



Appeal Decision

Site visit made on 28 January 2025

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2025

Appeal Ref: APP/P1045/D/24/3355375

Sunnyside, The Dale, Bonsall, Derbyshire DE4 2AY

- 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 Mr Stephen Williams against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00749/FUL.
 - The development proposed is the erection of a garden wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the Council's decision notice and the appellant's appeal form as the description of development within the planning application form contains superfluous wording that is not an act of development.
3. The development has been partially constructed and therefore, it is part retrospective. I have therefore determined the appeal on this basis.
4. The Council's reason for refusal refers to Policy HC10 of the Adopted Derbyshire Dales Local Plan, adopted 2017 ("LP"). The appeal proposal does not involve an extension to a dwelling or the construction of an outbuilding therefore, LP Policy HC10 is not applicable.
5. Since the planning application was determined, a revised National Planning Policy Framework ("the Framework") has been published. Therefore, I have referenced the revised paragraph numbers where necessary.

Main Issues

6. The main issues are the effect of the proposal on:
 - a) the character and appearance of the surrounding area, including the significance of the Bonsall Conservation Area ("CA"); and
 - b) the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and privacy.

Reasons

Character and Appearance

7. The appeal site is within the CA. I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
8. The CA covers a large area that encompasses the rural village of Bonsall and its surrounding fields. The part of the CA in which the appeal site is located consists predominantly of two-storey stone dwellings built into the hillside that extends either side of a narrow, winding road with no pavement. The buildings are arranged in an irregular formation with private amenity space to the front/side of some dwellings. The significance of the CA is derived from its historical and aesthetic values.
9. The appeal site comprises a detached, two-storey dwelling that has been previously extended. The dwelling is in an elevated and prominent position and consequently, it is highly visible from the surrounding area. To the front of the dwelling is a garden. The evidence before me suggests that the garden previously sloped downwards from the dwelling to an existing stone boundary wall. Dwellings are located either side of the appeal site, with a footpath separating the appeal site from Pear Tree Cottage.
10. An irregular-shaped breezeblock retaining wall has been constructed inside the garden's boundary wall. It varies in height due to the slope of the ground but is substantially higher than the existing boundary wall, particularly at its southernmost point that projects towards The Dale. It is proposed to clad the front of the wall with stone, back fill the area behind the wall to create a level area of garden and place railings around the wall's perimeter.
11. I acknowledge that stone is a traditional building material used in the construction of both buildings and boundary walls within the CA. Therefore, the cladding of the existing breezeblock wall with stone would improve its appearance. However, the development, due to its scale and siting, would be overly conspicuous when viewed from the surrounding area and would appear incongruous when compared to existing stone walls and gardens within the vicinity of the appeal site.
12. The prominence of the structure would be further emphasised by the inclusion of railings around its perimeter and the siting of domestic paraphernalia on the newly created level garden area such as a table and chairs, children's play equipment etc. The proximity of the development to the adjacent footpath and its associated height would have an imposing effect that would harm the area's character and appearance.
13. I have been directed to photographs of stone walls within Bonsall. However, no addresses have been provided and I am not aware if planning permission was granted or indeed required for these walls. Therefore, it is unclear whether these examples are directly comparable to the appeal proposal. In any event, I must determine each case on its own merits.

14. I have also been directed to the approved drawing for the now constructed two-storey extension¹ to demonstrate that the approved patio area would have required a wall to have been constructed to create a level area. However, the wall shown on the approved drawing is much lower in height and it is positioned a significant distance away from the existing boundary wall and adjacent footpath. Therefore, it is not directly comparable to the appeal proposal.
15. For the reasons detailed above, the proposal would harm the significance of the CA and would not preserve or enhance its character or appearance. Consequently, the development would cause less than substantial harm. Paragraph 212 of the Framework states that great weight should be given to the conservation of a designated heritage asset, and in accordance with paragraph 215 of the Framework, I must weigh the less than substantial harm against the public benefits of the development.
16. The development is for the benefit of the occupiers of a private residence which does not constitute a public benefit. There would be some economic benefit arising from the construction of the development and the use of local building materials. However, the development is small in scale and any benefits would be for a temporary period. I therefore afford this limited weight. Given the great weight I must give to the conservation of the heritage asset, the limited public benefits would not outweigh the less than substantial harm I have identified.
17. In reference to the first main issue, the development would harm the character and appearance of the surrounding area, including the CA. It would conflict with Policies PD1 and PD2 of the LP which, amongst other things, require development to contribute positively to an area's character, history and identity in terms of scale, height, layout, appearance, materials, and the relationship to adjacent buildings and landscape features; and ensure that development proposals contribute positively to the character of the built and historic environment.

Living Conditions

18. The gardens of the neighbouring properties are positioned to either side and forward of the existing wall. The development would create an imposing wall of significant height adjacent to both gardens, that would harm the outlook of the occupiers of these properties. Furthermore, users of the newly created level garden area would be afforded a substantially elevated view in proximity of these gardens that would be intrusive to the living conditions of the occupiers of the neighbouring properties.
19. I have been directed to the approved drawing for the now constructed two-storey extension² to demonstrate the patio area and sunroom windows would have the same impact on the living conditions of the occupiers of neighbouring properties from overlooking. However, the patio area of the approved scheme is immediately adjacent to the dwelling with no alterations to the gradient of the garden beyond. Therefore, the proposed development would be much closer to the neighbouring gardens than the approved patio area and sunroom windows which would afford users a significantly greater degree of overlooking. Consequently, it is not directly comparable to the appeal proposal.

¹ Planning Ref 21/00741/FUL

² Planning Ref 21/00741/FUL

20. In reference to the second main issue, the development would harm the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and privacy. It would conflict with Policy PD1 of the LP which, amongst other things, requires developments to achieve a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, overbearing effect, or other adverse impacts on amenity.

Other Matters

21. It is suggested that the development would create a usable and accessible garden for the occupiers of the dwelling, making effective use of the land. However, limited information has been provided to suggest that the garden was previously unusable or inaccessible, or that a less harmful form of development could not achieve the same aims.

Conclusion

22. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR