



Appeal Decision

Site visit made on 12 September 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04.10.2023

Appeal Ref: APP/M9496/D/23/3325030

Jasmine Cottage, Main Street, Birchover, Matlock DE4 2BN

- 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 W Mitchell against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0323/0272, dated 6 March 2023, was refused by notice dated 24 April 2023.
 - The development proposed is extension to garage and roofing over yard.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to garage and roofing over yard at Jasmine Cottage, Main Street, Birchover, Matlock DE4 2BN in accordance with the terms of application Ref NP/DDD/0323/0273 dated 6 March 2023.

Preliminary Matters

2. At the time of my site visit, the works had been largely completed, and that was reflected in the description of development on the Decision Notice produced by the Council, for which I have no record of agreement to that change from the appellant.

Main Issue

3. The proposal lies within the Birchover Conservation Area. Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on decision makers with respect to any buildings or land within a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
4. Accordingly, the main issue in this case is whether or not the proposal preserves or enhances the character or appearance of the Birchover Conservation Area.

Reasons

5. The Conservation Area Appraisal sets out the Conservation Area into sections. The appeal dwelling lies within the section identified as the Village Core.
6. The Appraisal states that this section of Birchover is fundamentally a tight-knit grouping of houses lying predominantly to the north of Main Street, between it and the steep slopes of the ridge to the north. Its depth is dependent on the topography. This is a residential area. Along Main Street itself are the social facilities available to Birchover, either currently or in the past. There are no

significant public areas, other than Main Street itself. As a result of later development it opens up a little near the well where the road from Upper Town (possibly the original site of the village) The steep slope rises behind the buildings in a series of terraces, presumably originally used for the growth of garden produce and/or the keeping of domestic livestock. Some of these terraces are well maintained and still in use. Any development should maintain the tight-knit character of this area, which could well mean flexibility in the interpretation of sight-line and overlooking guidelines. The detailed design and materials of each individual building will need to be the starting point for any proposals for alteration and/or extension.

7. Within that context, the main dwelling, set back from the highway, makes a positive contribution to the character and appearance of the area and the significance of the Conservation Area as a heritage asset.
8. The appeal site for the garage is set adjacent to the main dwelling, but at right angles, and is visible at an oblique angle from Main Road itself.
9. The appellant has replaced the dilapidated garage structure, photographs of which have been supplied as evidence, utilising part of the original stone construction in order to rebuild, as well as extending the roof over, to fill a previously vacant area, which is supported independently of the boundary wall. Clear spacing is visible within the structure to show that it is not structurally supported by the boundary wall.
10. The design of the extension incorporates timber detailing elements via the front fascia, but the general stonework building materials reflect the dwelling. The timber fascia is not inappropriate on this structure and would, to my mind, ensure that the garage has a lighter-weight appearance and is read as a modern addition. I acknowledge that the form of the extension, which has a flat roof, would not reflect the form of the original building. Nevertheless, the flat roofed element is consistent with the original garage structure so does not look out of place. The overall massing of the garage would not be inappropriate in the context of that of the cottage.
11. The Council has raised another concern with the design of the garage, with regard to the use of the roller shutter door. However, I am not convinced of the Council's argument with regard to the industrial nature of the new door. Roller shutter doors are regularly seen in residential areas, as well as heritage sensitive locations. Accordingly, whilst the door changes the appearance of the overall site to a degree, I am satisfied that it would not adversely affect the architectural quality of the building or its value to the Conservation Area.
12. Taking all the above into account, I find that the garage does not conflict with Policies GSP3 and L3 of the Peak District National Park Local Development Framework (2011), Policies DMC3, DMC8 and DMH 7 of the Peak District National Park Development Management Policies (2019) and the general advice given in the Council Adopted Design Guide and the Alterations and Extensions Supplementary Planning Document, which when taking all the above into account, amongst other matters, expect development to respect, conserve and enhance all valued characteristics of the site and buildings and demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.

Other Matters

13. I have noted the comments of interested parties in relation to this appeal and I am satisfied that the design and construction of the proposal has not harmed the amenities of those properties or the wider Conservation Area.

Conditions

14. As the application is retrospective, no conditions are required as part of the approval. The councils request for it not to be used as an amenity space is not necessary, given the relationship with the host dwelling.

Conclusion

15. Taking into account the above and all other matters raised, the proposal is consistent with the wider development plan, the appeal is allowed and planning permission is granted.

Paul Cooper

INSPECTOR