

Appeal Decision

Site visit made on 14 August 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/N1025/W/24/3339800

1 The Settlement, Ockbrook, Derbyshire DE72 3RJ

- 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 Jon Kirkham of Alpha Drain Services against the decision of Erewash Borough Council.
 - The application Ref is ERE/0723/0028.
 - The development proposed is demolition of existing dwelling and erection of a new dwelling including landscaping and associated external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the proposal on the character or appearance of the area, including the effect on the Moravian Settlement Conservation Area; and
 - the effect of the proposal on the settings of Nos 5 and 7 The Settlement, which is a Grade II listed building, and the former Ockbrook lecture hall, which is a non-designated heritage asset.

Reasons

Effect on the conservation area

3. The appeal site is positioned on a corner plot between The Settlement and Bakehouse Lane. The existing building situated on the site is a detached two storey property which appears as an unassuming 1930's property in an arts and Crafts style, which is rather small in comparison to many other properties found in The Settlement. It is faced with a low level of brickwork at ground level and render on its upper elevations.
4. The site is next to the entrance into the Moravian Settlement Conservation Area (CA). Moravians established a new church in Ockbrook in 1751. The evidence indicates that during its Moravian period, Ockbrook served as a hub for missionary work undertaken across the Midlands.

5. Despite the variation in their design, mix and type, the buildings within the CA have a uniformity in their palette of materials which generally is made up of red brick, with white window framing, black rainwater goods and details such as lintels painted in white or black. The fenestration details of the properties within the CA that are visible from the appeal site utilise small and simple sashed windows frequently in their elevations. Owing to the individual nature of each building and their variations in heights, some appear more dominant and important than others due to their role and function within the community, such as that of Ockbrook School.
6. The CA takes its significance largely from the architectural merit and layout of its historic buildings through the main thoroughfare along The Settlement where the historic character of the core is retained. Significance is also gained from its hillside location and the open fields which surround it, contributing to a sense that the locality is unenclosed, despite the heights found to some of its buildings. The appeal site marks a point of transition between the more modern buildings located on Bakehouse Lane and the older properties found within The Settlement.
7. I find that the existing building makes a limited contribution to the setting of the adjacent CA due to its visual inconsistency with other buildings. However, its unassuming nature means that it does not detract away from the buildings within the character or appearance of the CA.
8. The proposed dwelling would be sited in a slightly different position to that of the existing building with its front facing elevation angled to face onto Bakehouse Lane. This would be a larger property than the existing building, which would create a dominant structure due to its overall size. However, in this instance it is not the dominant presence or size of the built form which would cause harm to the CA, as this would be reflective of the dominant characteristic of some buildings within the area such as 5 and 7 The Settlement and Ockbrook School.
9. The proposed building would create a pair of gabled features with glazed elements of significant proportions, a sizeable area of solar panels to the roof, with extensive window features to the ground floor level and a big flat roof area which would host a balcony with a glass balustrade and a further large window opening. This would be completely at odds to the architectural features, appearance and layout of the CA. Furthermore, the building would be located further towards the highway, creating a jarring experience when entering The Settlement. As such, the proposal would create a jarring experience to the entrance of the CA and would therefore harm the setting of the CA and former lecture hall. An appropriate palette of materials, and the retention and planting of trees would not overcome the harm to the CA or the non-designated heritage asset.
10. The proposal would therefore be contrary to Policies 10 and 11 of the Erewash Borough Councils Adopted Core Strategy 2014 (CS) and Policy EV5 of the Erewash Borough Saved Policies 2005 (amended 2014) (SP). These policies require all new development to make a positive contribution to the public realm, have regard to the local context and reinforce local characteristics.

Settings of a listed building and non-designated heritage asset

11. Number 5 and 7 The Settlement form a Grade II listed building located behind the appeal site, with the former Ockbrook lecture hall situated in between but attached to the listed building. According to the statutory list description, the listed building was once one house, but is now two. It dates from the late 18th century, but was converted and extended in 1810 and includes 20th century alterations. It is three storeys tall and is built with red brick with a slate roof which are materials found on other buildings in the immediate locality.
12. The architectural detailing such as that found on its banding and eaves still exists on both its original and extended form. Its significance is largely derived from its retained architectural and historic interest. The listed building is experienced near to the entrance of The Settlement from Bakehouse Lane. There is a tranquillity of the surroundings where this listed building is appreciated due to limited number of properties in the vicinity against the backdrop of large open spaces and agricultural fields visible from The Settlement.
13. The appeal site contributes to the setting of the listed building due to its position at the entry point into The Settlement. This is due to the openness of the site and the generally smaller size of the building which allows the listed building to be experienced and appreciated near to the entrance point of the CA.
14. The former Ockbrook lecture hall is a part two storey part single storey building which forms an extension to the listed building. The lecture hall plays an important role within the CA as an educational building within close proximity to other learning institutions such as Ockbrook School. Furthermore, given the religious ideology of the Moravian Settlement, it is considered that the Ockbrook Moravian Church which is located close by would also add a degree of educational importance to previous settlers and the lecture hall is located near to this building.
15. The Council suggest that the building meets the National Planning Policy Framework (the Framework) definition of a non-designated heritage asset. This is refuted by the appellant who suggests that it does not appear on a local list. However, given that the lecture hall plays a strong role within the CA, and its position and relationship with the CA, it provides an important contribution to the locality and constitutes a non-designated heritage asset.
16. Similarly, for the reasons set out in the first main issue, the proposal would harm the setting of the listed building. The front elevation of the development would create a pair of gabled features with glazed elements of gigantic proportions, a substantial area of solar panels to the roof, with expansive window features to the ground floor level and a significant flat roof area which would host a balcony with a glass balustrade and a further large window opening. These aspects of the proposal would appear alien and conflicting, creating a building of a contemporary and modern appearance in relation to its surroundings at a close distance to the listed building.
17. With regard to the non-designated heritage asset, this plays an important role in the CA due to its position at the entry of it and its historical community

value. Whilst there is a physical boundary separation between the appeal site and the former lecture hall, the proposal would harmfully affect its setting for the reasons set out above.

18. As such, there would be a jarring appearance from the appeal site to the former Ockbrook lecture hall and the Grade II listed building and the non-designated heritage asset. The proposal would harmfully change the experience and view of the listed building on approach into the Settlement due to the position of the proposed dwelling located further towards the boundary to the highway. This would not preserve the settings of the listed building or the non-designated heritage asset. The use of suitable materials, the retention of trees and further planting would not overcome the harm to the setting of the Grade II listed building. The proposal would not improve the views of the listed building given its jarring features which would be completely at odds with the listed building and other properties within the CA.
19. To conclude, the proposal would be in conflict with Policies 10 and 11 of the CS. These policies require all new development to make a positive contribution to the public realm, have regard to the local context and reinforce local characteristics. These policies also note that proposals will be supported where the significance of heritage assets and their settings will be sustained or enhanced.

Other Matters

20. The appellant contends that an outbuilding and various extensions could be constructed on the appeal site, utilising permitted development rights. However, whilst I have been provided with plans which show how this could be constructed, I have not been provided with a Lawful Development Certificate to substantiate this claim. More importantly, even if this development was to be undertaken, the construction of the outbuilding and extensions would not result in a structure of a similar appearance such as that proposed. Consequently, this matter does not lead me to alter my above findings.

Planning Balance

21. The harm to the settings and thus significance of 5 and 7 The Settlement and the CA as a result of the proposed development would be less than substantial in the terms of the Framework. Paragraph 208 of the Framework sets out that in such cases, that harm should be weighed against the public benefits of the proposal. Furthermore, following paragraph 209 of the Framework, in weighing an application that may directly or indirectly affect a non-designated heritage asset, I must make a balanced judgement having regard to the scale of the harm and the significance of the asset.
22. The proposal would create a new dwelling within the settlement boundary of Ockbrook and therefore is well located to access local services and facilities. However, this would replace an existing dwelling and therefore, this is a neutral consideration. The proposal would also result in construction employment and its future occupiers would use local shops and services and generate council tax receipts. The provision of a new dwelling on this site would also ensure that the site is utilised, avoiding the abandonment and disrepair of the building in its existing form. The building would be energy

efficient, would create its own energy through the use of solar panels and new trees could be provided as a result of the proposal.

23. I attach moderate weight to these above benefits. In contrast, paragraph 205 of the Framework makes clear that even less than substantial harm to the significance of a designated heritage asset must carry great weight. Overall, the public benefits taken together do not outweigh the harm that would be caused to the significance of the listed building or the CA. It would also not outweigh the harm to the setting of the non-designated heritage asset. The scheme thereby conflicts with the approach to heritage assets in section 16 of the Framework. Consequently, the Framework does not indicate in favour of the scheme.

24. Furthermore, I consider that the proposal conflicts with the development plan taken as a whole. Material considerations do not outweigh the conflict with the development plan. A decision should therefore be taken in accordance with the development plan.

Conclusion

25. For the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR