



Appeal Decision

Site visit made on 16 January 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2024

Appeal Ref: APP/M1005/W/23/3324887

2 Tor View Snowdrop Valley, Crich, Derbyshire, Matlock DE4 5BT

- 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 Mrs Janet Dranfield against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2023/0001, dated 30 December 2022, was refused by notice dated 16 May 2023.
 - The development proposed is the construction of a wooden pod 6m x 4m for use as an air B&B to be constructed on land at end of garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have determined this appeal in the context of the revised Framework.
3. The description in the header above has been taken from the planning application form. In the interests of clarity, I have removed those elements that are superfluous to the description of development.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area; and,
 - The living conditions of neighbouring occupiers.

Reasons

Character and Appearance

5. The appeal site comprises the parking area serving the host dwelling at Number 2 Tor View. It is to the front of the property where Snowdrop Valley meets The Common. The Common is raised above the appeal site and is separated from it by a low stone wall and mature planting. Close against the boundary wall is an existing timber shed. At the time of my site visit it was only possible to view this shed from along Snowdrop Valley when facing away from the host dwelling. The surrounding area is characterised predominantly by simple stone dwellings. Although I noted a number of deep front gardens, there were also a significant number of dwellings set close to their respective roads.

However, and other than that at the appeal site, I did not note any outbuildings to the front of properties in the surrounding area.

6. The proposal would replace the existing shed with a larger timber building set more centrally within the appeal site. The proposed siting and scale of the building would make it more readily visible within public views, including from The Common. Although the existing planting would soften the proposal it could easily be removed, cut back or die. Moreover, when not in leaf the planting would provide much less screening. Although the appellant has suggested additional planting could be provided it has not been demonstrated that this would be effective and, if effective how long it would take to achieve this.
7. The proposed cabin would appear as a fairly simple structure akin to garden rooms and other outbuildings typically associated with domestic properties. However, the proposed materials and design would not reflect or blend into the surrounding area. Whilst it would replace an existing shed, that building is a much more retiring feature, largely screened from public views. I find the design of the proposed cabin, including its siting forward of the host dwelling would result in an incongruous feature detrimental to the character and appearance of the wider area.
8. In light of the above, the proposal's siting, design and use of materials would result in an incongruous feature detrimental to the character and appearance of the surrounding area. It would therefore conflict with saved policies LS3, EN7 and ER12 of the Amber Valley Borough Council Local Plan (the LP) which collectively require, amongst other matters, that developments conserve the local distinctiveness of the built environment with particular regard to style, materials and layout. It would also conflict with Policies NP2 and NP14 of the Crich Neighbourhood Plan (the CNP) and Section 12 of the National Planning Policy Framework (the Framework) which, in part, similarly seek for developments to be appropriate to their location.

Living Conditions

9. Whilst tourist accommodation has some similarity with residential dwellings, in that they would be used in a largely domestic sense, I find that there would also be differences in the intensity and character of the use. Primarily, whilst people may come together to celebrate, socialise and relax in a residential dwelling, this is likely to be occasional and more often limited to weekends. In contrast, holiday accommodation is more likely to be used in this fashion for prolonged periods and across weekdays as well as weekends. Given the close proximity of the neighbouring dwellings at Number 1 Tor View and Croft house, such noise would be disruptive to neighbouring occupiers' quiet enjoyment of their properties. Such disruption would be exacerbated when the outside seating area is used as, although set further from the properties than the cabin, there would be very little noise attenuation afforded.
10. People arriving at, or leaving, the property will make noise, whether by foot or motor vehicle. However, comings and goings are typical of residential areas and the appeal site is already set aside for parking. Whilst the reason for a journey may differ between a dwelling and this accommodation, the character of the noise and disturbance would be similar. Therefore, in this regard, I do not find there to be any unacceptable impact on the living conditions of neighbouring occupiers.

11. The appellant has suggested that it would be possible to set in place noise management including controlling coming and going times and putting up signage to remind visitors to be quiet. However, no substantive details of the noise management scheme have been provided and so I cannot be certain of how it would work, or if it would be sufficient. Therefore, whilst the above measures may go some way to reduce the impact of noise and disruption, lacking substantive evidence to the contrary, I do not find they would be sufficient to protect the living conditions of neighbouring occupiers.
12. The location of the glazed double doors on the side of the cabin would allow views down the garden of the host dwelling. To a lesser degree, as it would be to an angle, it would also allow some views of the garden at No 1 Tor View. However, I do not find it would noticeably reduce the level of privacy afforded to this garden. In particular, it was possible to view No 1's garden from Snowdrop Valley across No 2's garden. Moreover, views would already be possible from the front windows of No 2. Therefore, although there would be some increase in overlooking, the impact on the privacy and living conditions of the neighbouring occupiers would not be unacceptable.
13. Whilst the Principal Pollution Officer may have been somewhat positive in their consultation response, their comments cannot bind my assessment or preclude me from reaching a different decision.
14. Therefore, I find that the proposal would, by way of its use and siting, result in a level of noise and disruption to the detriment of the living conditions of neighbouring occupiers. The proposal would therefore conflict with LP Policies ER12 and LS3 which require developments to take account of their relationship to neighbouring buildings and protect the residential amenity of nearby properties. The proposal would also conflict with Framework Paragraph 135 which seeks to create places that promote well-being and a high standard of amenity. Although the Council also referred to CNP Policies NP2 and NP14, I do not find this to be particularly relevant to this matter.

Other Matters

15. By attracting tourists to the area, and by making use of local businesses and tradespeople, the proposal would support the local economy. Given the small scale of the proposal, I attach such a benefit modest weight in my considerations. I similarly attach only very modest weight to the use of sustainable materials in the construction of the proposed cabin.
16. Although the proposal may not result in any harm to highway safety, the local environment or biodiversity, a lack of harm is not a benefit in itself. Consequently, I have afforded only neutral weight to these matters.
17. The appellant has drawn my attention to two locations where glamping pods have been permitted. One to the south of the site, along The Common, and the other in South Wingfield. I have not been provided with the full details and facts of these applications and decisions. Whilst other planning decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

18. No details, such as planned pricing, have been submitted to demonstrate that the proposed accommodation would be affordable. Moreover, even if such details were available, no mechanisms to control the affordability of the accommodation have been provided and I am not convinced it would be possible through a condition in the event the appeal were to be allowed. Consequently, I do not find that the proposal would provide better accessibility to the area for those less well off.

Conclusion

19. The proposal would result in harm to character and appearance and living conditions in conflict with the development plan taken as a whole. Although the proposal would result in some benefits, as outlined above, these would not outweigh the identified harm. As such, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR