
Appeal Decision

Site visit made on 11 January 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/P1045/D/22/3308179

42 Clifton Road, Matlock Bath, DE4 3PW

- 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 Nigel Wiltshire against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00894/FUL, dated 29 July 2022, was refused by notice dated 23 September 2022.
 - The development proposed is a first floor and single storey rear/side extension and double doors to replace window at the front.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area, including the Matlock Bath Conservation Area (CA); and secondly, the effect of the proposed extension on the living conditions at 40 Clifton Road with respect to privacy and overlooking.

Reasons

3. The Council is satisfied that the proposed replacement of the front window with double doors would be permitted development and I have no reason to disagree. I shall therefore restrict my further consideration to the proposed rear extension.
 4. The appeal site lies within the Matlock Bath CA, a designated heritage asset, in an elevated position above the river and A6 Derby Road. It is set on rising ground above the prominently located landmark building, Holy Trinity Church. The residential enclave of Clifton Road, of which the appeal dwelling forms a part, is dominated by stone built dwellings and high stone retaining walls. Dwellings, including the appeal site, are mainly late Victorian and Edwardian villas on an imposing scale. The area lies within a wooded setting.
 5. Great weight attaches to the conservation of designated heritage assets. Paragraph 200 of the National Planning Policy Framework (NPPF), 2021, requires clear and convincing justification for any harm to, or loss of, the
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significance of a designated heritage asset including from development within its setting.

6. The appeal dwelling, No 42, is a semi-detached three storey villa set atop a high retaining wall. The land rises steeply to the rear of the dwelling with its garden being reached by a flight of external steps. To the rear of the main dwelling and set down below the steps and rising land there is currently a small, single storey rear projection. This cannot be seen from public vantage points outside the site. It is proposed to demolish this and replace it with a larger, two storey extension. This would extend to the boundary at ground floor but the sideways projection would be hidden by a new, re-positioned flight of steps to access the garden. At first floor the extension would be flush with the existing side wall of the dwelling. The roof would be pitched and finish just below a top floor rear window and well below the eaves on the side elevation of the original dwelling.
7. Although the scale and design of the extension would be in keeping with and subservient to the original dwelling, the materials would be contemporary with glazing to much of the rear elevation, a timber clad or shingle style finish to walls, an aluminium coated roof and Crittall style doors and windows. A window in the side elevation of the main dwelling would be replaced with a glazed door and full height window, tapering to reflect the line of the proposed new steps. There would also be a small cloakroom window.
8. The NPPF expects new development to be sympathetic to local character and history but states that appropriate innovation should not be prevented. It goes on to say that design should not be used as a valid reason to object to development where it accords with clear expectations in plan policies. The most relevant policies are Policies PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan (LP), 2017. Taken together, these expect new development to be of a high quality design that respects the character, identity and context of the host building and Derbyshire Dales townscapes, contributes positively to an area's character, history and identity in terms of scale, height, appearance and materials and conserves heritage assets in a manner appropriate to their significance.
9. The Council considers that the first floor of the extension should be set in from the side elevation of the original dwelling in order to reinforce architectural subservience. However, the noticeably smaller scale of the extension, including its significantly lower height, coupled with the contemporary materials would ensure it was read as an architecturally distinct and subservient structure. Moreover, like the existing rear addition, it would be screened from public view points, including Clifton Road and, due to topography and high walls, limited in its visibility from neighbouring dwellings.
10. The Council raises concerns regarding the proposed contemporary materials. Nevertheless, I consider that these would be of high quality, harmonise with the stone and slate roof of the original building and respect the character, identity and context of the host building. The Council does not suggest that materials should match, rather that the extension should be rendered, and roofed with clay tiles because this would reflect the materials used in the existing rear addition and would maintain an architectural hierarchy and subservience. However, I see no reason why such a hierarchy and subservience would not be achieved with the proposed materials which would also be distinct from the

original dwelling and simple in finish. Wood cladding would, moreover, reflect the wooded setting.

11. Although windows would be Crittall style they would largely reflect the vertical emphasis of the existing windows and dwelling as a whole which would ensure harmony. The side window to be replaced in the original dwelling may not be original and in any case has a distinct horizontal emphasis, at odds with other fenestration. For this reason, I am satisfied that the replacement of this window with a tall door and window, which would introduce a more vertical emphasis, would preserve the character and appearance of the original dwelling, notwithstanding that it would introduce contemporary materials and shape.
12. Overall, I find that the proposed extension, whilst larger than the existing rear addition and designed in contemporary materials, would be in keeping with and subservient to the substantial host dwelling. Moreover, it would not harm the essential character of the street scene or the surrounding area and would preserve the character and appearance of the Matlock Bath CA. In consequence, no harm to the significance of the designated heritage asset would arise. Since no harm to the CA is identified, it is not necessary for me to consider any public benefits of the proposed development.
13. It is concluded on the first main issue that the proposed extension would have no materially detrimental effect on the character or appearance of the host dwelling, the appeal site or the surrounding area and the character and appearance of the Matlock Bath CA would be preserved. In consequence, the proposed development would comply with the relevant parts of Policies PD1, PD2 and HC10 of the LP.
14. Turning to living conditions, the proposed extension has a large, first floor window in the side elevation facing 40 Clifton Road. I note that this window is separated from the first floor sunroom floor area by a void some 0.84m wide which would limit outlook. Nevertheless, No 40 has a glazed conservatory that would be in full view of this window. It is not clear from the evidence, including my site visit, whether the set-back of the floor area in the sunroom would be sufficient to prevent harmful overlooking of the conservatory and garden at No 40. However, it is clear that the wall between the two sites is not high enough to prevent overlooking.
15. In view of the limited evidence before me, I consider that the proposed extension is likely to result in material harm from overlooking and loss of privacy to the living conditions of occupiers of No 40. In consequence, I must adopt a precautionary approach. As a result, and notwithstanding my conclusion on the first main issue, the appeal must fail.
16. It is concluded on the second main issue that it has not been demonstrated that the proposed extension would not have a materially harmful effect on the living conditions of occupiers of 40 Clifton Road with respect to privacy and overlooking. In consequence, it would conflict with Policy PD1 of the LP insofar as it expects development to achieve a satisfactory relationship to adjacent development such that it does not cause an unacceptable effect by reason of, amongst other things, overlooking.

17. For the reasons set out above and having regard to all other matters raised, including the representations of Matlock Bath Parish Council, the local councillor and a neighbouring occupier, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR