



Appeal Decision

Site visit made on 26 March 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2024

Appeal Ref: APP/M9496/W/23/3331494

The Flat, Ye Old Rock Inn, Old Buxton Road, Upper Hulme, Staffordshire ST13 8TY

- 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 & Mrs J Burrows against the decision of Peak District National Park Authority.
 - The application Ref NP/SM/0523/0507, dated 5 May 2023, was refused by notice dated 4 July 2023.
 - The development proposed is application for extension to ancillary accommodation within the grounds of a Listed Public House.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are :-
 - Whether the proposal represents ancillary accommodation to the Public House.
 - The effect of the development on the character and appearance of the existing building.
 - The effect of the development on the Listed Building and the Conservation Area.

Reasons

3. Ye Old Rock Inn is a long-established public house with parking to the rear and the opposite side of the highway. The building is also Listed Grade II. The ancillary building comprises garages at ground level that I understand are now used as storage for the public house, and a bedroom, bathroom and living / kitchen area at first floor.
4. The appeal proposal seeks to provide additional living accommodation at first floor, with an additional garage / storage area at ground floor.

Whether ancillary accommodation

5. Policy DMH5 of the Peak District National Park Development Management Policies (2019) (the DMP) sets out a number of criteria with regard to ancillary residential accommodation, which is further reinforced by the "Residential Annexes" Supplementary Planning Document (2021) (the SPD)

6. The SPD also states that a clear justification for the proposed ancillary development is required, as well as that for more than one bedroom in any proposals.
7. The appellants have put reasoning forward to support the proposals, but I find the need for a second bedroom lacking clear justification. The overall size of the extension is significant, and, in my opinion, the "case" for an extension of these dimensions and layout has not been made.
8. As such, I find a conflict with policy DMH5 of the DMP and the guidance set out in the SPD.

Character and appearance

9. The flat and storage garages are located on the boundary of the car park with the Ye Old Rock Inn, and sits alone within that area. The are properties close by, but nothing within the context of the appeal property.
10. I understand that the property has had a previous approval to extend, which was never acted upon, and an application just prior to this submission, which shaped the current proposal.
11. The appeal proposal increases the size of the original flat considerably and introduces another garage/storage area at ground floor level. The original dwelling is simple in design and modest in size and I find that the extension would not continue those simple proportions, increasing its size considerably and fundamentally altering the external design. I find that it does not display sufficient subordination and it over-dominates the original character of the subject property. This also contributes to unacceptable massing when viewed in the context of the character and appearance of the building.
12. In conclusion therefore, the development would result in harm to the character and appearance of the building. This would be contrary to Policies GSP1 and GSP3 of the Peak District National Park Core Strategy (2011) (the CS), and policies DMC3 and DMH7 of the DMP, which when taken as whole, amongst other matters, expect development to pay attention to the character and setting of buildings, its detailed design and not detract from the character of the original building.

Effect on heritage assets

13. The site is located within the Upper Hulme Conservation Area, which in earlier years was known for silk production and spinning of other materials. The final mill site is an imposing structure toward the centre of the Conservation Area. There are no distinct areas of building types within the Conservation Area. Ye Old Rock Inn is referenced in the Area Appraisal.
14. The impact of the modern extension would not reflect the setting of the Listed Building, even though it would not be directly visible. The extension be detrimental to the character and appearance of the Upper Hulme Conservation Area and fail to preserve or enhance the Conservation Area and the setting of the Listed Building. As set out in the heritage section of the National Planning Policy Framework (the Framework), I consider that the harm would be "less than substantial".

15. I must give considerable weight to the harm to both the Conservation Area and the setting of the Listed Building. The Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development.
16. The proposed development would have some economic benefits through employment opportunities during the construction phase of development. However, most of the benefits would be for the occupants, and not generally widely beneficial.
17. I have attached some weight to these factors, but given the modest scale of development, the weight that can be attributed to these factors is limited and not sufficient to outweigh the less than substantial harm that I have identified or the conflict with policies and the Framework I have referred to.
18. As a result I find the proposal to be contrary to policies L3, DMC5, DMC7 and DMC8 of the CS and the DMP which amongst other matters, when taken as a whole expect development to conserve and enhance heritage assets and protect the character and significance of heritage assets.

Conclusion

19. I conclude that the proposal conflicts with the development plan as a whole, as well as the heritage guidance set out in the Framework and there are no material considerations that indicate that I should take a decision other than in accordance with it. I conclude that the appeal should therefore be dismissed.

Paul Cooper

INSPECTOR