



Appeal Decision

Site visit made on 10 October 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/C1055/W/23/3324689

2 Edward Street, Derby DE1 3BR

- 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 Hutchinson against the decision of Derby City Council.
 - The application Ref 23/00299/FUL, dated 28 February 2023, was refused by notice dated 26 April 2023.
 - The development proposed is essential maintenance works to replace roof.
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Decision

1. The appeal is allowed, and planning permission is granted for essential maintenance works to replace roof at 2 Edward Street, Derby DE1 3BR in accordance with the terms of the application Ref 23/00299/FUL dated 28 February 2023.

Preliminary Matter

2. There is reference made with regard 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 DVMWHS. On the evidence before me, I have no reason to disagree and therefore will not address this matter further.

Procedural Matter

3. I have removed the reference to this being retrospective development in the description as this does not constitute development.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the area, with specific reference to the Strutts Park Conservation Area (the SPCA).

Reasons

5. The appeal property is three storeys in height, and according to the evidence provided, was formerly a public house, but now operates as a House in Multiple Occupation. It is rendered to the front elevation but appears to be of brick construction and the brick remains exposed to some elevations. The roof material was apparently natural slate, but due to a maintenance issue, it was replaced by a fibre cement tile.
6. The SPCA is predominately residential to the north of the city centre and is Victorian in nature. There is an abundance of terraced properties, which

transitions into larger semi-detached and detached properties, but still relatively traditional in nature. The significance of the SPCA appears to derive from the nature of its historic layout and traditional architecture, with some modern exceptions to both.

7. The Council are concerned with regard to the unsympathetic nature of the replacement material with regard to the SPCA. There appears to be no specific advice given with regard to the nature of roofing materials.
8. I note that original slate is still the principal choice of roofing materials, but of those replaced, demonstrated by less weathering, that there are a mix of materials used, which has subtly altered the nature of the rooflines. Whether many of these have obtained consent, I am not aware, but it has created changes to local character and appearance.
9. I find that the colour of the tiles is relatively consistent with surrounding dwellings, but the relatively unsullied appearance could give the impression of a jarring effect. Such an appearance will be prevalent until the tiles weather over time, and some limited weathering is beginning to take place. As this progresses, the colour and tone of the material will mellow and further integration will take place.
10. As such, I am satisfied that the new roofing material does not cause harm to the character and appearance of the SPCA or its heritage significance. I therefore find no conflict with policy CP20 of the Derby City Local Plan – Part 1 Core Strategy (2017) or Saved Policies E18 or E19 of the City of Derby Local Plan Review (2006), which amongst other matters, expect development to not have any detrimental impact on the significance of a heritage asset and preserve or enhance the special character of the Conservation Area.
11. 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.
12. The Council are concerned with regard to this proposal setting a precedent in terms of future applications. This appeal has been dealt with on its own merits, with specific site circumstances in favour of the appeal proposal. Any subsequent appeals for similar development elsewhere would also be judged on their own merits and the context of the development.

Conditions

13. As the works have already been carried out, there are no conditions necessary in this instance.

Conclusion

14. The Framework states that development that accords with the development plan should be approved without delay. There are no material considerations, taken individually or cumulatively, that indicate that the appeal should not succeed. Overall, I conclude that planning permission should be granted.

Paul Cooper INSPECTOR