



Appeal Decision

Site visit made on 2 November 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/M9496/W/22/3295105

Land South of Church Lane, Chelmorton

- 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 Mark Allen against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0921/1010, dated 17 September 2021, was refused by notice dated 23 November 2021.
 - The development proposed is described as: 'redevelopment and enhancement of yard with one open market dwelling and workshop'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Chelmorton Conservation Area;
 - whether the development complies with development plan policies for the provision of housing within the National Park; and
 - the effect of the proposed development on the living conditions of the occupants of Church Lane House with particular regard to privacy.

Reasons

Conservation Area

3. The Chelmorton Conservation Area (the CA) extends for much of the village and the surrounding farmland. I have not been provided with any detailed assessment of significance; however, dwellings here comprise of a mixture of traditional farmhouses, converted barns and some grander properties, arranged around its main thoroughfare, Main Street. Buildings are typically of relatively modest height and orientated east-west, perpendicular to Main Street. Almost all dwellings comprise random stone external walls with stone slab or slate roofs.
4. Rear outriggers and extensions to dwellings are common and often appear to be converted agricultural buildings. These projections are typically subservient to the host buildings. I saw that buildings with these features typically had narrow, solid gables, which due to the orientation of the buildings, are visible and distinctive features in the streetscene. Some wider gables are present, but

these are not common and tend to be located on grander properties, typically without the outriggers described above. This includes a dwelling on Town End, of which I have been provided with a photograph.

5. As well as traditional farm buildings, many of which appear to have been converted, modern agricultural buildings are common within the village streetscene with a number that can be viewed from Main Street. Evidence of agricultural activity is prevalent throughout the village and adds to its character.
6. The significance of the CA is derived from the distinctive arrangement of buildings, the continued dominance of agriculture, and the overall consistency and coherence of scale, style and materials. In addition, the prevalence of solid, narrow gables and rear outriggers are features that contribute to the significance of the CA insofar as it relates to this appeal.
7. The appeal site relates to a group of two modern agricultural buildings and a modern portal framed building in use as an electrical workshop. The group is typical of modern agricultural buildings that are present and visible throughout the village. The buildings are surrounded by a rough surfaced yard with a small paddock to the east that also lies within the appeal site. The buildings are located on rising ground that is above the level of the highway of Church Lane. As such, in views from Main Street, the buildings, particularly those closest to the road, are seen in an elevated position close to the skyline and consequently have a relatively dominant effect on the streetscene here.
8. It is proposed to remove the existing agricultural buildings and replace them with a new L shaped dwelling. This would be a substantial building that, owing to its height and massing, would become highly dominant within the streetscene. Whilst the elevation drawings appear to indicate that this would be set below the existing ground level, the building would still be taller than the existing agricultural building for almost all of its length. Indeed, the long length of the projection to the north elevation running parallel with Church Lane would be substantially taller than the existing structure due to its roof falling away at this point. Being located in an elevated position on Church Lane, the proposal would be more dominant on the skyline of the village than the existing building, to the detriment of the CA.
9. The design of the proposal appears to have been influenced by the number of converted agricultural buildings within the village with its slit windows and cart shed style openings as well as a lengthy outrigger section. However, the wide gables proposed, particularly on the north elevation, would appear at odds with the prevailing character of narrow gables, particularly to those properties that have outriggers. Moreover, the significant massing arising from a combination of its height and extensive footprint would appear out of scale with its immediate neighbours. As such, for the above reasons, the proposal would appear as an incongruous and dominant structure that would be poorly related to the character and appearance of the streetscene, adversely affecting the significance of the CA.
10. I accept that the proposal would result in a significant reduction in volume of buildings on the site overall, notwithstanding that the buildings that would be removed are typical of the scale of modern agricultural buildings in the locality. I also note that the building would utilise materials present within the CA.

Nonetheless, for the reasons outlined above, the proposed dwelling would adversely affect the character and appearance of the CA.

11. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the Chelmorton Conservation Area, contrary to Policy L3 of the Peak District National Park Core Strategy (2011) (the CS) and Policies DMC3, DMC5 and DMC8 of the Peak District National Park Development Management Policies (2019) (the DMP) which seek, amongst other things, to conserve heritage assets and the cultural heritage of the National Park and provide high quality design. The proposal would also conflict with paragraph 189 of the National Planning Policy Framework (the Framework) insofar as it seeks, amongst other things, to ensure that heritage assets are conserved in a manner appropriate to their significance.
12. Nevertheless, the proposal would lead to less than substantial harm as set out in paragraph 202 of the Framework. Section 72(1) of the Act requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
13. Whilst there would be some benefit to the removal of the existing modern buildings this would be greatly outweighed by the harm that would arise from the proposed development, described above. There are therefore no public benefits arising that would, when taken together, outweigh the harm to the character and appearance of the CA.

Housing Policy

14. Policy HC1 of the CS states that provision will not be made for housing solely to meet open market demand. Exceptionally, new housing can be accepted where it meets listed criteria including where it is required in order to achieve conservation and/or enhancement of specific settlements that include Chelmorton. In order to comply with this exception, new housing is also required to comply with Policies GSP1 and GSP2. Policy GSP1 seeks to ensure development does not prejudice National Park purposes. Policy GSP2 sets out that proposals to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area.
15. Modern agricultural buildings are common within Chelmorton and representative of the continued dominance of agriculture within the settlement. Nevertheless, the removal of the large portal frame buildings and their dominance on the skyline would represent an opportunity for enhancement as required by the policies referred to above.
16. However, for the reasons set out in paragraphs 9 to 11 above, what is proposed would be a dominant and incongruous dwelling that would adversely affect the significance of the CA. Indeed, the proposed building would be more dominant on the skyline of the village than the existing modern agricultural buildings it would replace. For these reasons the proposal would not represent an enhancement to the streetscene, nor would it result in significant benefits to the natural beauty, wildlife or cultural heritage of the area.
17. I therefore conclude that the proposed development would fail to comply with Policy HC1 of the CS insofar as it relates to locations for new market housing.

Living Conditions

18. The dwelling of Church Lane House is set back behind a narrow front garden area facing the appeal site. Its front elevation includes windows serving habitable rooms which, whilst located to the front of the dwelling, currently benefit from reasonable levels of privacy due to the lack of nearby development.
19. It is proposed to install narrow slit windows on the north elevation of the outrigger that would face Church Lane House at a distance of eighteen metres. Of the three slit windows at first floor level one of these would serve an en-suite bathroom with the remaining two serving the master bedroom. At ground floor level, four would serve an office with a single slit window to the garage.
20. Both the office and bedroom would have main windows looking out in the opposite direction. On this basis, the appellant has indicated that the slit windows are only necessary for natural light. Nonetheless, given the proximity and extent of the slit windows, it is likely that occupants of Church Lane House would at least experience a perception of being overlooked within their habitable rooms, reducing their privacy levels to the detriment of their living conditions.
21. The Council has referred to Page 19 of the Peak District National Park Alterations & Extensions SPD which states that the preferred minimum separation distance for rear-to-rear elevations is 22 metres. Whilst these are useful parameters within which to assess the effect on privacy, this guidance does not refer directly to the front of residential properties.
22. Nevertheless, the proposal would adversely affect the living conditions of the occupants of Church Lane House by way of a loss of privacy. The proposal would therefore conflict with Policy DMC3 of the DMP which seeks, amongst other things, to provide high quality design that preserves living conditions.

Other Matters

23. I have been referred to a number of the Council's other planning decisions by the appellant. However, I have not been provided with full details of these proposals some of which are located in different settlements and may have been approved under a different policy context. I also cannot be certain that these developments also lie within a Conservation Area or the extent of pre-existing development in those situations. On the basis of the evidence before me, the appellant's examples therefore do not represent a parallel with the appeal proposal.

Conclusion

24. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR