



Appeal Decision

Site visit made on 3 October 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/M9496/D/23/3323801

Stable Cottage, Housley Road, Foolow, Derbyshire S32 5QA

- 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 Dave Turner against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/1222/1526, dated 18 February 2022, was refused by notice dated 14 March 2023.
 - The development proposed is second storey front extension over existing living room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: -
 - The effect of the development on the character and appearance of the area, with specific reference to the Foolow Conservation Area (the FCA).
 - The effect of the development on the living conditions of adjacent residents, with specific reference to loss of privacy.
 - The effect of the development on protected species

Reasons

Character and appearance

3. The appeal site is a residential property located within a small village and located within the Foolow Conservation Area. The Foolow Conservation Area appraisal states that the village is clustered around the large central green and duck pond. Foolow was reportedly formed in the 14th Century and expanded due to the local lead mining, supplemented by extensive farming, both of which have ceased. The local area is residential in nature, and the majority of properties in the immediate locality are stone built, and relatively traditional in nature. A public house is located close to the appeal site.
4. The appeal property is set out in a unorthodox fashion, with a single storey front section on Housley Road, and a more traditional two storey section behind that. The appeal proposal seeks to enlarge the single storey section to two storeys, which will increase the size of the existing accommodation.

5. The proposed extension will result in a front section that is no longer subordinate to the larger rear section. Although the appellant has shown that the ridge line and overall height of the extended section would be below that to the rear, the difference is not significant, and would create a bulky structure overall, of which the two storey front section would now sit close to the road. The proposal would dominate its surroundings.
6. The proposal does not fit with the overall form and layout of its surroundings and would harm the intrinsic character of the host dwelling, as well as wider harm to the character and appearance of the locality and the significance of the FCA. Such harm would not respect village character or local distinctiveness. Rather than offer a visually attractive or positive enhancement to the locality, the proposal would appear conspicuously out of place.
7. The effect of the development would be tangible from Housley Road. I therefore consider that the development would cause harm to the significance of the character and appearance of the FCA as a whole. As such, the FCA would not be preserved or enhanced.
8. Therefore the proposal would conflict with s72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended)
9. The National Planning Policy Framework (the Framework) advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the conservation of the heritage asset.
10. Having regard to the Framework paragraph 202, I consider that the proposal would cause less than substantial harm to the significance of the FCA. I attach great weight to its conservation regardless of the less than substantial harm identified. Even so, this harm should be weighed against the public benefits of the proposal as directed by paragraph 202 of the Framework.
11. The benefit of the extension is for private use only, in improving the standard of accommodation for the appellant and any future residents. There is negligible evidence of any public benefits.
12. Therefore, and having regard to paragraph 202 of the Framework, public benefits derived from the development would not outweigh the less than substantial harm to the FCA.
13. As a result, the proposal would not preserve or enhance the FCA and I find that the development would be contrary to policy GSP3 of the Peak District National Park Local Development Framework (2011) (the LDF) and policies DMC3, DMC5 and DMC8 of the Development Management Policies : Part 2 of the Local Plan for the Peak District National Park (2019) (the DMP) which amongst other matters, expects development to respect the character and setting of buildings as well as its scale, mass and height and conserve or enhance the heritage asset.

Living conditions of adjacent residents

14. The proposal would see habitable room windows inserted into the elevations facing toward Croftside and Old Toll Bar. Whilst the proposed windows would allow views toward these properties, I find that the separation distance would

not be sufficient to cause material harm to those properties by means of any significant overlooking.

15. As such, on this issue, I find no conflict with policy DMH7 of the DMP which seeks to ensure that development does not detract from neighbouring residential buildings.

Protected species

16. As part of the proposals, a bat survey has been carried out to assess the potential for roosts, and it has been indicated that the presence of a bat roost. Bats are a protected species, and any mitigation must be carried out to an agreed level, and a license obtained for such works.
17. Were the proposal to be approved, then updated surveys and mitigation measures, including seasonal timings would need to be provided. Such matters could be controlled by condition in order to achieve compliance with the relevant legislation before any works took place. As the proposal is being dismissed for other reasons, there is little point in assessing this matter any further in this instance.

Other Matters

18. I note the appellant's points about the nature and quality of the planning service provided by the Council. However, I have considered the proposal on its planning merits alone.

Conclusion

19. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate I should take a different decision other than in accordance with this.
20. For the reasons outlined above, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR