



Appeal Decision

Site visit made on 5 December 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 January 2025

Appeal Ref: APP/F1040/W/24/3349336

Pippins Paddock, Fox Hollow, Ingleby Road, Stanton-by-Bridge, Derby DE73 7HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ron Warren against the decision of South Derbyshire District Council.
 - The application Ref is: DMPA/2024/0302.
 - The application is for construction of a new self build detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are; a) the effect of the proposal upon the character and appearance of the Stanton By Bridge Conservation Area and upon the setting of the Grade II Listed Ivy Farm Cottage and other nearby Non Listed Buildings, b) the effect of the proposal upon Fox Hollow due to loss of light and outlook, c) whether the proposal represents a cramped form of development and d) the effect of the proposal upon safe shared access and the public right of way.

Procedural Matter

3. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published on 12 December 2024 whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.

Reasons

4. The appeal site is an area of garden and open land primarily laid to grass with shrubs surrounding it and the shared access drive of Pippins Paddock running through the centre of the red line boundary. The site measures around 905 square metres and also includes an area west of this access road to the rear of Plum Tree Cottages. Through the site runs a public right of way leading north that skirts around the back of the bungalow known as Fox Hollow.
5. The site slopes down towards the north but where three bungalows (including the host property Fox Hollow) are located, the area of land is slightly terraced and this lowers the proposed area of the dwelling quite abruptly. The site is located within the Stanton By Bridge Conservation Area (CA).

6. The proposal before me seeks permission to erect a 2 bedroomed bungalow with room in the roof upon the north end of this plot where the land is slightly terraced. The bungalow would be of a simple pitched roof design with soldier course brick heads above its windows and solar PV panels to its southern roof slope. The materials proposed would be brick, Staffordshire Blue clay tiles and white UPVC windows.
7. Internally the building would create a space for living/dining area, two bedrooms to the ground floor and porch and store. A stair would lead up to a store and electrical and mechanical services space.

The effect of the proposal upon the character and appearance of the Stanton By Bridge Conservation Area and upon the setting of the Grade II Listed Ivy Farm Cottage and other nearby Non Listed Buildings.

8. The Conservation Area Appraisal (CAA) explains the historic development of the village from one of Anglo Saxon settlement to developing to a much greater degree following the 14th century causeway that can still be seen nearby today. Following later enclosure the village expanded further as it did also in the later 20th century. Nevertheless, the village maintains its rural character with development primarily focussed around Ingleby Road/Church Close and the two greens at either end of this linear spine. As such the character of the village is very much dictated by this linear layout with open fields around which can sometimes be glimpsed from Ingleby Road.
9. The same CAA identifies a view into and over the appeal site area as a principal view. This is due primarily to the outlook it maintains into the former field and the countryside beyond the front building line of Ingleby Road. I also consider that this view may well have been identified as such due to the perception of open space and landscape that this site preserves as it is one of only a few remaining glimpses of the surrounding fields from this part of the village.
10. The site is also within the setting of the Grade II Listed Ivy Farm Cottage that dates from around the mid 18th century and, as its name suggests, would have likely had some relationship to the open countryside around the village and it maintains some oblique outlook over this site today. I therefore consider that the contribution of this site to the character and appearance of the CA is significant and that it contributes in a minor positive manner also to the wider setting of the Grade II Listed Building of Ivy Farm Cottage. It also has a positive effect upon the setting of the non designated heritage assets in the form of Plum Tree Cottages for similar reasons of its role in providing a sense of openness.
11. In considering whether to grant planning permission I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to show 'special regard' when assessing proposals for development that may affect a listed building or its setting. Similarly, Section 72 of the same act requires me to show 'special attention' to the desirability of preserving or enhancing the character or appearance of the CA. This is reflected in The Framework, which states that 'great weight' should be given to a heritage assets' conservation and also illustrates the positive contribution that heritage assets can make to the creation of sustainable and economically viable communities.

12. As mentioned above the site represents a potentially rare survival of landscape and outlook from the village main street towards the open fields and countryside. As such I cannot see it as a coincidence that the bungalows that form part of the Pippins Paddock development were sited so far to the north away from Ingleby Road. Indeed, although I have no evidence before me to confirm this, I consider it likely that the previously undeveloped nature of this site was pertinent in this original decision and that the openness, views and landscape setting that this site provided to the CA were considered important even then.
13. The proposal would be slightly set upon a plot that is set down behind a small terrace and would leave a fair area of land open apart from an area being used for the parking of two vehicles to the west of the existing access road. This terrace, according to the topographical data on the proposed plans would appear to be around 0.5m in height. There is also a second terrace that reduces in height by around another 0.5m to accommodate the existing house of Fox Hollow.
14. On my site visit I saw that there was a view towards the opposite side of the valley from Ingleby Road when viewed along the access road of Pippins Paddock. I also saw that there is a fair amount of foliage along the line of the terrace and alongside this access road. There is also an existing green house that is largely not noticeable from the main street, but that can be seen as one advances along the public footpath that skirts to the rear of the development here.
15. Notwithstanding this, the existing built development here is still very much recessive in this site, being set back so far and set down so as to effectively neutralise any major visual effect upon the core of the village. The question therefore is whether harm would occur through the further extension of built development towards the south of the site in such a manner as proposed.
16. The scheme would create a new bungalow type building set upon this plot that would commence the ground floor of the structure from around 0.5m higher than the adjacent, existing bungalow. The building would therefore be sited higher and have a higher eaves line and ridge when compared with Fox Hollow. This would have the effect of introducing a side view of the roof slope into the outlook of the identified principal view.
17. The likelihood is that, despite potentially intervening planting, the development would create a further encroachment into this important open space and the associated view. It would also, significantly alter the experience of using the existing public right of way as it would bring built development significantly closer to the path. As such the experience of a village paddock type area on approach to the main Ingleby Road would be eroded.
18. Were the public right of way to be moved along the property edges, this would also remove the ability of users of this path to walk across this site and would instead syphon people around the boundaries of properties. The experience would therefore be significantly altered and the majority of the currently open land would become much more domesticated and less open as a result. All of this would substantially alter the character of this site to the detriment of the experience of the historic environment.

19. Despite this building being a self build dwelling, it would share most of its architectural design with those later forms of building that are clearly recognised in the CAA as having had an eroding effect upon the special architectural and historic character of the village. As such, it would not represent a sympathetic nor contextual form of development and would be highly generic in its design which would run directly contrary to the assessment as provided in the CAA. Although the use of solar PV would have potential environmental benefits, the expanse of unarticulated roof upon which these panels would be placed would further detract from the view of this space and the outlook beyond.
20. When added to the proposals at the front of the site, the character of the existing access road as being a curvilinear rural type lane serving development beyond the fringe of the village core would also be lost and would be harmfully domesticated through the increase in hardstanding, garden and the parking of vehicles. Essentially, this scheme would attempt to impose development that would be close up to the village edge and, by doing this, would lose the importance of this space both to the CA and the Listed and non listed buildings of the village.
21. Ultimately, this proposal does what the previous scheme never did, and that is encroach further into this important area of open land with a generic bungalow type development. As a result, it would not only result in the loss of much of this important open space, and its role in framing views beyond, but it would also introduce a harmful and alien form of development both in terms of its siting and design.
22. Such development would therefore not only harm the experience of this site for those walking through, or around it, but it would also harm the historic character and story of the village's development which, in turn, would harm the setting of Ivy Farm Cottage and other non listed buildings. In giving great weight to these matters therefore I conclude that this scheme does not meet the requirements of Policies BNE1, BNE2, and BNE10 of the South Derbyshire Local Plan.

The effect of the proposal upon Fox Hollow due to loss of light and outlook

23. The proposed building would be located to the south of the existing Fox Hollow bungalow. As mentioned above, due to the change in level between the two plots, the proposed dwelling would have a foundation level higher than that of the existing bungalow. Fox Hollow itself has several windows along this southerly elevation, as well as a line of PV solar panels.
24. The proposed bungalow would have no windows along its northern elevation that would face onto Fox Hollow so as to remove any effects of overlooking. The Council's Design Guide¹ (SPD) suggests a recommended distance between habitable rooms and unarticulated elevations as being between 9m and 12m depending on the room affected and the topography involved. In this case the distance would be below that recommended within the SPD.
25. Whilst there is flexibility within the SPD for such matters, and, whilst the proposed building would be a single storey building, I consider that, due to the

¹ South Derbyshire Design Guide Supplementary Planning Document, November 2017.

raise in levels and the amount of rooms along this southern elevation of Fox Hollow, together with the raised eaves and ridge of the proposed bungalow, that there would be an adverse effect upon the living conditions of residents of this building both now and in the future. This would likely occur due to effects of overdominance and potentially overshadowing, especially in winter.

26. As such the proposal would have a high likelihood of adversely affecting those current and future residents of Fox Hollow and would, therefore be in conflict with Policy BNE1 of the Local Plan and the SPD.

Whether the proposal represents a cramped form of development

27. Were the public right of way to be moved, the proposed plot of the dwelling would be reasonable and of a proper standard. However, by doing this there would be significant other disbenefits to the CA as outlined above. As such, although this plot could physically be made to have acceptable dimensions for a new dwelling, the other harms of domestication of this site and the physical and visual affect of such matters associated with this would introduce harms in other ways.
28. Were the public footpath to remain, I concur with the Council that this plot would be unsuitable due to its cramped size and contrived layout and contrary to Policies BNE1 and BNE7 of the Local Plan.

The effect of the proposal upon safe shared access and the public right of way

29. The Appellants appear willing to alter the design of this parking arrangement to meet the highway recommendations. As such, I consider that this matter could be addressed through either condition or revised plans. Accordingly I do not consider that there would be conflict with the Local Plan were such details to be acceptable.

Public Benefits

30. In finding less than substantial harm to the character and appearance of the CA and the wider setting of Listed and non listed buildings, I am required to balance these matters of harm with the potential public benefits of this scheme.
31. Although I recognise that this dwelling would be self build and would enable a long term resident to remain in the village the majority of the advanced benefits offered by the Appellant appear to be tenuous or of a private nature. As such, although I give some weight to the economic benefits and those more indirect benefits of community cohesion, I do not consider that these benefits are sufficient to outweigh the less than substantial harm that I have identified to the historic environment caused by this scheme.

Conclusion

32. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR