



Appeal Decision

Site visit made on 30 August 2022

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2022

Appeal A Ref: APP/M1005/W/22/3295007

Duffield Bank Cottage, Duffield Bank, Duffield, Belper DE56 4BG

- 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 Chris Wright against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2021/1022, dated 14 September 2021, was refused by notice dated 9 February 2021.
 - The development proposed is creation of access and driveway including sliding timber gate and electric car charging point.
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Appeal B Ref: APP/M1005/Y/22/3295005

Duffield Bank Cottage, Duffield Bank, Duffield, Belper DE56 4BG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Chris Wright against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2021/1023, dated 14 September 2021, was refused by notice dated 9 February 2021.
 - The development proposed is creation of access and driveway including sliding timber gate and electric car charging point.
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Decisions

Appeal A - APP/M1005/W/22/3295007

1. The appeal is dismissed.

Appeal B - APP/M1005/Y/22/3295005

2. The appeal is dismissed.

Procedural Matters

3. Both appeals relate to the same scheme under different but complimentary legislation. I have therefore dealt with both appeals together in my reasoning except where I have indicated otherwise.
 4. I have taken the description of development for both appeals from the Council's decision notices as these more accurately describe the scheme, particularly through making reference to the proposed creation of an access.
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Main Issue

5. The main issue in both appeals is whether the proposed development/works would preserve the grade II listed Duffield Bank Cottage or its setting and any features of special architectural or historic interest that it possesses; and whether it would preserve the setting of the Derwent Valley Mills World Heritage Site (WHS).

Reasons

Background and Context

6. The appeal site is a grade II listed dwelling set in a spacious plot (Duffield Bank Cottage). It adjoins the boundary of the Derwent Valley Mills World Heritage Site (WHS) and is within the associated buffer zone. An appeal was dismissed for a similar scheme in April 2021¹ (the previous appeal). That scheme was described as “alterations to curtilage of listed building to allow parking and disabled access plus improvements to the property”. The scheme before me (the appeal scheme) is concerned with the same proposed point of access albeit with different details.

Significance of Duffield Bank Cottage and the WHS

7. Duffield Bank Cottage is a late 18th Century / early 19th Century grade II listed two-storey dwelling with later additions. It is of coursed square gritstone construction sourced from a local quarry and built and previously lived in by occupants with connections to the nearby quarry. It has a plain tiled roof, stone coped gables with brick stacks. It has metal casement windows, and an off-centre door with large quoins and stone lintels over openings. It forms part of a group of traditional buildings which are set in a hillside overlooking a valley.
8. The appeal property sits on ground which is higher than the road behind a stone boundary retaining wall and gate. This wall is in two phases, to the south of the gate (phase one), is in four stone courses appearing of a similar form and age to the construction of the main cottage. The section of wall to the north of the gate (phase two) is constructed of stone rubble pressed into the bank, more likely than not, arising from when the original bank needed to be cut back and retained when the footpath was installed and the road surfaced in the early 20th Century. There is a small section of the wall (phase two) missing appearing to have been displaced by the roots of vegetation. However, even so this wall (phases one and two) is a prominent and substantial historic feature which extends along Duffield Bank for the extent of the plot.
9. Thus, insofar as is relevant to these appeals, and consistent with the Inspector in the previous appeal, I find the significance of the listed building derives from the traditional architectural detailing and character of the dwelling and its boundary treatment as a good example of a traditional workers cottage. Furthermore, its significance is also founded on the relationship of the property with the surrounding rural landscape and associated features which illustrate historical industrial growth within the Derwent Valley
10. The WHS has international recognition and is of global significance. The Statement of Outstanding Universal Value makes clear the cultural significance

¹ Appeal Decisions APP/M1005/W/20/3261521 and APP/M1005/Y/20/3261512

of the WHS is founded on the presence of 18th and 19th Century cotton mill and housing for workers, in an industrial landscape of high historical and technological significance. The development of steam power shifted the focus of industry away from waterpower rich locations such as the WHS, although, the buildings and landscape and townscape impacts remain. The buffer zone seeks to avoid harm to the setting of the WHS, taking in land with attributes that have functional links. Such land includes the surrounding rural landscape where groups of dwellings or villages present are often where those economically connected to the Mills historically lived.

11. Thus, consistent with the Inspector in the previous appeal I find the significance of the WHS derives from the preserved presence of 18th and 19th Century cotton mills and housing for workers, set in an industrialised rural valley landscape.

Effects on the grade II listed Duffield Bank Cottage and the WHS

12. The appeal scheme would among other things involve the removal of an approximately 2.5 metres wide section of the boundary wall (phase two) and the excavation of an area of land to the front and side of the appeal property. This would facilitate two off-street parking spaces level with the road with retaining walls.
13. I accept the appeal scheme includes a sliding timber gate intended to retain a sense of enclosure. I also note, the wall would be retained at 1 metre in height whereas the previous appeal scheme proposed to lower it to some 0.6 metres. I acknowledge the ground levels next to Duffield Bank Cottage would be maintained and overall, there is less wall removal and excavation proposed in the appeal scheme than in the previous appeal.
14. However, a substantial section of wall would still be removed and a significant part of the front garden area would still be excavated to make way for the proposed parking spaces. Whilst the views into the site would be partly kept enclosed by hedging, the timber gate whilst similar to others nearby would be of a conflicting material to the traditional stone wall. Furthermore, the parking spaces, particularly with cars parked in them and the extensive retaining walling would be noticeable from the road irrespective of whether the proposed sliding gate was open or closed.
15. The Inspector in the previous appeal found the proposal would modify the site levels significantly altering the landform of the front garden area. Furthermore, that Inspector found the proposed parking spaces, prominent and close to the road edge, together with the proposed hardstanding and retaining walls would result in a considerable and obvious urbanisation of the appeal site at the roadside. The appeal scheme before me, would have less of the front garden area excavated. However, it would still be a large excavation, with retaining walls and hardstanding, such that in my view the scheme before me would have the same urbanising effect.
16. Furthermore, consistent with the findings of the Inspector in the previous appeal, the removal of the section of historic boundary wall would result in the loss of part of the historic fabric of the listed building. Moreover, it would break the continuity of the stonewall boundary which would erode the presence and prominence of a traditional boundary feature.

17. In reaching these conclusions, I acknowledge the appeal site has changed significantly over its lifetime and further change is not automatically harmful. I accept the section of wall to be removed has limited architectural merit and part of the garden to the rear of the appeal property is already visible due to the sloping ground irrespective of whether or not the scheme would open up views into the appeal site.
18. I also accept stone walling nearby in front of other properties on Duffield Bank nearby is not continuous and, in some cases, broken up by driveways or gates. I accept driveways are not in all cases urbanising features. However, in this case the proposed driveway would be surrounded by extensive retaining walls.
19. I also accept that due to the scale of the scheme, the effects I have identified would not be noticeable other than when passing by the appeal site on Duffield Bank. Consequently, consistent with the findings of the Inspector in the previous appeal I find the functional link of the appeal property with the WHS would not be altered and there would be no harm to the setting of the WHS.
20. However, even though I note the intention of the appellant to achieve an acceptable scheme, I have found the proposal would urbanise this part of the appeal site and Duffield Bank. Furthermore, the break in the continuity of the traditional stone wall would result in harm to historic fabric associated with the listed building. Consequently, I find the scheme would fail to preserve the listed building and would harm its significance.

Planning and Heritage Balance

21. The harm I have identified to the significance of the designated heritage asset would be less than substantial. In which case paragraph 202 of the National Planning Policy Framework (the Framework) requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use.
22. The proposals would provide off-street parking. There may be visual benefits in terms of removing the need for the occupants to park their cars on-street in front of the appeal property. Furthermore, Duffield Bank is narrow, making it difficult for motorists to pass by with cars parked on-street and making it challenging to access parked vehicles. Furthermore, cars parked on-street close to neighbouring accesses limit visibility also increasing the risk of collisions. I also note the comment that cars parked on-street increase the risk of collisions with the historic boundary wall on the opposite side of Duffield Bank and the scheme could have a positive effect. The scheme would also facilitate the installation of an electric vehicle charging point which would be an environmental benefit. I also note the proposal would involve the reinstatement of the boundary wall to the neighbouring property which would also be a benefit. I have also noted the length of time the dwelling had been unoccupied since its current occupation, however there is no substantive evidence to suggest the property is unviable for its use without the appeal proposals.
23. Therefore, even if I were to accept all these matters as public benefits, when combined they would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset.

24. Overall, I am led to the conclusion that the proposed development / works would fail to preserve the grade II listed Duffield Bank Cottage and its features of special architectural or historic interest or its setting contrary to the respective sections of the Act and the Framework.
25. For the same reasons the appeal proposals would also conflict with saved Policy EN24 of the Amber Valley Borough Local Plan (2006) which aims to ensure new development preserves or enhances listed buildings or their settings.

Conclusion

26. For the reasons given above and taking into account all other matters raised, I conclude that both appeals should be dismissed.

L Fleming

INSPECTOR