the advice in the Framework, I assess this harm to be less than substantial.
7. The appellant has drawn my attention to an extract from a letter sent to the previous owner of the property surmising that the intention of the buffer zone was in relation to very large and/or tall development visible from within the WHS and that works to domestic properties will not normally be affected. I have no wider context for the extract and I do not see any corresponding references in the WHS Management Plan. Therefore, this factor fails to affect my views on the harm to the setting of the WHS.
8. Lea Hurst Lodge is also sited within the Dethick, Lea and Holloway Conservation Area (CA), where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The site is near to Lea Bridge, which is historically significant for its role in the industrial revolution and where the centrally located Mill remains a prominent feature. Historically, the appeal site would have been the lodge to Lea Hurst and important in the transition from the industrial mill and related buildings to the grounds of Lea Hurst.
9. The buildings in the CA are generally constructed from stone, giving a coherent appearance. The CA Character Statement advises that extensions to historic buildings should be similar in form to the original building and that flat roofs will be discouraged. The clearly modern extension with its flat roof and large areas of glazing would be somewhat discordant in a CA where the special character and appearance is intrinsically linked to the use of traditional materials and form. I therefore find that the appeal proposal would not preserve or enhance the character or appearance of the CA. The proposal would affect only a small part of the CA so I find the harm caused would be less than substantial.
10. In accordance with paragraph 199 of the Framework, I give great weight to the conservation of the designated heritage assets. As I have found that the appeal proposal would result in less than substantial harm to the significance of the WHS and the CA, the harm should be weighed against the public benefits of the proposal.
11. The evidence submitted in support of the appeal effectively concludes that the scheme would not harm the significance of any of the designated heritage assets and therefore it does not go on to identify any public benefits. The development would lead to economic benefits during the construction process but these would be very limited, given the scale of the proposal. These benefits would not outweigh the harm to the setting and significance of the WHS and harm to the character and appearance of the CA.

12. Lea Hurst Lodge is not identified as a non-designated heritage asset (NDHA) in the recently adopted Dethick, Lea and Holloway Neighbourhood Plan (DLHNP). Nonetheless, the Council suggest it should be treated as a NDHA in the determination of the appeal. I agree as the property has an associative significance with Lea Hurst, a Listed Building.
13. The proposed extension would have a notable floorspace and would link Lea Hurst Lodge to the modern annex building, necessitating engineering works to level the site to the rear of the existing building. The design attempts to minimise the extension's effect on the existing dwelling and the surrounding landscape through the single storey nature of the extension. The use of 'lightweight' materials clearly distinguishes this as a modern alteration to the building. The engineering works would be viewed in this context.
14. Moreover, the appeal property has been subject to significant extension and alterations. There are also two substantial annex buildings in proximity which gives the house a more imposing character than when it was the lodge for Lea Hurst. Given this as well as the single storey nature of the extension, the proposal would only have a minor effect on the significance of Lea Hurst Lodge as an individual property. In such circumstances, paragraph 203 of the Framework requires a balanced judgement to be taken having regard to the scale of harm. As such, the limited detriment to the heritage significance of Lea Hurst Lodge does not weigh against the scheme.
15. Nonetheless, for the above reasons, I conclude that the proposal would not preserve the setting and significance of the WHS and it would not preserve or enhance the character or appearance of the CA. In these regards, it would not accord with saved policies EN27 and EN29 of the Amber Valley Borough Local Plan April 2006 (AVBLP).
16. I have found no conflict with AVBLP saved policy LS3 in relation to the design of the extension in isolation, or DLHNP Policy NPP6 as the harm to the significance of the NDHA would not be substantial. However the acceptability of the development in these terms does not address or overcome the harm that would be caused to the significance of the designated heritage assets.

Other Matters

17. The appellant has drawn my attention to the permitted development rights that may be available and which could include the engineering works necessary to allow the proposed extension to be constructed. However, there is limited evidence before me as to the scale and extent of extension which could be carried out under permitted development rights and so I attach limited weight to this factor.

Conclusion

18. For the reasons given above, I find the proposal would not accord with the development plan when read as a whole. Other material considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR