



Appeal Decision

Site visit made on 23 June 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 4 July 2025

Appeal Ref: APP/P1045/W/25/3361924

Land adjacent to Glenworth House, Broad Way, Kirk Ireton, Derbyshire DE6 3LJ

- 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 Messrs Cotterell against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/01095/FUL.
 - The development proposed is the erection of detached garage, fence and new gated entrance.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene, having particular regard to whether the proposal would preserve or enhance the character or appearance of the Kirk Ireton Conservation Area.

Reasons

3. The appeal site is located within the Kirk Ireton Conservation Area (CA). The significance of the CA insofar as it relates to the appeal scheme, lies in its rural character, consistency of materials and 'secretive' lanes that lead from the core of the village to the periphery, with expansive views opening out into the surrounding countryside. The west side of Broadway is characterised by large, detached properties, set back substantially from the highway with verdant front gardens.
4. The proposal would introduce estate fencing, including a vehicular gate to the front boundary of the existing dwelling. Gated boundaries of a similar style can be seen within the street scene. However, the estate fencing would appear at odds when viewed amongst the characteristic stone boundary walls and hedges, harming the street scene.
5. It is suggested that the estate fencing would provide security whilst the approved beech hedge becomes established, and the fencing would become subsumed overtime. However, there is no mechanism before me to secure this. The appellant suggests that the estate fencing could be omitted from the scheme, but this is not the scheme before me.
6. Due to the proposed garages position forward of the prevailing building line and overall bulk, the appeal site would appear cramped when viewed against the spacious front gardens of the neighbouring properties. The materials would match the existing dwelling, and the existing and proposed planting would somewhat obscure views. However, the garage would form a prominent addition to the street

scene that would have an enclosing effect, reducing views south towards the surrounding countryside. As such, the proposal would fail to preserve the character and appearance of the CA and would result in less than substantial harm.

7. Notwithstanding the above, as required by paragraph 215 of the National Planning Policy Framework (the Framework), where a development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. Given the limited use of the garage, I find that the great weight I attach to the identified harm with respect of the designated heritage asset would not be outweighed by the benefits of the proposal.
8. Therefore, I conclude that the proposal would harm the character and appearance of the street scene and would fail to preserve the character and appearance of the CA. It would conflict with Policies PD1, PD2, S4 and HC10 of the Derbyshire Dales Local Plan (December 2017). Where amongst other things they require development to respect the character, identity and context of the townscape, while having a satisfactory relationship to adjacent development.
9. Similarly, there would be conflict with Policy P3 of the Kirk Ireton Neighbourhood Plan (July 2021) where it seeks to ensure development reinforces and enhances the area's local distinctiveness and is sensitive to the heritage context in terms of design, materials and massing.
10. The proposal would also conflict with the Framework where it requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

11. The vehicular access and turning was previously approved¹, no trees would be removed, the garage would not be detrimental to the living conditions of neighbouring residents nor have the Local Highway Authority objected to the proposal. Nevertheless, these are neutral matters which neither weigh in favour of nor against the proposal.
12. My attention has been drawn to other garages within Kirk Ireton. However, elements of their design, including the site layout, character of the host dwelling and detailed design are different. Moreover, the existence of other garages forward of the building line in the wider area does not justify the harm identified to the character and appearance above.

Conclusion

13. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen
INSPECTOR

¹ Application Reference: 23/00570/FUL