The Planning Inspectorate

Appeal Decision

Site visit made on 15 September 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2023

Appeal Ref: APP/M1005/D/23/3326075
1 George Street, Belper, DE56 1DL

- 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 Thomas Ian Morley against the decision of Amber Valley Borough Council.
- The application Ref AVA/2023/0163, dated 2 March 2023, was refused by notice dated 2 May 2023.
- The development proposed is replacement of roofs and rainwater goods.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the description of the development given on the planning application form differs from that stated on the Council's decision notice. Whilst the normal convention is to use the wording on the application form and that description is not incorrect, the Council's is more succinct. Consequently, I have used the latter in the heading above.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Belper and Milford Conservation Area (CA) and the effect on the significance of the Derwent Valley Mills World Heritage Site (WHS), which are both heritage assets.

Reasons

4. The appeal property is a terraced dwelling, which is situated in the CA and the WHS. The CA at this point comprises streets of mainly terraced dwellings, which, historically would have been mainly occupied by mill workers. This part of CA is significant, both historically and architecturally, due to its association with the Industrial Revolution and because of the largely cohesive and unified appearance of the area. This is mainly due to the layout of the streets and to the external materials used on the buildings, including brickwork, Welsh slates and cast-iron rainwater goods. The WHS is internationally recognised as being of Outstanding Universal Value. Consequently, great weight must be given to its preservation and enhancement.

5. Whilst some properties have been altered over the years, that does not significantly detract from the overall appearance or the character of the

heritage assets. Narrow cobbled streets and alleyways also add to the charm and significance of the area.

6. The proposal (which has already been implemented) is to replace the roof materials with Spanish slate. In addition, rainwater goods have been replaced with plastic ones. The appellant states that the works were necessary because the property was not watertight and there was a risk to the safety of the elderly occupant (due mainly to water ingress and damp in the electrics). Furthermore, the appellant states the costs that were involved dictated the type of materials used. I accept that the figures provided by the appellant show a significant difference. In addition, the appellant points to existing differences between the rear and front roof areas of the dwelling, prior to the works being carried out.

7. It is a statutory requirement that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for the area is the Amber Valley Local Plan 2006 (LP). Policy EN27 of the LP states that planning permission will only be granted within conservation areas if they would contribute to the preservation and enhancement of the conservation area. In addition, Policy EN29 requires development proposals within the WHS to preserve or enhance its character and appearance. These policies accord with the provisions of Chapter 16 of the National Planning Policy Framework 2023 (The Framework) and, therefore, they carry substantial weight in reaching my decision.

8. The Council refers to the importance and status of both the CA and the WHS and considers that the materials used are unacceptably harmful to their character and appearance. As such, it contends that the proposal conflicts with the provisions of the Development Plan and with The Framework.

9. Paragraph 207 of The Framework states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. I have considered this determining this appeal. However, the external materials used on the buildings in this location are, in my opinion, extremely important and they make a significant contribution to the character and appearance of the area.

10. At my site visit, I walked around much of the CA and, whilst there are examples of non-original/modern materials, the vast majority are roofed in traditional Welsh slate and most also have iron rainwater goods. These are important key features of the area.

11. The appeal property is located at the end of a terrace, in a relatively prominent position. There is a clear contrast between the slate that has been used and the slates used on the terrace, particularly in terms of the difference between the colour of the Spanish slate and the purple/heather colour of the Welsh slate, and between the number of courses.

12. In my opinion the proposal has an adverse effect on the unified appearance of the row. Even if the Spanish slate were to fade or change colour over time, I am not persuaded that it would blend in satisfactorily. Likewise, the use of plastic rainwater goods also fails to preserve or enhance the character or appearance of the heritage assets. Consequently, I find that the proposal conflicts with the provisions of both the Development Plan and The Framework, as referred to in paragraph 7 above.

13. Having regard to paragraph 202 of The Framework, I consider that the harm to the significance of the CA and the WHS is less than substantial. Therefore, the harm should be weighed against the public benefits of the proposal. Whilst the maintenance and upkeep of properties in area can be argued to be a public benefit, the specific materials used are unacceptably harmful and, therefore, the resultant harm outweighs any benefits.

14. I have also given weight in my decision to the appellant's arguments regarding cost and personal safety. Clearly these are a factor and a material consideration, but given the significance of the CA and the universal value of the WHS, it does not alter the need to use appropriate external materials in any new or repair works. Furthermore, there is no evidence to indicate that second-hand or salvaged Welsh slate could not have been used, as suggested by the Council's Heritage Officer.

Conclusion

15. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR