



Appeal Decisions

Site visit made on 20 September 2022

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal A: APP/N1025/W/21/3288295

School Cottage, Church Street, Ockbrook, DE72 3SL

- 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 P and T G Meynell against the decision of Erewash Borough Council.
 - The application Ref ERE/0721/0082, dated 30 July 2021, was refused by notice dated 23 September 2021.
 - The development proposed is described as 'erection of single storey and first floor extensions with associated internal works and removal of existing chimney on single storey section'.
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Appeal B: APP/N1025/Y/21/3288305

School Cottage, Church Street, Ockbrook, DE72 3SL

- 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 P and T G Meynell against the decision of Erewash Borough Council.
 - The application Ref ERE/0721/0083, dated 30 July 2021, was refused by notice dated 23 September 2021.
 - The works proposed are described as 'erection of single storey and first floor extensions with associated internal works and removal of existing chimney on single storey section'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Since the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are whether the proposal would preserve a grade II listed building, 61 and 63 Church Street (Ref: 1204357) and any of the features of special architectural or historic interest that it possesses; whether it would preserve or enhance the character or appearance of the Ockbrook Village
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Conservation Area; and whether it would preserve the setting of nearby grade II listed Ockbrook House and Attached Outbuilding (Ref: 1087943).

Reasons

The listed building, the conservation area and the setting of Ockbrook House

5. The appeal property forms part of the listed building at Nos 61 and 63 Church Street which is in use as three dwellings. The two storey red brick building with pantile roof was built in the late 18th century as a single double fronted house situated side on to the road. It has some early 19th century and 20th century additions. The appellants indicate that it was used in association with the adjacent primary school to the west and was divided into two (School Cottage and No 63) with No 61 built as an extension obscuring part of the building's front elevation in the early to mid 19th century.
6. School Cottage occupies the northern part of the building adjacent to No 63 and takes in two successive single storey additions to the building's northern gable end. The first part of the range dates to the 19th century, is likely to have served as a scullery/back kitchen, and formerly had a lean to roof. In the 20th century it was given a pitched roof and was extended northwards with the addition of a further smaller offshoot.
7. The building is multi-phased and has a history of incremental growth and adaptation. Whilst the formality that the oldest part of the building would have had as a single house has been somewhat diminished, an appreciation of the historic dwelling remains. Despite its relatively unembellished design and conversion to provide three units, it reads as an attractive 18th century higher order house typical of the local vernacular in terms of its building materials and understated rural architecture. Accordingly, it has retained its integrity and authenticity as a traditional dwelling.
8. The various piecemeal additions to the building are part of its varied historic fabric. They tell of how it has evolved and adapted and are testament to its continued residential use and phasing over time. This being so, as part of its historic layering, they also contribute to the overall charm and significance of the building and illustrate its chronology.
9. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to comprise its traditional rural architectural character and historic fabric, as well as its scale and proportions which are symptomatic of its successive development and adaptation over time.
10. The appeal building is also within the Ockbrook Village Conservation Area which covers a good deal of the settlement and is in two parts. The southern part includes the appeal site and has a traditional village character and scale with a uniformity arising from the use of red brick and plain roof tiles. Thus its importance is derived from the quality and variety of the historic buildings there and their relationship to each other.
11. There is some variety in building style and scale in Church Street where the appeal building sits in an elevated position. As a surviving example of a substantial red brick home using traditional materials typical of surrounding area it is an attractive component and adds to the richness of the conservation area. As such, along with the other long established buildings in this part of the village, the authenticity and historic charm of the appeal building

contributes positively to the character and appearance of the conservation area and its significance as a heritage asset in relation to these appeals.

12. Neighbouring Ockbrook House is also grade II listed. This impressive detached house dates to the late 18th century with early 20th century additions. Built in red brick with a hipped slate roof over three storeys in three bays it is an attractive and commanding building set in an elevated position in walled grounds. Together with the appeal building, the two houses form part of a historically linked group. In my view, the significance of Ockbrook House, in so far as it relates to these appeals, is derived from its historic and architectural interest as a higher order detached house typical of the vernacular village style.
13. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. I find that the setting of Ockbrook House, and the contribution that it makes to the significance of that asset, in so far as it relates to these appeals, is derived from the rich historic character of the village townscape and its traditional buildings. The appeal site adjoins Ockbrook House. Despite the intervening vegetation there is some inter-visibility to varying extents between both these listed buildings and some contextual views of Ockbrook House in both Church Street and Flood Street include the appeal building.
14. Thus, as well as being identified for its group value alongside Ockbrook House, the appeal building has a visual relationship with Ockbrook House and with the village townscape, and therefore contributes to its setting. I have had special regard to this matter in considering the appeals.

The effect of the proposal

15. The proposal includes a first floor extension to the building's existing single storey rear range (that forms part of School Cottage). It would increase the height of that part of the building to provide first floor accommodation. A single storey extension is also proposed, as well as the removal of the existing chimney on the gable end. The proposal would be constructed of matching materials, positioned on the building's less prominent northern elevation and incorporate conservation style roof lights. I also appreciate that the roof that would be removed is a more modern addition to the building.
16. That said, as things stand, the building's existing rear range is a modest single storey structure. It has an eaves level close to the top of its windows, and a pitched roof which is no taller than the first floor windows of the main part of the building. As part of the historic succession and development of the building it is respectfully proportioned appearing much smaller than, and subservient to, the main part of the building. It also allows much of the upper section of the building's main northern flank elevation and the historic fabric there to be seen and remain legible.
17. In contrast, the appeal proposal would increase the height of the existing rear range and bring it almost to the height of the eaves of the main building. Due to its significant size and massing it would appear much more dominating in relation to the main part of the building. In increasing the prominence and status of the rear range, the proposal would compete visually with the main part of the building thereby detracting from its stature and undermining its primacy. As set out above, the extensions to the building, including the single

storey northern range, are part of its varied historic fabric and illustrate how the building has evolved and adapted over time. In upsetting the hierarchy of these, the appeal proposal would detract from this well-established and important relationship which illustrates the building's distinctive historic layering.

18. I acknowledge that the appeal proposal has been designed in response to the reasons for refusal for a previous more substantial extension. It has been reduced in height to half a storey and omits any first floor windows. However, as a result the proposed extension would have a blank façade at first floor level on its western elevation and display an expanse of unbroken brickwork above the existing ground floor openings. This irregular and unbalanced arrangement would appear directly at odds with the spacing and proportions of the building's other openings and appear discordant there. The proposal would also see the introduction of two rooflights to the eastern side of the roof which would be appreciated as unduly modern and alien features. These factors would further undermine and detract from the vernacular architectural form and character of the traditional building.
19. Having regard to all these matters, I find that the proposal would result in an unduly large and incongruous addition that would undermine the building's distinctive architectural form, hierarchy and phasing. It would also obscure more of the northern flank wall of the oldest part of the building and the historic fabric there. This being so, overall it would impair the building's historic legibility and significance and fail to preserve its special interest. That the building is in an enclosed garden area and is not widely visible does not affect my findings. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
20. Turning to its effect on the conservation area, as a traditional and long established residence the appeal building contributes to the sense of identity and place in this part of the conservation area. I acknowledge that the proposal would be to the rear of the building which is for the most part obscured from view in Church Street by the main part of the building and vegetation. Whilst views would be more likely when the vegetation is not in leaf, the proposal would not be prominent in Church Street.
21. Some longer range views of the building are possible from Flood Street to the rear. There, despite the existing vegetation, the northern part of the building is seen through the entrance driveway to Ockbrook House, and its upper floors and roof are visible above the boundary hedgerow. This being so, in undermining the historic integrity and status of the listed building, the proposal would also to some limited extent detrimentally affect how the conservation area is experienced. I therefore consider that it would cause some harm to its significance and would fail to preserve its character and appearance.
22. The Council considers that the proposal would cause no harm to the setting of neighbouring Ockbrook House. However, for the reasons given above, I have found that the proposal would undermine the historic integrity of the appeal building and harm the significance of the conservation area. The setting of Ockbrook House is associated with the presence of the other traditional historic buildings nearby, particularly the neighbouring appeal building. I am mindful

- of the relationship between the two buildings, their recognised value as a group and the visibility between them as described above.
23. Accordingly, in unacceptably eroding the appearance of the adjacent building, which contributes positively to the special interest and significance of Ockbrook House, the proposal would detract from the setting of that listed building and the ability to appreciate it. For these reasons, I find that the proposal would fail to preserve the setting of Ockbrook House.
24. Taking all these factors into account, I therefore conclude that the proposal would fail to preserve the special interest of the listed building, the significance of the conservation area, and the setting of Ockbrook House. I give this harm considerable importance and weight in the balance of these appeals.
25. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I find the harm to the heritage assets to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
26. It has not been put to me that the property's continued viable use as a dwelling is dependent upon the appeal proposal, and I am aware that the building has an ongoing residential use that would not cease in its absence. The proposal would allow the appellants to extend their accommodation and provide a more practical and convenient internal arrangement and improved living conditions. The roof lights would also provide additional light and ventilation to the first floor. However, these are private benefits only.
27. No other public benefits have been put forward which would outweigh the harm to the designated heritage assets I have identified. For these reasons the proposed development and works would fail to satisfy the requirements of the Act and paragraph 197 of the Framework.
28. The proposal would conflict with Policy 11 of the Erewash Core Strategy which states that proposals will be supported where the significance of heritage assets and their settings would be sustained or enhanced. It would also be contrary to saved Policy EV5 of the Erewash Borough Saved Policies Document which indicates the proposals will only be permitted they will preserve or enhance the special character and appearance of the conservation area, and at odds with Policy EV6 which states that listed building consent will not be granted for the inappropriate alteration of listed buildings.

Other Matters

29. There is support for the proposal from local residents, who refer to a number of planning applications approved by the Council in the village which they regard to be unsympathetic. However, no further details of those examples have been provided and I cannot be sure that the circumstances that led to those schemes are the same as in the case before me. Nor am I persuaded any such development should in any case necessarily be repeated.
30. I appreciate that the previously refused proposal relating to the appeal building was subject to pre-application advice from the Council (which the appellants

state did not rule out the principle of an extension). That is a matter between the appellant and the Council. I confirm that I have considered the appeal scheme on its individual merits and made my own assessment as to its impacts.

31. The Council raises no objections to the proposal in terms of its effect on the living conditions of nearby occupiers, parking, access, or garden land/amenity space. The absence of harm in these regards counts neither for, nor against the proposal.

Conclusion

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

E Worthington

INSPECTOR