

Appeal Decision

Site visit made on 14 March 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/P1045/D/22/3313986

Hill Top Barn, Derby Road, Ashbourne, DE6 1LZ

- 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 Roger Tilley against the decision of Derbyshire Dales District Council.
 - The application Ref 22/01243/FUL, dated 7 November 2022, was refused by notice dated 23 December 2022.
 - The development proposed is a single storey rear extension forming new entrance and WC.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension forming new entrance and WC at Hill Top Barn, Derby Road, Ashbourne, DE6 1LZ in accordance with the terms of the application Ref 22/01243/FUL, dated 7 November 2022 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 22271-2A.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a single storey barn conversion with a large rear garden. It is reached via a row of modern housing, which itself is accessed from Derby Road, a busy road.
 4. The appeal property is located in a mixed use area. Land around the dwelling has recently been developed by modern housing, comprising a mix of housing types, including predominantly detached dwellings. On the opposite side of
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Derby Road from the access to the entrance road to the appeal property is a very large commercial/employment area.

5. Consequently, whilst the appeal property itself forms one of a small development of converted farm buildings around a courtyard, the surrounding area has a significantly built-up and urban character.
6. The proposal is for a very small rear extension, effectively forming a rear entrance and a toilet for the dwelling. Whilst the converted barn has no projections to the rear, the proposal would not be visible from any public location and would appear as a small and simple addition which would add visual interest within a large private rear garden area.
7. The proposal would be constructed of materials to match the existing building and would appear as a simple, minor addition that would not jar with the host property but would represent ongoing changes to a building converted from its original use. Visual changes resulting from the proposal would be largely imperceptible within the surrounding area.
8. In this case, no significant harm would arise to local character as a result of the proposal, which would provide useful additional space in a discrete manner to the rear of the appeal dwelling.
9. The proposed development would not harm the character and appearance of the area and would not be contrary to the National Planning Policy Framework, to Local Plan¹ Policies PD1, HC8 or HC10, which together amongst other things, seek to protect local character.

Conditions

10. I have considered the conditions suggested by the Council against the tests set out in Paragraph 56 of the Framework. A condition specifying the approved plan is necessary for the avoidance of doubt and in the interests of proper planning.
11. A condition controlling external surfaces is necessary in the interests of local character.

Other Matters

12. In refusing the proposal the subject of this appeal, the Council referred to guidance in its Conversion of Farm Buildings Supplementary Planning Document (SPD) (2019). This provides helpful guidance in respect of protecting the historic appearance of farm buildings. However, guidance is simply that and by slavishly adhering to its SPD in this case, the Council's approach did not appear to recognise important contextual matters.
13. Recent development has surrounded the appeal property to the extent that its setting has, to some considerable degree, been "swamped" by modern development. The appeal site appears largely surrounded by new housing within a wider area of more housing and major commercial development.

¹ Reference: Derbyshire Dales Local Plan (2017).

14. The proposed development is very small scale and would extend a building that is neither listed nor recognised as a non-designated heritage asset. Further, the proposal would be largely imperceptible within its very private setting.

15. The proposal would provide useful additional space and would not result in any significant harm to local character and hence the decision below.

Conclusion

16. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR