



Appeal Decision

Site visit made on 28 February 2025

by **S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/P1045/D/24/3356797

2, Hollow Brook, Clatterway, Bonsall, Derbyshire DE4 2AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Mr Damion Taylor against the decision of Derbyshire Dales District Council.
- The application is Ref: 24/00571/VCOND.
- The application sought planning permission for raising the roof of an existing garage to facilitate a home-office at first floor level without complying with a condition attached to planning permission Ref 21/00617/FUL.
- The condition in dispute is No. 2 which states that *“notwithstanding the submitted drawings / details, the development hereby approved shall have a rendered finish to all walls (the stone quoins being exposed), the details of which (including a 1sq.m sample panel and colour) shall be submitted to and approved in writing by the Local Planning Authority. The extension shall then be built in accordance with the approved details and shall be maintained and retained as such.*
- *The reason given for the condition is ‘to protect the character and appearance of this part of the Conservation Area, in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan 2017’.*

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is made in part retrospectively for development already constructed.
3. The National Planning Policy Framework was revised in December 2024 and amended on 7 February 2025 to correct cross references from footnotes 7 and 8, and to amend the end of the first sentence of paragraph 155 to make its intent clear. The 2025 Framework (the Framework) has not materially changed in terms of the identified main issues below and therefore, it has not been necessary for me to seek comments from the main parties.

Background and Main Issue

4. Planning permission was approved in February 2021 under application Ref: 21/00617/FUL for an extension over an existing garage. It was subject to various conditions including condition No.2 above. The appeal proposal is to vary the condition and, as stated by the appellant, *'to revert back to the proposal of wood cladding'*. It is further described as a change to the incorporation of *'a wooden clad structure, rather than render as is stipulated under condition 2. For the avoidance of doubt, it is not proposed to clad the existing doors to the garage and office as suggested in the conservation report. But to retain the existing garage doors, stained and painted in a colour to be agreed under condition 5'*.
5. In the context of the above and considering the Council's reason for refusal, the main issue in respect of this appeal is whether the proposal preserves or enhances the character or appearance of the Bonsall Conservation Area (CA).

Reasons

6. Limestone with a grey-white colour is the predominant and traditional construction material in the CA. Its use creates a unifying element within it and which links buildings to the surrounding landscape. It adds distinctively and positively to the significance of the CA as a whole. However, despite the prevalence of limestone, on my site visit I was able to see that other materials are also present, and the appellant has also referred to several such examples, including the use of wood. However, unlike the appeal proposal, these generally refer to new structures rather than to changes to the elevations to existing traditionally built buildings. Such quoted examples include Slinger Cottage, Cascade Gardens tearoom, at Millpinch and Field House.
7. In addition, the appellant considers that the use of wood would have been appropriate to the former industrial use of the site. However, I have determined the appeal based upon the appearance of the proposal upon the building as it now exists, within the CA and in the context of the host property.
8. The subject condition seeks to assimilate the proposed upward extension of the building, both regarding its existing ground floor external materials and those generally used in the CA. In this regard, I consider that the use of a rendered finish, and where the finished colour forms part of the condition, more appropriately reflects the traditional colour and materials used both in the existing building and within the CA.
9. Furthermore, the approved plans stipulate the use of quoins for the extension to mirror those in the existing building below, so as to protect and enhance the character and appearance of the CA. The use of wooden cladding would hide the existing feature, to the visual detriment of its appearance, and it would lose the improved effect to the proposal by the additional use of quoins to the first-floor level.
10. I appreciate that the extended garage is, to some extent, hidden from public view by intervening landscaping between it and the road. Nevertheless, on my site visit I was able to note that it can still be readily seen from the entrance into the site. In addition, the landscaping might not be there for ever, and, in any event, I do not consider that any privacy afforded to the building warrants a departure from good design. Moreover, the significance of the CA derives from the character of the buildings and the layout and surrounding spaces, regardless of whether particular elements are open to public view. The significance of the CA does not rely only

upon the elements that can readily be seen, though in this case, the appeal property is not entirely hidden.

11. The appellant has referred to a separate appeal¹ in another part of the country where proposed changes to approved plans were considered, where the appellant considers such changes to be almost identical to the current appeal proposal, and where the proposed changes would not be visible. However, in the case of the current appeal, the proposed changes would be visible, at least in part, from the public domain. In any event, I have determined the appeal before me based on its individual planning merits.
12. I consider that the proposed use of wooden cladding, as distinct from that already approved, would constitute less than substantial harm to the CA, and where in such circumstances, the Framework requires any public benefits to be weighed against any such harm.
13. The appellant considers that such public benefits include a reduced carbon impact and a mitigation of climate change from using wood rather than render. It is claimed that this would conform to policies S1 and PD7 of the Derbyshire Dales Local Plan 2017 (LP) which aim to achieve sustainable development by improving economic, environmental and social conditions by promoting the use of sustainable design and construction techniques. It is further claimed that the use of wood would accord with the Council's Climate Change Supplementary Planning Document 2021 (SPD). While the use of wood may have some environmental benefits as outlined by the appellant, I do not find that such public benefits outweigh the harm that would be caused to the character and appearance of the CA, which itself meets a sustainable objective.
14. Therefore, I conclude that the proposed variation to the condition would neither preserve, nor enhance, the character or appearance of this part of the CA. As such, it would conflict with Policies PD1, PD2 and HC10 of the LP and the Framework, which collectively require development to respect the character, identity and context of the area, including the conserving and enhancement of heritage assets including outbuildings.

Other Matters

15. The appellant raises concerns regarding the way in which the application was determined by the LPA. These are not matters upon which I can comment, and, in any event, I have determined the appeal based upon the evidence before me and upon the merits of the proposal.

Conclusion

16. I conclude that there are no material planning considerations that indicate the application should be determined other than in accordance with the development plan for the area and national planning policy. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR

¹ Appeal ref: APP/D0840/W/22/3304087