



Appeal Decision

Site visit made on 30 April 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/M9496/D/23/3333489

Brookfield Grove, The Dukes Drive, Ashford-in-the-Water, Derbyshire DE45 1QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Jones against the decision of the Peak District National Park Authority.
 - The application Ref is NP/DDD/0623/0731.
 - The development proposed is erection of rear extension and alterations to existing dormer roof/window with associated internal and external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Authority issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Both parties, within their respective submissions had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the host property and surrounding area; and
 - Protected species, specifically bats, or their habitats.

Reasons

Character and appearance

4. The appeal relates to a detached bungalow accessed off Millstone Lane, to the south of The Duke's Drive (A6), within the Peak District National Park. The dwelling is situated within a large plot, with a long rear garden area, at the southern end of the village of Ashford-in-the-Water. To the south and west are open fields with the land to the south sloping upwards away from the rear of the dwelling. To the east is a cluster of three rows of terrace dwellings and to

the north are the aforementioned highways of Millstone Lane and The Dukes Drive.

5. The appeal site is screened from The Dukes Drive by a row of mature trees situated on a grass embankment between this highway and Millstone Lane. Furthermore, a hedgerow and mature trees within the front garden of the appeal site partially screen the property from Millstone Lane, however a gap in the vegetation which provides vehicular access into the site affords a view of the front elevation of this dwelling from this lane. Limited views of the appeal dwelling are afforded from both sides through gaps in the existing vegetation situated along the side boundaries, and due to the deciduous nature of this vegetation it is reasonable to conclude that more the dwelling would be visible from the sides in winter months.
6. The attractive stone-built appeal bungalow is traditional in appearance and consists of a relatively wide frontage facing towards Millstone Lane. The front section of the dwelling has a pitched roof design, with its ridgeline running parallel with the highways to the south. The property extends further back with a hipped roof design and the ridge of this rear section of the dwelling is higher than, and runs perpendicular to, the ridgeline of the pitched roof section at the front of the dwelling.
7. The proposed rear extension would be of a relatively modern and contemporary design. Being similar in both height and width to the existing dwelling, the extension would represent a substantial addition in terms of its scale and height and would be attached to the main dwelling by a glazed link. Glazed links are an effective way of connecting modern extensions to more traditional buildings, however in this case the glazed link is narrow in both its width and its projection from the rear of the dwelling. This results in the glazed link not being prominently viewed between the extension and the dwelling, as from any angled views to the front or rear this glazed link would be screened by either the massing of the original dwelling or the extension.
8. The lack of visual prominence of the glazed link, along with the height and width of the extension, and its proximity to the main dwelling, would result in the proposal visually competing with the host property and not appearing as a subservient addition. Furthermore, the alteration of the hipped roof to a pitched roof design at the rear of the existing dwelling reduces the perception of the visual gap between the host dwelling and the proposed extension, resulting in a visually cluttered relationship at roof level.
9. The appellants have stated that the proposed glazed link would be similar in size to an image of a glazed link provided within the Peak District National Park Alterations and Extensions Detailed Design Guide Supplementary Planning Document (SPD) (2014). Having reviewed this SPD, it shows a variety of differently designed and sized glazed links, and the image I have been referred to does not include any surrounding context in terms of how the glazed link relates to the overall size of the host building and/or the proposed extension. As such, I cannot draw any direct comparison between an image of a glazed link in the SPD and the glazed link proposed by this appeal. Furthermore, I note there are no size measurements provided on the SPD imagery.
10. With regard to materials, the use of a contrasting wood on the proposed extension would respect the agricultural surroundings and clearly differentiate between the original dwelling and extension. However, due to the narrow gap

between the rear of the original dwelling and the proposed extension, along with the above-mentioned scale and height of the extension, in this case the use of a contrasting material competes, overwhelms and detracts from the use of natural stone on the main dwelling.

11. In view of the above, the proposed contemporary designed extension, as a result of its height, scale, materials and proximity so close to the rear of the main dwelling, would have a visually harmful impact upon the host dwelling and the character and appearance of the surrounding area in general.
12. In coming to the above view, I acknowledge that there are a variety of house types and styles in the wider area, and that the appeal property is the only bungalow in the vicinity. Nevertheless, for the above reasons the proposal would have a harmful impact upon the existing traditional qualities of the host dwelling, and wider area.
13. I appreciate that the appeal property is well-screened by existing vegetation and the extension would be sunken into the sloping land to the rear. However, there is no guarantee that this vegetation will be retained in perpetuity and as mentioned earlier when vegetation is not in full leaf views of the appeal site and proposed extension would likely increase. In any case, the existing vegetational screening, and the sloping nature of the land, does not alter the visual harm the extension has upon the visual qualities of the traditional host dwelling and the character and appearance of the area in general when viewed from within the appeal site itself. As such, limited wider views of the appeal site, and the proposal, is not in itself a justification for harmful design.
14. The appellants have stated that previous extensions to the property would be removed as part of the appeal proposal, and that these existing extensions are poor and therefore do not currently add to the visual quality of the dwelling. Furthermore, the appellants comment that the building was in a poor state when it was purchased, the extension would represent a superior build quality and use modern energy efficient materials in comparison to the existing dwelling. Whilst these points are acknowledged, I have limited information before me that an acceptable alternative scheme could not also address the aims of the appellants to improve the existing property in these ways.
15. The appellants have referred to an application for a single storey rear extension at the appeal site, covering the same footprint as the appeal scheme, which has been approved by the Authority since the appeal scheme was refused. I have however been provided with very limited information in respect of this approved application. Nevertheless, being single storey only, this approved application is not directly comparable to the appeal scheme before me.
16. In view of all the above, I conclude that as a result of its close proximity to the main dwelling, the scale, massing and materials of the proposed extension would have a visually harmful impact upon the host property and character and appearance of the area.
17. The proposal is therefore contrary to Policy GSP3 of Peak District National Park Local Development Framework Core Strategy Development Plan Document – Adopted 2011 (CS) and Policies DMC3 and DMH7 of the Development Management Policies Part 2 of the Local Plan for the Peak District National Park – Adopted 2019 (DMP). Together, these policies seek to ensure, amongst other things, that proposals respect the form of existing buildings and the

surrounding setting, and do not detract from the character and appearance of them, with respect to building materials, siting, scale, mass and height. The proposal is also considered contrary to the Framework where it states that development that is not well designed should be refused.

Protected species

18. The proposal is accompanied by a Bat Survey Report¹ (BSR) which identifies that the site contains three bat roosts, one used by a single pipistrelle bat as a summer day roost; one used by a single brown long-eared bat as a summer day roost; and the other used by 20no. whiskered or Brandt's (aka Myotis) bats as a maternity roost.
19. The submitted BSR details how the appeal proposal would allow the retention of all three roosts, and that the renovation works should be undertaken under a bat mitigation licence. The BSR also outlines a number of mitigation measures, recommendations and enhancement measures, including post-construction monitoring, to be implemented to ensure the favourable conservation status of the existing bat populations which use the site.
20. The submitted BSR identifies that the Myotis and brown long-eared bat species are both sensitive to light, and includes a number of recommendations that could be implemented to reduce light spillage at the site. The Authority however has requested, as a result of comments received from their ecologist, additional information by way of a 'Lighting Impact Assessment' be provided. The Authority requested this information to better understand the impacts of potential light spillage from the proposal in relation to these light sensitive bat species.
21. The appellants have not provided the requested additional Lighting Impact Assessment, relying upon the submitted BSR, along with its suggested mitigation measures, recommendations and enhancement measures, to address the concerns in respect of the impact of artificial light and light spillage on the existing bats.
22. In relation to this matter, the BSR states that "*The plans show that the renovated and extended development includes a similar or reduced amount of glazing on the northern and western aspects but a higher amount on the southern and eastern aspects.*" I have not however been provided with any specific figures or calculation from either party in respect of the existing and proposed levels of glazing in each elevation.
23. In the absence of any such detail I have made my own judgement on the basis of the submitted plans and consider that in addition to the south elevation, the proposed west facing elevation would also result in an increase in glazing, mainly resulting from the large full-length opening in the side gable elevation of the proposed extension. This western elevation is of particular importance as the submitted BSR identified that the existing Myotis bat roost is situated on this side of the dwelling.
24. As such, and on the evidence before me, the increased levels of glazing on the western side of the dwelling could result in additional light spillage from the dwelling, potentially impacting upon these protected bat species on site. This

¹ Bat Survey Report – Middleton Bell Ecology, Dated 26th June 2023

matter cannot be addressed by use of a planning condition as it is a fundamental matter to the overall design of the appeal proposal.

25. I note the submitted BSR explains that because the site boundary is so well vegetated light spillage isn't considered to be a significant problem. Whilst I accept the boundary screening may prevent light spilling out beyond the boundary of the site, it does not address my concerns over the potential impact upon existing roosting bats within the appeal site itself.
26. Furthermore, the appellants have drawn my attention to the many biodiversity and ecological enhancement measures they have already implemented elsewhere on this site. I have no doubt over the appellants intention to improve biodiversity at the site and their commitment to adhering to the mitigation measures contained within the BSR in order to safeguard the existing protected bat species on site. However, these matters do not overcome and address my concern over the potential impact of any additional light spillage arising from the appeal proposal on the protected species currently roosting within the appeal dwelling.
27. In view of the above, as a result of the levels of glazing proposed in the west facing side elevation and the absence of a specific Lighting Impact Assessment to evaluate the potential impact any additional light spillage this glazing could have upon protected species on the site, I have insufficient evidence to conclude that the appeal proposal would not significantly harm protected bat species that have been identified on this site. The appeal proposal is therefore contrary to DMP Policy DMC12 which state that development will only be permitted where significant harm to species can be avoided and the conservation status of the population of the species or habitat concerned is maintained.

Other Matters

28. The appeal site is not located within a conservation area, however the boundary of the Ashford-in-the-Water Conservation Area (the CA) is situated directly to the front, as well as a small section to the side, of the appeal site.
29. I observed that the significance of the CA in part derives from it encompassing much of the village of Ashford-in-the-Water which includes historic cottages and larger dwellings which are mainly two-storey but vary in their scale, size and design. These varying properties in the village provide evidence of its historic growth and origins, associated with the village's industrial and agricultural background.
30. The appeal site makes a very limited contribution to the setting of the CA, as it is a single storey bungalow situated at the southern end of the village, which is well screened from the CA by existing mature vegetation along its boundaries and the embankment of The Duke's Drive.
31. As such, the proposed rear extension would be screened from public vantage points within the CA by this existing vegetation, as well as the dwelling itself. Therefore, the proposal would have a very limited affect upon the significance of the heritage asset as a whole, and would not harm the setting of the CA.
32. I note the Authority's Officer Report also makes a brief reference to a Grade II listed building, known as The Mill, located to the northeast of the appeal site, on the opposite side of both the highways of Millstone Lane and The Duke's

Drive. I observed on site this listed building is located a significant distance from the appeal site, and as a result of the aforementioned mature vegetation which substantially screens the appeal site from these highways, the appeal site, and its proposed rear extension, are not located within the setting of this listed building.

33. The appellants have drawn my attention to what they consider to be a clear contradiction between the Authority's request to increase the length of the glazed link, which would increase the amount of glazing and potential light spillage, and the recommendations of the submitted BSR. As well as this also likely increasing the carbon footprint of the extension.
34. Whilst I acknowledge the appellants point on this matter, my decision is based on the submitted plans and no alternative scheme showing a differently designed glazed link has been provided. Furthermore, in order to be acceptable overall, the appeal proposal must be acceptable in both design terms and its effects on protected species. It is not sufficient to justify unacceptable design on the basis that this is better for protected species, or vice versa. The appeal proposal must therefore satisfactorily overcome these matters exclusively of each other.
35. The appellants have stated that the scale of the extension has been reduced from a previous application and the Authority expressed that they were happy with the appeal proposal verbally on the phone. I have very limited information in respect of the previous application, or evidence pertaining to any verbal discussions between the appellant and the Authority. Nevertheless, any such discussions would not be binding to the Authority's determination of the planning application, nor be determinative in my consideration of this appeal.
36. The appellants have also commented that the application was validated on 29 June 2023 and only determined by the Authority on 24 October 2023 without any formal request for an extension of time, adding further delays to the project. Whilst I acknowledge the appellants frustration, again this matter is not determinative in my consideration of this appeal scheme.

Conclusion

37. The appeal scheme would have a visually harmful impact upon the host property and character and appearance of the area, and insufficient evidence has been provided to demonstrate that the appeal proposal would not significantly harm protected bat species that have been identified on this site. The proposal is therefore contrary to the development plan and there are no material considerations that outweigh this finding, or the conflict with the development plan when taken as a whole. The proposal is also considered to be contrary to the relevant sections of the Framework. As such, the proposal is unacceptable, and the appeal should be dismissed.

R Major

INSPECTOR