



Appeal Decision

Site visit made on 31 January 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023.

Appeal Ref: APP/M9496/W/22/3299856

River View, Tedgness Road, Nether Padley, Grindleford S32 2HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Blenheim Architects against Peak District National Park Authority.
 - The application Ref NP/DDD/0921/1014, is dated 16 September 2021.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed and planning permission for a replacement dwelling is refused.

Preliminary Matters

2. The appeal results from the Peak District National Park Authority's (the Authority) failure to reach a decision on the application submitted by the appellant within the prescribed period. However, within its appeal statement the Authority has set out its concerns and two putative reasons for refusal had it been able to make a formal decision. I have no reason to take a different view and so these will form the basis of the main issues in this appeal.
3. The Authority advises that the 3-D visuals and proposed block and site plan submitted with the appeal were not submitted with the planning application. However, it has taken them into account in its appeal statement and putative reasons, and so shall I.

Main Issues

4. In light of the above, the main issues in this appeal are:-
 - The effect on the character and appearance of the area, with regard to the location of the site within the Peak District National Park (the NP), and
 - Whether sufficient information has been provided regarding the effect of the proposed development on bats, a protected species.

Reasons

Character and appearance

5. The appeal site comprises a large, detached, 1980s split-level, stone, 4-bedroom dwelling with gym, games room and garaging, set in a spacious garden plot with a substantial number of trees. It is built on a wooded hillside

with other large, detached properties. On my visit I observed that the hillside forms a striking and prominent backdrop to Grindleford viewed on the approach roads and from parts of footpaths and high level roads on the other side of the valley, including the Sir William Hill Road, and as shown from photographs in the appellant's Landscape & Visual Site Appraisal. The sloping topography is a characteristic of the Dark Peak Yorkshire Fringe Character Area, within the 'Slopes and Valleys with Woodland' landscape character type. Due to the site's slope the existing property is single storey at the front (facing towards the road) and two-storey at the rear (facing west across the valley).

6. The property is set down below the level of the Tedgness Road, a private road serving a number of detached mainly two-storey dwellings in generous plots. There is a variety of designs, styles, ages and sizes of properties, reflecting the piecemeal development along Tedgness Road. However, they generally display a conventional design and scale unified with predominately pitched roofs, which are identified as a characteristic feature of the NP in the Design Guide¹. The existing dwelling is not of a particularly remarkable design and has been extended over time. Nonetheless, with its low lying form and pitched roof just visible above the trees, it comfortably nestles into the hillside and does not detract from it or the character and appearance of the area.
7. The proposal would involve demolishing the existing dwelling and replacing it with a contemporary designed, 6-bedroom dwelling with 2 swimming pools (indoor and outdoor). The levels of the site would be amended with cut-and-fill construction methods to enable the new layout. The replacement dwelling would be two storeys at the front and three storeys at the rear. It would be entirely flat-roofed, but arranged in a series of projecting flat-roofs and patio terraces and balconies at different levels, as well as 2 integral double garages.
8. Policy DMH9 of the Development Management Policies² (the DMP) allows for replacement dwellings and the Authority raises no objection in principle, as the existing building is not listed, has no cultural heritage significance and is not considered to positively contribute towards the valued landscape character or built environment in which it is located. However, a replacement dwelling must enhance the valued character of the site and the surrounding built environment and landscape, and larger replacement dwellings should demonstrate significant overall enhancement to these. From my reading of the policy there is nothing to suggest that contemporary designed development would not be acceptable in principle, subject to any proposal satisfying the policy requirements and any other relevant development plan policies.
9. Core Strategy³ Policy DMC3 and DMP Policy GSP3 set out a number of design principles for new development, including consideration of the siting, scale, form, mass and height of new development in relation to its surroundings, and the degree to which the design, details, materials and finishes of buildings reflect or compliment the styles and traditions of the locality. At a spatial level, DMP Policies GSP2 and L1 seek to enhance the National Park by expecting new development to demonstrate it offers significant overall benefit to the beauty of the area, that it respects the character of the area, and conserves and enhances the valued landscape character.

¹ The Peak District National Park Design Guide

² Part 2 of the Local Plan for the Peak District National Park adopted May 2019

³ Peak District Local Development Framework Core Strategy adopted October 2011

10. Every storey and the various projecting elements would all be flat roofed, either planted as green roofs or fitted out as outside side seating areas. The use of flat roofs throughout the entire property, especially at two and three storeys, would be an uncharacteristic building form. The external materials would be a mixture of limestone cladding, drystone walling, Ashlar stone and a green wall. I saw that this patchwork of materials would be at odds with the relatively simple use of materials in the surrounding area.
11. I appreciate that the full-height glazing, particularly across each storey of the rear elevation, would capitalise on the views from the site. However, the excessive extent of glazing would present a weak solid-to-void ratio. This would go against the traditional high solid-to void ratios characteristic of the NP with the dominance of walls and smaller window openings, as described in the Design Guide. The Design Guide may be of some age, but it does not mean it is redundant in its identification of characteristic features of buildings of the NP and the principles of good design within that context to ensure that even contemporary design can be appropriately accommodated within the NP.
12. The replacement dwelling would have a larger footprint, but would occupy roughly the same part of the plot, leaving the garden area to the north largely undisturbed. It would also have an extra storey. Comparisons between individual dimensions of the existing and proposed dwellings do not take into account the resulting whole, or the change in the bulk, massing, form and design of the replacement dwelling and its impact on the character and appearance of the area and hillside.
13. The appellant's cross-section plans of the property, with the existing dwelling superimposed, show that the replacement dwelling would be of a similar overall height. However, the overall height of the existing dwelling is comprised of only the ridge of the pitched roof with descending roof slopes above two storeys of accommodation. In contrast, the replacement dwelling would have the entire top third floor of accommodation slightly higher than the ridge of the existing roof. This entire storey would extend and project out from the hillside for a considerable distance at this height, resulting in a bulkier and more massive building projecting out from the hillside.
14. There would be limited tree removal and most of the trees on site would be retained to help provide screening. I saw that a number of mature trees, including some tall pine trees, in adjacent gardens also provide additional screening but these are not in the appellant's control, such that their removal would alter the site's screening.
15. Nonetheless, being three storeys and bulkier the replacement dwelling would be more visible above and through the trees, including from the southern approach roads into Grindleford and the other side of the River. The large expanse of glazing on the rear elevation, particularly at night, would likely appear as bands of illumination, and this would be seen from further afield on the approach roads including when descending Sir William Hill Road on the other side of the valley to the west.
16. For the most part and during the day views of the property would be seen more as a collective view of residential properties and some views would be more glimpsed in passing. The property would also be set down at a lower level than Tedgness Road behind the front boundary hedgerow, such that it would not be very visible from this road. However, just because distant or public

views would be limited does not mean the development is not capable of causing harm to the surrounding area or the NP landscape.

17. In conclusion, the proposed development would be an unduly large 3-storey, flat-roofed monolithic structure of a design, scale and form at odds with the prevailing building form and design of both the area and the NP. It would also fail to sit comfortably on the hillside, detracting from its character and appearance and in turn harming the valued landscape of the NP within which it sits. The green flat roofs would do little to mitigate the size and design of the building. Accordingly the proposal would be contrary to Core Strategy Policies GSP2, GSP3 and L1 and DMP Policies DMC3 and DMH9. It would also conflict with the Design Guide.
18. The appellant draws my attention to a previously approved replacement dwelling, allowed on appeal over 20 years ago, that would have been taller than both the existing dwelling and the proposed dwelling. Whilst I have not been provided with full details of the previously approved dwelling, the superimposed cross-section plans indicate the previously approved dwelling had a more conventional design with a pitched roof. This would have had a different impact than the replacement dwelling before me. However, the fact that a different designed dwelling approved over 20 years ago, which was never implemented and which was assessed against a different policy context, is of little consequence and does not set a precedent for allowing harmful new development.

Protected species

19. The appellant submitted a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment with the application. The document suggests that the existing dwelling has various cracks and fissures suitable for bats, hence making it a moderate potential to support roosting bats, and that further survey work is required. The appellant has not acted on this recommendation. However, the appellant has now submitted a plan showing locations for bat boxes that would be installed in trees as well as a number of bat bricks installed in the proposed dwelling as bat mitigation, on the assumption that previous conclusions are to be confirmed in follow-up seasonal surveys.
20. Bats are a European Protected Species under the Conservation of Habitats and Species Regulations 2017. Paragraph 99 of ODPM⁴ Circular 06/2005 advises that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances..."
21. Whilst the appellant has indicated a commitment to installing a number of bat boxes and bricks, the fact remains that no further survey work has been carried out to demonstrate full compliance with relevant statutory protections, or to demonstrate that appropriate mitigation or safeguarding measures can be achieved. No exceptional circumstances have been forwarded. As a result, I am not satisfied that bats, as a protected species, would not be adversely affected by the proposed scheme. Accordingly, the proposal would be contrary to Core

⁴ Office for the Deputy Prime Minister

Strategy Policy L2 and DMP Policies DMC11 and DC12. Collectively these seek to ensure, amongst other things, that adequate information is provided about the special biodiversity interest of the site, and that development is not permitted it would likely have an adverse impact on species of biodiversity interest.

Other Matters

22. The dwelling's proposed energy efficiency and lifelong living credentials are laudable. There would also be adequate separation distances with neighbouring properties and I am satisfied there would be no significant adverse effect on the living conditions of occupiers of these properties. However, these matters do not outweigh the harms I have identified.

Conclusion

23. The proposed development would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. In arriving at these conclusions, I have had regard to the conservation of cultural heritage of the Peak District National Park alongside the other purposes for which the National Park is designated, in accordance with section 11 of the National Parks and Access to the Countryside Act 1949 (as amended).
24. Accordingly, for the reasons given, the appeal is dismissed and planning permission is refused.

K Stephens
INSPECTOR