



Appeal Decision

Site visit made on 11 April 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/M9496/D/22/3312623

Damson Trees, Tideswell Lane, Eyam, Derbyshire S32 5RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mick Wooldridge against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0922/1151, dated 9 September 2022, was refused by notice dated 7 October 2022.
 - The application sought planning permission for removal of existing extension, conservatory and timber store and replace with side and front extensions without complying with conditions attached to planning permission Ref NP/DDD/0522/0657, dated 12 July 2022.
 - The conditions in dispute are Nos 2 and 4 which state that:
 - (2) The development hereby approved shall be carried out in accordance with the amended plan; Proposed Plans and Elevations 2192-02A received 04-07-2022.
 - (4) Prior to the application of the render to the side and rear walls of the extension and existing property, the precise colour and finish shall be agreed in writing by the National Park Authority. Once approved the scheme shall be carried out in accordance with the agreed details.
 - The reasons given for the conditions are:
 - (2) For clarity and the avoidance of doubt.
 - (4) In the interests of the character and appearance of the development.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing extension, conservatory and timber store and replace with side and front extensions at Damson Trees, Tideswell Lane, Eyam, Derbyshire S32 5RD in accordance with the application Ref NP/DDD/0922/1151 dated 9 September 2022, without compliance with conditions numbers 2 and 4 previously imposed on planning permission Ref NP/DDD/0522/0657 dated 12 July 2022 and subject to the conditions identified in the attached Schedule.

Background and Main Issue

2. In 2022 planning permission was granted, subject to a number of conditions, for front and side extensions to the existing dwelling.
3. The current proposal seeks removal of condition 2 and its replacement with a condition specifying plans that reflect an amended design that includes a larger glazed area in the front elevation of the front extension. In addition, removal of condition 4 is sought as the appellant considers that sufficient information regarding the render has been provided within the application details.

4. Having regard to the background of the appeal, the main issue is the effect of the variation of condition 2 and removal of condition 4 on the character and appearance of the host property, and the area.

Reasons

5. The appeal site is in the village of Eyam within the Peak District National Park. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, amongst other areas.
6. The appeal property is a small, single storey detached property with a simple appearance. It is located on Tideswell Lane which comprises dwellings of varied design and appearance, including traditional and modern properties.
7. The extensions as permitted would replace an existing side extension, conservatory, and a store and would be located to the side and front of the dwelling. The scale and form of the extensions remain unchanged from the approved plans. It has therefore been accepted that their massing is appropriate to the simple character and appearance of the dwelling.
8. The front extension, as approved, is less than a third of the width of the original building, but as it projects forward of the front wall it would have a prominent appearance. The glazing in the proposed scheme would take up a much greater proportion of the front elevation than the permitted small window, which is of a similar size to those in the original building. The extent of glazing would draw the eye and would therefore further increase the visual prominence of the extension.
9. The low solid to void ratio in the proposed amended scheme, is not a traditional characteristic of buildings in the area. Even so, the modern style together with the prominence of the extension would not diminish the quality or integrity of the building to the extent that it would be detrimental to its character and appearance. Overall, it would complement and harmonise with the host building, and contribute to the variety within the street scene in a positive manner. Furthermore, it would have a more appropriate design and appearance than the existing conservatory that it would replace. It would thereby enhance the character and appearance of the area.
10. The appellant has stated on the submitted, amended elevation plan that Parex one coat render is proposed, in stone colour. Images of the render included on the plan show its texture. Such details are sufficient to give a clear understanding of the finished appearance of the render and to accord with the requirements of condition 4. Based on the information provided I consider that the texture and colour of the proposed render would match the local traditional render and would therefore ensure that the character and appearance of the area is not harmed.
11. Accordingly, I conclude that the variation of condition 2 and removal of condition 4 would not harm the character and appearance of the host property or and the area. As such it would not conflict with Policies DMC3 and DME1 of the Development Management Policies. These seek, among other things, to ensure that development respects, conserves and enhances valued characteristics of the landscape and buildings. Furthermore, there would be no conflict with the guidance set out in the Design Guide and Alterations and

Extensions Supplementary Planning Document. In addition, it would accord with the aims of the National Planning Policy Framework which seeks to ensure development is sympathetic to local character and history, including the built environment and landscape setting.

Conditions

12. Considering my findings, it is not necessary to comply with conditions 2 and 4 of the planning permission. I have therefore omitted condition 4 and have replaced condition 2 with a condition that includes the amended list of approved plans.
13. The Planning Practice Guidance (PPG) advises that where an application under section 73 of the Act is granted the planning permission should also repeat the relevant conditions from the original planning permission unless they have already been discharged. I have therefore included the conditions relating to the window and door openings, rooflights, rainwater goods, rafters, solar panels and the obscure glazing of the rear facing kitchen window. These conditions remain relevant in the interests of the character and appearance of the development and to protect the living conditions of neighbouring residents.
14. The PPG also indicates that a grant of planning permission under Section 73 should not extend the time period for implementation. I have therefore amended condition 1 to include the date of the original permission.
15. The Council have not suggested the reimposition of condition 2 requiring that certain elevations are finished in natural stone walls and the roof tiles shall be natural blue slates. I note that such materials are specified on the amended plans and as such I agree that the condition is no longer necessary.

Conclusion

16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal is allowed, and a new planning permission is granted.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted must be commenced not later than 3 years from the date of 12 July 2022.
- 2) The development hereby permitted shall be carried out in accordance with the following plans and other submitted details: Plans & Elevations 2192-10.
- 3) All window openings shall be provided with natural stone lintels and sills and all door openings provided with natural stone lintels. All window and door frames shall be recessed a minimum of 100mm from the external face of the wall. The rooflights shall be fitted flush with the roof slope.
- 4) The rainwater goods shall be black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters. Solar panels shall be flush with the roof slopes.
- 5) The rear facing kitchen window shall be none other than obscure glazed and fixed shut below a finished floor level of 1.7m, as shown on the approved plans.

End of Schedule