



Appeal Decision

Site visit made on 11 June 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2024

Appeal Ref: APP/M9496/W/23/3330484

Yew Tree Cottage, Froggatt, Calver, Hope Valley S32 3ZA

- 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 Ms Susan Humphrey against the decision of Peak District National Park Authority.
 - The application Ref is NP/DDD/0223/0128.
 - The development proposed is retrospective planning permission for the extension of the existing terrace area to be used as part of the garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:
 - Character and appearance of the property, with due regard to the Froggatt Conservation Area; and
 - Living conditions of nearby residents in respect of outlook and privacy.

Preliminary Matter

3. It is indicated that the planning application was submitted retrospectively, and the proposed development was in place at the time of my visit.

Reasons

Character and Appearance

4. The appeal proposal relates to an attractive 2-storey cottage which has had a number of alterations and extensions. The layout of the site is relatively unusual in that the cottage is located adjacent to an open field which separates the building from more modern residential development set lower down within the sloping topography of the area.
5. Based on the evidence before me, the boundary between the cottage and the open field was defined by a low stone wall. Although there was a 'dog-leg' in this boundary wall, the original boundary was clearly delineated and represented a simple and appreciable boundary between the ancillary amenity space of the cottage and the open field. The evidence suggests that at least part of this boundary wall is a relatively modern addition, but this does not negate its appearance as a logical boundary between the amenity space around the cottage and the field.

6. The proposed terrace extends beyond this original boundary, appearing as a clumsy projection into the adjacent field, diminishing the clear separation between the open field and the domestic amenity area of the cottage. The use of a modern glass balustrade and the height of the retaining wall in this sloping landscape appear as jarring features which detract from the previously legible separate relationship between the cottage and the field. The use of stone for the retaining wall and potential alternative materials for the balustrade would do little to mitigate for the unfortunate appearance of the terrace and retaining wall projecting into the field. The incongruous appearance of the proposal is visible from the public realm of The Green which runs past the site.
7. The appeal site is located within the Froggatt Conservation Area (CA). The boundary of the CA is relatively convoluted, as modern development within the village is excluded. However, the cottage and the adjacent field are located within the CA as a projection of the boundary across the highway of The Green. The CA Appraisal emphasises the open form of the village and the importance of experiencing the landscape between groups of buildings, which contribute to the CA's importance as a designated heritage asset. The cottage is an attractive stone-built dwelling, and both it and its setting adjacent to the open aspect of the field make a positive contribution to the character and appearance of the CA. For the reasons stated previously, the proposed terrace would appear as an incongruous modern feature projecting from the cottage into the open field, and would fail to preserve or enhance the character and appearance of the CA.
8. My attention has been drawn to terraces and seating areas elsewhere, including at Jubilee Lodge located across The Green. However, the terraces I saw served to confirm the prominence and jarring appearance of these features within the sloping topography of the CA. In any event, the nearby terraces do not establish a prevailing context which justifies the design and location of the appeal proposal, which I have determined on its individual merits.
9. I therefore conclude that the proposal would lead to significant harm to the character and appearance of the host property and would fail to preserve or enhance the character and appearance of the CA. Whilst the harm to the CA would be less than substantial, I attach great weight to the conservation of this designated heritage asset in accordance with the National Planning Policy Framework (the Framework). There are no public or other benefits that would outweigh the identified harm to this heritage asset.
10. The proposal would therefore be contrary to Policies DMC3, DMC5, DMC8 and DMH7 of the Authority's Development Management Policies 2019 (DMP) which together seek to ensure that development, including extensions and alterations, is suitable for its landscape and built context; conserves and enhances heritage assets; and protects the character and significance of heritage assets including the CA. The proposal would also be contrary to the National Planning Policy Framework in respect of achieving well-designed and beautiful places as well as conserving and enhancing the historic environment.
11. The Authority's reason for refusal refers to Policy DMC7, but I have not been provided with a copy of this and so have not had regard to it.

Living Conditions

12. The proposal would provide an elevated platform which would extend incidental domestic activities towards the rear of dwellings on Malthouse Lane. The Authority has expressed concern that the proposal would increase the intensity of use on what was previously a small terrace to the side of the property, and also refers to a potential overbearing impact on neighbouring properties.
13. Although the proposal may lead to an increase in the use of this part of the site for domestic purposes, there is a significant separation distance between the appeal proposal and the potentially impacted dwellings. There is also substantial screening provided by trees and hedging between the appeal proposal and nearby dwellings, although there are gaps in this screening and there is some intervisibility between the appeal proposal and the upper windows of some dwellings on Malthouse Lane.
14. However, even allowing for the nature of screening along the boundary and the sloping topography of the area, the separation distance between the terrace and nearby properties would be sufficient to mitigate any harm to privacy and outlook. Potential glint and glare from the glass balustrade could also be addressed by a condition requiring a suitable treatment for the glass or the use of an alternative material.
15. In this context, and subject to an appropriate condition in respect of the treatment of the glass balustrade, I conclude that the proposal would not harm the living conditions of nearby residents in respect of privacy or outlook. The proposal would therefore not be contrary to Policy DMH7 of the DMP in respect of the effect on the amenity of neighbouring buildings.

Other Matters

16. I am mindful that no objections have been received to the proposal, and indeed a comment has been submitted by a resident of a nearby property in support of the application. However, this does not lead me to a different conclusion based on the evidence before me and my own observations.

Conclusion

17. Notwithstanding my conclusions in respect of living conditions, I have concluded that the proposal would lead to significant harm to the character and appearance of the host property and would fail to preserve or enhance the character and appearance of the CA. The proposal would therefore be contrary to the development plan and the Framework when read as a whole regarding achieving well-designed and beautiful places and conserving and enhancing the historic environment.
18. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR