



Appeal Decision

Site visit made on 28 April 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/C1055/W/22/3313656

2 Margaret Street, Derby DE1 3FE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs S Barby against the decision of Derby City Council.
 - The application Ref 22/00393/FUL, dated 8 March 2022, was approved on 9 December 2022 and planning permission was granted subject to conditions.
 - The development permitted is 'the installation of replacement roof tiles (retrospective application). Single storey rear extension to dwelling house (enlargement of kitchen/dining area).'
 - The condition in dispute is No 2 which states that: The approval relates only to the rear extension to the dwelling house and does not relate to the installation of replacement roof tiles.
 - The reason given for the condition is: *The tiles in question were the subject of a refusal of planning permission (case reference 21/00543/FUL) for the reason that they constitute "less than substantial harm" to surrounding heritage assets that outweighs any public benefit with no clear and convincing justification having been provided. Therefore, this aspect of the proposal remains in conflict with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, adopted policies AC9, CP3, CP4 and CP20 of the Derby City Local Plan - Part 1 (Core Strategy), saved policy E18 of the adopted City of Derby Local Plan Review and section 16 of the National Planning Policy Framework.*
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Decision

1. The appeal is allowed and the planning permission Ref 22/00393/FUL for 'the installation of replacement roof tiles (retrospective application). Single storey rear extension to dwelling house (enlargement of kitchen/dining area), at 2 Margaret Street, Derby DE1 3FE, granted on 9 December 2022 by Derby City Council, is varied by deleting condition No 2.

Preliminary Matter

2. Reference is made to the appeal site falling within the buffer zone of the Derwent Valley Mills World Heritage Site (DVMWHS). However, the Council accepts that the appeal scheme has no material effect on the Outstanding Universal Value of the DVMWHS. On the evidence before me, I have no reasons to disagree and therefore it is not necessary to address this point further.

Background and Main Issue

3. Planning permission was sought under a single application in March 2022 for the retrospective replacement of roof tiles and the proposed erection of a single storey rear extension. The Council granted permission for the extension, but through the disputed condition refused to permit the roof tiles, on the basis that it had previously found them to be harmful to the significance of the Struts Park Conservation Area (the SPCA) under an earlier application.

4. Therefore, the main issue is whether the disputed condition is reasonable and necessary, having regard to the effect of the development on the character and appearance, and heritage significance, of the SPCA.

Reasons

5. The SPCA encompasses a predominantly residential area to the north of the city centre which developed during the Victorian era. Towards the southern end, around the appeal site, are long, uniform, red brick terraces of dwellings lining parallel straight roads in Otter Street and Arthur Street. To the west and north are larger semi-detached and detached dwellings with an increasingly suburban character, though still retaining linear layouts and consistent, traditional architecture. From the evidence before me and my own observations, the significance of the SPCA derives from its well-maintained historic layout, which embodies a significant period of development within the city, and its consistent architecture which provides for attractive vistas along many of its streets.
6. The appeal site stands as the end-of-terrace dwelling at the southern end of one of the aforementioned terraces on Otter Street. The dwelling is contiguous with this terrace, notwithstanding that its front entrance is on Margaret Street which runs perpendicular to Otter Street. The natural slate tiles previously in situ, which may have been original, were replaced in 2021 with a concrete tile.
7. The Council expresses 'strong concerns' about the roof materials having a 'negative impact' on the character and appearance of the SPCA. Little further detail is set out by the Council or in the comments of its Built Environment Section consultee, beyond a general concern that the tiles installed do not match the natural slate previously in place. I have had regard to the conservation area appraisal for the SPCA but this does not offer any commentary or guidance on roofing materials within the conservation area. The appellant argues that the SPCA is host to an eclectic mix of roof finishes in different colours, that natural slate is not exclusive and alternative tiles should not automatically be considered unsympathetic.
8. I saw that the rooflines of the terraces surrounding the appeal site do retain original slate roofs in most cases; however, I saw signs of some roofs having been replaced or repaired over time, as evidenced by their less weathered appearance and some different materials. This has also introduced subtle differences in tone to the rooflines of the terraces which, far from upsetting their uniformity, adds an element of natural variation that is inevitable across an area established more than a century ago and which adds to the visual character of the area. Although the Council points to some of these other materials not having been granted permission or having been installed prior to the introduction of an Article IV direction removing permitted development rights in 1992 or the designation of the SPCA in 1991, they nevertheless form part of the established surroundings which contribute to the character and appearance of the SPCA.
9. Within this context, the installed tiles are larger in size and have a slightly more raised profile which creates more discernible rows across the roof. However, the colour of the tiles closely reflects that of adjacent dwellings, and the flashings, eaves and soffits are all sensitive in design. Overall, the roof tiles do not appear wholly unsympathetic in their appearance. Having viewed them, it is their new, clean appearance that is the most distinguishing factor, rather

than their colour or size. Such an appearance is inevitable when the roofing material is replaced, regardless of the materials chosen. As with any material, it is to be expected that the tiles would weather over time and integrate into the natural range of tones which characterise the wider terrace.

10. The main visibility of the roof is from points to the west on Margaret Street and from the park to the east. In the former view, the roof is not seen as part of the long terrace on Otter Street, but as part of a more varied streetscape on Margaret Street where it does not stand out as an anomalous feature. In the latter view, the roof is seen as part of the rear of the Otter Street terrace but as the roof retains its original shape and the characteristic central chimney stack, it still integrates well with the wider terrace and does not detract from the overall quality of the built form. Most notably, when walking along Otter Street itself, the roofline angles away from the observer and whilst the consistent angle of the roofline is visible, the detail of its materials is less obvious in longer views and is secondary in prominence to the well maintained frontages of the dwellings. The roof tiles as installed on the appeal dwelling, maintaining as they do the colour and angle of the roofline, do not detract from the overall quality of the streetscape in these views.
11. For these reasons, I am satisfied that the tiles as installed do not cause harm to the character and appearance of the SPCA, nor any harm to its overall heritage significance. Therefore, I find no conflict with Policies CP3, CP4 or CP20 of the Derby City Local Plan - Part 1 (Core Strategy) (January 2017) or Saved Policy E18 of the adopted City of Derby Local Plan Review (January 2006), which together require high quality, well designed developments that make a positive contribution towards the character, distinctiveness and identity of neighbourhoods and which preserve or enhance the special character of conservation areas.
12. The Council also cited conflict with Policy AP9 of the Core Strategy on its decision notice but given its subsequent acceptance that the appeal scheme does not affect the Outstanding Universal Value of the DVMWHS, there is no conflict with this policy.
13. As I have found no harm to the significance of the designated heritage asset, it is not necessary to conduct the heritage balancing exercise of the National Planning Policy Framework and consider whether any public benefits exist to justify the development.
14. Given these conclusions, the disputed condition is not necessary to make the development acceptable in planning terms, and its deletion in full would not conflict with relevant requirements of the development plan. I have considered the other conditions attached to the permission but there is no evidence before me that leads me to conclude that it is necessary to vary any of these.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and the planning permission varied as set out in the formal decision.

K Savage

INSPECTOR