



Appeal Decision

Site visit made on 25 March 2025 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2025

Appeal Ref: APP/P1045/D/25/3360820

Ratchwood, Rise End, Middleton By Wirksworth, Derbyshire DE4 4LS

- 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 David Ahlburg against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00833/FUL.
 - The development proposed is for the erection of an ancillary outbuilding.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are a) whether the proposed development would preserve or enhance the character or appearance of the Middleton Conservation Area; and b) its effect on the living conditions of the occupiers of Number 5 Rise End (No.5) with particular regard to outlook.

Reasons for the Recommendation

The Middleton Conservation Area (MCA)

4. The appeal site is set within a picturesque rural location and comprises a detached dwelling with a large outdoor space to the rear. Land levels lower to the rear and rise towards Middleton Top. Development on the lower land generally only comprises small outbuildings and is otherwise open countryside. There is a strong sense of spaciousness to the area where there are low boundary treatments between the neighbouring sites allowing wide views which contribute positively to the significance of the MCA.
5. The proposal would introduce an outbuilding to the rear of the properties and gardens that would be of a substance and height. It would be set on land which is lower than the main dwelling but nevertheless the surrounding buildings are much smaller scale and therefore it would have a dominant presence within the rural location. The proposed building would tower over the other nearby outbuildings of which there are only a few. The effect would be exacerbated by the existing pattern of development where the scale incrementally increases as the land levels rise.

The proposal would thus be incongruous within the low-level landscape and would cause harm to the character and appearance of the MCA.

6. Special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 212 of The National Planning Policy Framework 2024 places emphasis on great weight being given to their conservation. Due to the scale of the development in context, the harm I have found above would be less than substantial. As directed by paragraph 215 of the Framework, it should be weighed against the public benefits. None have been put before me. As such, the harm I have found would not be outweighed.
7. Given the assessment above, the proposal would neither preserve or enhance the character or appearance of the MCA. Consequently, it would conflict with Policies HC10, PD1, PD2 and S9 of the Derbyshire Dales Local Plan 2017 (LP) which are concerned with development taking account of the local distinctive character of a conservation area amongst other things.

Living Conditions

8. The land sits immediately alongside the rear boundary of No.5 separated by hedging and a tree. An existing garage sits on the appeal site where the eaves height is approximately the same height as the hedge. The ground level of the existing garage sits lower than the rear garden of No.5.
9. The proposed building would sit within close proximity of the rear border of No.5 and its height would extend above the existing boundary hedge. Although the roof would slope, the pitched aspect would still be substantial and would create a blocky appearance since the building would be positioned along a large proportion of the rear border of No.5. This would create an unacceptable sense of enclosure for the occupants of No.5, detrimentally affecting their outlook and thus harmfully impacting upon their living conditions. The proposal would therefore be contrary to Policies HC10 and PD1 of the LP which are concerned with the impact of a development upon residential amenity amongst other things.

Other Matters

10. I agree that the building could be capable of being used for other purposes however that is not the proposal before me, and the occupation thereof could be controlled with a planning condition. I also agree that the proposed materials may be acceptable in this location however that does not overcome the harm to the character and appearance of the area that I have identified regarding the scale of the building.
11. No additional details relating to the proposed floor level have been submitted and the plans before me do not indicate that the land levels are to be raised. The harm that I have identified above relating to living conditions therefore assumes the same.
12. I have not been provided with any compelling evidence to demonstrate that the proposed development is within the curtilage and could be permitted development. I therefore can only afford such a fallback position limited weight. The length of time it took for a decision to be made on the planning application along with any negotiations are outside of the scope of what the appeal process can be used for.

Conclusion and Recommendation

13. For the reasons given above, the appeal scheme would conflict with the development plan and there are no sufficiently weighty material considerations to indicate a decision other than in accordance therewith. I therefore recommend that the appeal should be dismissed.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR