



Appeal Decision

Site visit made on 26 June 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2024

Appeal Ref: APP/M9496/D/24/3342471

3 Woodland View, Butts Road, Bakewell, Derbyshire DE45 1EB

- 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 Alyson Hill against the decision of Peak District National Park Authority.
 - The application Ref is NP/DDD/1223/1477.
 - The development proposed is the creation of off street vehicle hardstanding and electric charging point.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Bakewell Conservation Area (CA).

Main Issues

3. The main issues are:
 - (i) The effect of the proposed development on the character and appearance of the host dwelling and the CA
 - (ii) Whether a safe access would be provided onto Butts Road
 - (iii) If any harm is caused in respect of issues (i) and (ii) whether such harm is outweighed by the appellant's personal circumstances and need for the proposed development

Reasons

Character and appearance

4. Butts Road is a narrow single width road close to the centre of Bakewell. It is characterised by the presence of both buildings and stone boundary walls close to the public highway. The appeal dwelling is located within a short terrace of properties that are identified as important non-listed buildings in the Bakewell Conservation Area Appraisal (BCAA). Furthermore, although there are conflicting statements made on the matter, it would appear from the map extract included in the appellant's statement of case that the wall subject to the appeal is identified as an important wall in the BCAA. But whatever its

status in that respect, it is a boundary treatment that is typical of those found in the surrounding area, and it contributes positively to the significance of the CA in architectural and historical terms and to the pattern and the type of its built form.

5. At the present time the four terraced dwellings of which the appeal property is part have their front boundary walls and their raised front gardens intact in a uniform and consistent fashion, albeit it is advised that part of the wall and garden of 1 Woodland View were removed some time ago to facilitate a parking space which has ultimately become an access to Beech Cottage. On the opposite side of the road there is also a stone wall of a similar appearance. In views taken both up and down Butts Road the presence of these walls is a key visual contributor in the street scene. Removing the section of wall would therefore remove a part of an element which is of importance within the street scene. The appeal proposal would also result in the provision of a parking space and a vehicle parked on it to the front of the appeal dwelling. Collectively this would mean that the proposed development would appear visually at odds within the street scene, resulting in harm to the character and appearance of both the host dwelling and the CA.
6. My attention has been drawn to a number of examples of other parking areas, which I was able to observe during my site visit. There are indeed examples where parking areas and vehicles can be observed within the street scene, most notably at and close to the nearby medical centre and to the frontages of some dwellings. Where these parking areas relate to more modern properties, they have a less incongruous impact as they appear as more conscious elements of the layout of the plot, however generally those related to the much older buildings which contribute most to the significance of the CA are not accommodated in a way that is particularly sensitive to the designated area. In any event, they are not so prevalent so to define the character and appearance of the immediate area, and their presence does not justify a further development which would in itself result in harm.
7. Given the nature of the proposed development and that the harm would be localised, I consider that less than substantial harm to the CA would be caused. This being the case, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 208 of the National Planning Policy Framework (the Framework). In that regard the appellant refers to their personal circumstances, however that in itself is not a public benefit. I will however return to that consideration later in my decision. The provision of an electric charging point would primarily be for the benefit of the appellant, although I recognise that there is a wider public benefit in promoting a move towards electric vehicles, especially in areas where charging facilities are not currently prevalent and are more challenging to accommodate. This is a consideration which carries moderate weight in favour of the proposed development.
8. However, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA and the harm that I have found would arise to the designated area is a matter which carries considerable importance and weight. Therefore, whilst there would be some public benefit in terms of the provision of an electric vehicle charging point, this does not outweigh the harm to the CA that would arise.

9. For these reasons, the proposal would fail to accord with Policies GSP1, GSP3 and L3 of the Core Strategy 2011 (CS) and Policies DMC3, DMC8 and DMT8 of the Development Management Policies 2019 (DMP) where they collectively seek to protect character and appearance and designated heritage assets. There would be a conflict with the Framework, where it seeks to achieve well-designed and beautiful places and because the harm to the CA is not outweighed by public benefits.

Access

10. Butts Road is a narrow road which does not provide a through route for vehicles. As such, it is likely that vehicles only travel along it infrequently and at low speeds. Whilst only a snapshot in time, that is what I saw at my site visit. There is no pavement on the same side of the road as the appeal dwelling so no conflict would arise in terms of pedestrian movements, but it would not be possible to provide the necessary visibility splays to ensure that vehicles could leave the proposed hardstanding area with an appropriate vision of the road. Even if vehicles are infrequent and slow moving there would be, in the absence of adequate visibility being provided, the potential for conflict to arise with vehicles and cyclists passing the appeal site, to the detriment of highway safety.
11. My attention has been drawn to other examples of existing accesses along Butts Road in terms of highway safety matters. That at Beech Cottage appears to have restricted visibility to at least one side, but the Authority advises that this was a pre-existing access that was modified, albeit there appears to have been an intensification in the number of vehicles that use it. It is also suggested that it is not possible to access a nearby parking area without mounting the pavement on the opposite side of the road. However, that other developments may not meet the expected highway requirements does not justify the permitting of a proposed development which would itself compromise highway safety.
12. For these reasons, I conclude that the proposed development would fail to provide for a safe access onto Butts Road. Consequently, the proposal would not accord with Policy GSP3 of the CS and Policies DMT3 and DMT8 of the DMP where they collectively seek to ensure that safe access is provided to the public highway.

Other considerations

13. The appellant refers to what they consider to be fallback permitted development rights for the formation of accesses and the removal of walls. However, by their own admission the removal of the appeal wall would not be permitted development, even if they are correct in there being a provision in place to remove it if the wall had been lower in height. There is therefore not a fallback to undertake a development that would have a same or worse impact when compared to the appeal development. As such I do not afford any weight to this consideration.
14. There is reference made to other past permissions that have not been implemented, such as one next door to the appeal site at 2 Woodland View. However, that permission was granted some time ago and has now lapsed. Whilst I note that the appellant also considers that the Authority's concern

about precedent is unfounded, any future planning application elsewhere would need to be assessed on its own merits.

Personal circumstances and the planning balance

15. The proposed development would meet the needs of the appellant by providing a parking space directly outside of their dwelling. Details of the circumstances under which this need has arisen have been provided along with representations made by medical professionals. I observed during my visit to the area that there appear to be at best very limited opportunities for parking in the vicinity of the appeal site and quite possibly no options at all. The proposed parking area would assist with both the appellant's day to day activities and in allowing them to quickly reach their place of work, which appears to be a necessity of their job. Therefore, it is clear that what is proposed would be of a substantial benefit to them.
16. In weighing the personal circumstances in the balance, this has to be considered against the harm that would be caused to the character and appearance of the host dwelling and the CA and to highway safety. The conflict with the policies I have outlined in those respects means that the proposal would fail to accord with the development plan taken as a whole.
17. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act 1998.
18. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that harm to the character and appearance of the host dwelling and CA and harm to highway safety is avoided. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering with the appellant's human rights. Therefore, whilst I acknowledge the personal circumstances of the appellant, I conclude that they do not outweigh the harm that would be caused by the proposal in respect of the two aforementioned main issues.

Conclusion

19. For the reasons given above, the appeal should be dismissed.

Graham Wraight

INSPECTOR