



Appeal Decision

Site visit made on 12 November 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2024

Appeal Ref: APP/M9496/D/24/3348608

Haddon House, Monyash Road, Over Haddon, Bakewell, Derbyshire DE45 1HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Christopher H Swaap against the decision of Peak District National Park Authority.
 - The application Ref is NP/DDD/0324/0280.
 - The application sought planning permission for the erection of a double garage without complying with conditions attached to planning permission Ref NP/DDD/0521/0509, dated 17 June 2021.
 - The condition in dispute is No 2 which states that:
(2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plan no. 2113-01B, subject to the following conditions or modifications.
 - The reasons given for the condition is:
(2) For clarity and for the avoidance of doubt.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a double garage at Haddon House, Monyash Road, Bakewell, Derbyshire DE45 1HZ in accordance with the application Ref NP/DDD/0324/0280 without compliance with condition number 2 previously imposed on planning permission Ref NP/DDD/0521/0509 dated 17 June 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plan no. 2113-01E, except to where it refers to the windows and to the east elevation door which shall be in complete accordance with plan no. 2113-01B.
 - 2) The garage shall remain available for garaging or private domestic vehicles in association with Haddon House at all times.
 - 3) The window frames shall be constructed in timber.

Preliminary Matters

2. The application made under section 73 of the Town and Country Planning Act 1990 was to vary Conditions 2 (approved plans) and 11 (requirement for timber window frames) of planning permission reference NP/DDD/0521/0509. The Authority refused permission to vary both conditions. It is evident however from the appellant's appeal submissions that they do not dispute the

Authority's refusal to vary Condition 11. Indeed, they present no case that it would now be reasonable to vary that condition and they provide confirmation that the windows and personnel door are to be changed to timber. Therefore, I have made my assessment of this appeal on the basis that it relates to the variation of Condition 2 only and solely with respect to the garage doors.

3. 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 Over Haddon Conservation Area (CA).

Background and Main Issue

4. Planning permission was granted in 2021 for the erection of a double garage. The approved plans showed the garage doors to be timber with a vertical emphasis, however alternative composite garage doors have been installed and these have a horizontal emphasis. The variation of condition 2 seeks an amendment to the approved plan to allow the installed garage doors to be retained.
5. The main issue is the effect of the garage doors on the character and appearance of the property and the CA.

Reasons

6. Over Haddon is a small settlement, the majority of which falls within the CA. The properties within this designated area are arranged around a number of rural roads and consist predominately of attractive stone-built period properties of considerable age and character. This defines the significance of the CA, to which Haddon House makes a positive contribution.
7. The permitted garage is set back from Monyash Road behind two other outbuildings built close to the back edge of the pavement. The set back and the positioning of those outbuildings significantly reduces the visibility of the garage within the street scene. Whilst the garage doors are seen from some public views, these are mainly glimpsed views when passing on foot and, when closed, behind timber field gates. The recessive colour and distance from the highway considerably reduce the impact that the use of a non-traditional material has had. Whilst the garage doors have a horizontal emphasis, whereas those on the other outbuildings have a vertical emphasis, only a personnel door of one of the outbuildings is visible, side on, in collective views from the public domain. On consideration of all of these factors together, no harm has resulted to the character and appearance of the CA.
8. The contrast in the use of materials and the horizontal emphasis is more notable when stood in the courtyard formed by the three outbuildings but is limited to this relatively small area. There is not a particularly strong visual relationship to Haddon House itself or to the adjacent dwelling, these being dwellinghouses physically separate from the outbuildings and with windows finished in a different colour. Therefore, there has been no harm to the character and appearance of the garage itself or to the immediate area that includes Haddon House either. In light of the above and in the absence of harm being caused, I am satisfied that in this instance the originally approved development has not been materially diminished by the installation of the garage doors that are in place.

9. In conclusion, the garage doors have not caused harm to the character and appearance of the property or the CA. Therefore, the character and appearance of the CA has been preserved. Consequently, the development accords with Policies DS1, GSP1, GSP3 and L3 of the Core Strategy 2011 and Policies DMC3, DMC8 and DMH8 of the Development Management Policies 2017 where they collectively seek to secure the National Park purposes and to safeguard character and appearance, including that of conservation areas. There is no conflict with the aims of the National Planning Policy Framework in the same respects. Reference is also made in the reason for refusal to the Design Guide 2007, however the Delegated Report refers to this in relation to the windows and not the garage door.

Conditions

10. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
11. The condition relating to the time period to commence development is not required as development has taken place. Of the other conditions imposed on the original planning permission, the Council suggests that the condition relating to the availability of the building for garaging or private domestic vehicles in association with Haddon House is reimposed, the others covering matters that have been addressed because the garage is built.
12. I shall reimpose that condition along with the revised approved plans condition and the condition that requires window frames to be constructed in timber, as the appellant has indicated they will comply with that requirement, and it does not form part of their appeal.

Conclusion

13. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR