



Appeal Decision

Site visit made on 18 April 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/M1005/D/23/3316007

Holly Cottage, Little London, Holloway, Derbyshire DE4 5AZ

- 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 Kincaid against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2022/0595, dated 29 June 2022, was refused by notice dated 13 December 2022.
 - The development proposed is alteration of wall and demolition of lean-to shed, and creation of vehicle access and hardstanding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Dethick, Lea and Holloway Conservation Area (the DLHCA).

Reasons

3. The DLHCA Conservation Area Appraisal states that the retention of original boundary walls should be encouraged and in considering changes to means of access, care should be taken to minimise alterations to existing walls.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
5. The proposal would remove a section of the boundary wall with the highway to facilitate off-street parking, with the loss of a lean to outbuilding attached to that section of the wall. This, by loss of this section of wall, would cause harm to the character and appearance of the DLHCA.
6. The appellant has directed me to a number of examples of other properties in the area that have carried out works to improve and facilitate off-street parking. However, I am not persuaded that this provides a justification for the proposal in this case, due to the vulnerability of the heritage significance of the Conservation Area to such development.

7. The extent of harm identified under this issue would be localised, and whilst I recognise the limited scale of the proposal, the proposal would harm the significance of the DLHCA as a whole. In the context of the National Planning Policy Framework (the Framework), this would be less than substantial harm. Even so, I give great weight to the conservation of the DLHCA as directed by Paragraph 199 of the Framework. The less than substantial harm identified needs to be weighed against any public benefits of the proposal.
8. There is no evidence that the proposal would generate public benefits to weigh in its favour against the identified harm, other than the potential removal of one vehicle from the highway. Indeed, the proposal would facilitate off-street parking for private benefit. As such, there are no public benefits that outweigh the harm to the DLHCA.
9. The Council's reason for refusal was explicit with the effect on the DLHCA only forming their reason. I therefore find conflict with Saved Policies EN27 and LS3 of the Amber Valley Borough Local Plan (2006) which, amongst other matters, expect development to preserve or enhance the Conservation Area and respect the character of the locality.
10. The proposal would also conflict with the heritage objectives of the Framework. No other local policies quoted in the reason for refusal are specific to the heritage aspects of the proposal.

Conclusion

11. The proposal conflicts with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR