



Appeal Decision

Site visit made on 8 November 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/P1045/D/22/3306031

Ash Tree Cottage, Longway Bank, Whatstandwell, Derbyshire DE4 5HU

- 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 Anthony Spencer against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00722/FUL, dated 18 June 2022, was refused by notice dated 12 August 2022.
 - The development proposed is demolition of 2 storey annex to cottage, new build single storey front and rear extensions with new access to car parking and turning area.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the header above is taken from the application form. It is different to that provided on the appeal form but there is no indication that the revised description has been agreed between the parties. As such, I have used the original description.

Main Issues

3. The main issues are (i) the effect of the development on biodiversity, (ii) its effect on the character and appearance of the appeal property and the surrounding area, and (iii) its effect on the significance of the Derwent Valley Mills World Heritage Site.

Reasons

Biodiversity

4. Derbyshire Wildlife Trust (the Trust) suggests that the proposed development would potentially impact bats and their roosts that may be present in the roof voids at the appeal property. As a minimum, the Trust recommend that a preliminary bat roost assessment should be carried out. It is also suggested that evidence of nesting bird activity should be recorded.
5. The appellant contends that no such assessment is required as the proposal relates to a residential property. However, no evidence is provided to explain why a dwelling should be exempt and the appellant has not sought to dispute the Trust's view that bat roosts may be present in the roof.
6. Under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), I am required to consider whether European Protected

Species (EPS), such as bats, would be affected by the proposed development. Also, I am required to consider whether any measures would be effective in mitigating any harm. Policy PD3 of the Adopted Derbyshire Dales Local Plan 2017 (LP) resists development that would harm biodiversity conservation interests unless appropriate mitigation is provided.

7. Government advice at paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 says it is essential to establish the extent to which EPS may be affected by a proposal before granting planning permission. Without the recommended assessment, there is limited knowledge on the possible presence of bat roosts and on the risk of bats being harmed by the proposed development. Also, I am unable to assess whether any mitigation measures would be effective in addressing any harm that may be caused to the bat population. The imposition of a planning condition to address this matter would not allow me to carry out a proper assessment as required under the aforementioned regulations.
8. The appellant suggests that the annex building could be demolished without the need for planning permission. Even if I accept this contention, it is unlikely that the demolition would be carried out without permission for a replacement extension being granted. In any event, the potential for works to be undertaken to the building regardless of my determination on this appeal does not remove or override my responsibility to properly consider the proposal's effect on EPS.
9. For these reasons, I conclude that insufficient information has been provided to show that the proposal would avoid harm to biodiversity, in particular bats or nesting birds. Also, insufficient information has been provided to demonstrate that any harm could be appropriately mitigated. In these regards, the development would be contrary to LP policy PD3.

Character and appearance

10. The appeal property is a single house but with 2 distinct elements. The main part is 2 storeys high with a pitched roof. It is set below the adjacent road so that its upper floor windows are at about the same level as the highway. The front of this part of the house is orientated to face down the road so that it is seen from the highway over a low boundary wall when climbing the hill. The 2 storey annex is to the side of the main house so that its flank elevation lies on the roadside boundary. This element is set on higher land so that its ground floor windows are at a similar level as the first floor windows in the main part of the dwelling. All external walls are made of stone with a fish scale tile roof on the main house, a slate roof on the 2 storey part of the annex and tiles on a single storey rear projection.
11. The appeal property lies in a small cluster of buildings on sloping land on the side of a dale. The surrounding area is largely vacant of buildings and there are extensive views of fields and mature vegetation from the site and adjoining road. The landscape is picturesque and the stone buildings in the cluster generally complement the rural feel of the area.
12. The proposed single storey front extension to the main house would be set down below road level. Even so, it would be seen from the highway over the low boundary wall, particularly when approaching the site up the hill and when close to the house. The flat roof of this extension would be out of keeping with

the pitched roofs seen on the rest of the dwelling. Also, it would be positioned to one side of the front elevation that otherwise displays a reasonable degree of symmetry. The form and positioning of the extension would unbalance the principal elevation of the house and would spoil its attractiveness by reason of its incongruity. Accordingly, the front extension would undermine the character and appearance of the area.

13. The proposed removal of the annex would be highly noticeable given its close proximity to the road. However, this element of the dwelling fails to include the symmetry that is present in the main house and it contains no particularly attractive architectural features such as chimneys or the fish scale tiling. The evidence suggests the annex was a later addition and this seems to be the case given its plainer appearance and unusual relationship with the main dwelling. The demolition of the annex would be acceptable as it is of less architectural interest compared to the building to be retained.
14. The proposed extension to replace the annex would be single storey although built at road level. It would be easily seen from the road but it would be lower than the existing annex with pitched slate roofs. Also, it would have locally sourced stone walls and so its appearance and general form would be sympathetic to the main house and the cluster of buildings.
15. In summary, I find the demolition of the annex and the replacement side and rear extension would be acceptable. However, the proposed front extension would significantly detract from the appearance of the cottage. As such, I conclude the development as a whole would harm the character and appearance of the appeal property and the area. In these regards, it would not accord with LP policies PD1 and HC10. Amongst other things, these policies look for house extensions to be of a high quality design that is in keeping with the original dwelling and its wider setting.

World Heritage Site

16. The site lies in the WHS buffer zone. The Council suggest that a key attribute of the WHS is the relict industrial landscape where late 18th and 19th century industrial development is seen in an agricultural setting. However, the proposal would affect a residence rather than any historic industrial buildings. Also, the development would be wholly within the garden area to the property and so it would not affect agricultural land. As such, the development would not harm the identified features of interest in the WHS.
17. Therefore, I conclude the proposal would not harm the significance of the WHS and so it would accord with LP policy PD2. Acceptability in these regards is a neutral factor in my assessment rather than a benefit to which I attach positive weight.

Other Matters

18. The proposed off-road parking would be in a safer and a more convenient location than existing facilities. This adds support to the scheme. Also, the proposal would enable the renovation and repair of the appeal property. The on-going use and upkeep of the house are public benefits as it contributes positively to the visual qualities of the area. However, I am unconvinced that the proposal is the only option that would allow the continuing residential use of the building. Overall, I attach only modest weight to these factors.

Planning Balance and Conclusion

19. I have found the proposal would be acceptable in terms of its effect on the significance of the WHS. However, it would be unacceptable in respect of the potential effects on biodiversity and on the character and appearance of the appeal property and surrounding area. As such, the proposal would not accord with the development plan when read as a whole. There is insufficient justification to allow the proposal contrary to the development plan policies. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR