



Appeal Decision

Site visit made on 22 March 2022

by **Elaine Gray MA(Hons) MSc IHBC**

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2022

Appeal Ref: APP/P1045/W/21/3279261

Former RBS Bank, 8 Snitterton Road, Matlock, Derbyshire DE4 3LZ

- 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 Oxygen 56 against the decision of Derbyshire Dales District Council.
- The application Ref 20/01332/FUL, dated 10 December 2020, was refused by notice dated 1 July 2021.
- The development proposed is described as 'Demolition to existing garages, terrapin extension, rear and side 20th century extensions to original Bank House. Change of existing house from (previously A2) to C3 Dwellinghouses. Alterations to the existing listed building to provide 4No. two bed flats. Construction of two 'new' residential apartment blocks of 8No. flats over two storeys with undercroft parking. One block of 10 No. flats over three storeys.'

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The Council's second reason for refusal related to the lack of provision of affordable housing within the scheme, and the lack of contributions towards education and public open space. Following an exchange between the main parties of viability information, the appellants, whilst not accepting the Council's assessment, indicated that they would in principle accept the contributions as required by policy.
3. In any event, no such agreements have been drawn up, and so there would be no mechanism to secure these contributions, were I to allow the appeal. That being the case, I have not considered the second reason for refusal further.
4. The remaining main issues therefore are:
 - the effect of the proposal on the special interest, including the setting, of 8 Snitterton Road (Bank House) which is listed grade II, and whether the character or appearance of the Matlock Bridge Conservation Area would be preserved or enhanced; and
 - the effect of the proposal on the living conditions of neighbouring residents at 12 Snitterton Road, with special regard to outlook and overbearing.

Reasons

5. The appeal site is within the settlement boundary of Matlock and is allocated for housing in Policy HC2(u) of the Adopted Derbyshire Dales Local Plan (LP), which anticipates 24 dwellings on the 0.35 hectare site. That being the case, the principle of residential development on this accessibly located site is established.

Listed building and conservation area

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions. Section 66(1) of the Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Significance

7. Bank House appears to date from the late 18th century, and was built as an imposing two storey townhouse known as Riversdale, standing in its own grounds. Its associated stables and coach house are now a private dwelling at 12 Snitterton Road. Eventually, in around 1882, the bank use was introduced on the ground floor, with the rest of the building staying in residential use. Designed in the Classical style, the main façade has five bays. In the central bay is the main entrance, with a moulded stone doorcase and a single window above. This bay is distinguished by two columns which run in line with the chimneys above. On either side are sets of four sash and case windows in plain stone architraves.
8. Materials include ashlar stonework with areas of coursed sandstone. The hipped roof has been re-tiled with concrete slates. A new decorative single storey entrance was added to the southern side of the building in c.1912-3. Further additions are evident, including a lower two storey gabled extension at the rear, and an adjacent bank vault.
9. On the northern side, a substantial flat roofed extension was added, most likely between 1937 and 1951. The structure is predominantly of ashlar/coursed stonework construction with stone detailing, and its sash windows are of an unusual pattern. It incorporates a vehicular access to the rear of the site, with a long four bay storey above, and a two storey end section which accommodated offices.
10. Although the overall concept of this extension is distinctly 20th century in style, its design and details deliberately echo those of the main house. It is certainly a quirky addition which speaks to the architectural aesthetic of its time. It also embodies a physical record of the historic evolution of the building from private dwelling to its later commercial use. On both these counts, it makes a positive contribution to the listed building and the wider area. The fact that there is no direct means of communication between this extension and the main body of the house does not detract from its interest.
11. In terms of setting, the OS map of 1899 shows Bank House sitting within its landscaped garden. At the back, the sense of the service yard area is still

evident. Although No 12 is in separate ownership, it remains as a physical document of the layout and the relationship between the main house and its ancillary quarters.

12. Bank House is located close to the road and is visually prominent in the surrounding area, looking out across the front garden towards Matlock Bridge and the far side of the river. Rather than seeking seclusion, the position of the house suggests that it was intended to be seen and appreciated within the town. The later colonnade at the corner of the garden further underlines the status of the property.
13. The garden setting therefore enhances the high status of the building and the prosperity of its owner. The setting has undoubtedly been marred by the later additions of the terrapin building and the garage. Nonetheless, the grounds are still largely intact and provide a setting that contributes positively to the understanding of Bank House and its significance as a listed building, in addition to the features of the building noted above.
14. The Matlock Bridge Conservation Area (CA) encompasses land on both banks of the River Derwent. It includes the commercial streets that form the town centre of Matlock, and also some residential areas. Other land uses include the railway line and the station, and the open public space at Hall Leys Park by the river. The appeal site makes a positive contribution to the significance of the CA through the aesthetic qualities of the listed building and the spaciousness of the garden area in an otherwise tightly built-up town centre location.

Effect of the two new blocks

15. Two new residential blocks are proposed within the setting of the listed building. One block would sit next to the listed building on the approximate footprint of the northern extension, which would be demolished. In terms of design, this block would be overtly contemporary in character, with tall, plain panels of glazing and zinc roofing. Conversely, the use of natural stone to the elevations would reflect the stone facades of the listed building, and the predominant use of stone elsewhere in the CA.
16. The zinc roof section would be set back from the front, and would sit below the ridge of the main roof of Bank House. However, the front parapet of the new block would sit only marginally below the cornice of the listed building. The front elevation of the new block would run in line with the front of Bank House, and would exceed the width of its main two storey façade. In combination, these elements would result in a substantial new structure that would fail to achieve any meaningful degree of visual subservience to the main house.
17. At the rear, the new block would step beyond the back line of the main two storey parts of Bank House to meet the back line of the lower two storey gabled wing. It would have a footprint that would be comparable if not larger than that of Bank House. In conjunction with its increased height at the back, the new block would dominate the listed building in public views from Snitterton Road.
18. A deliberate architectural contrast to the existing style of a heritage asset can often be a successful design approach. In this case, however, the visual contrast between the new northern block and Bank House would be stark. This factor, taken with the excessive size of the new block, would result in a

development that would be almost combative in its relationship to the listed building. It would harmfully dominate Bank House and draw attention from it, effectively demoting the heritage asset within its own setting.

19. At the back, the second new block would be located on the site of the old garage building, which would be demolished. This new building would stand at three storeys high with an undercroft for parking. It would be designed with double gables at the ends and two parallel pitched roofs. As shown in the composite drawing of the buildings, its ridge height would exceed that of Bank House. It would thus fail to achieve subservience to the heritage asset, and its dominance would harm the ancillary nature of the yard, which is characterised by buildings of a notably modest scale.
20. In view of their large footprints and overall scale, both the new buildings would unacceptably erode the sense of spaciousness that is a positive element of the setting of Bank House, and the contribution of the property to the CA.

Loss of the northern extension

21. As noted above, I have found that the northern extension adds to the significance of the listed building and the CA. Its demolition would therefore harm the special interest of the listed building and the CA, and justification is required for this harm.
22. Were the extension to be removed, two windows to the side of the main building could be opened up and reinstated. Although this would amount to a modest heritage gain to the building insofar as it would restore a historic element of the original dwelling, it would not in itself justify the harm that would arise.
23. The appellants argue that the removal of the extension and the construction of the new block in its place would generate profit to fund the restoration of the listed building. I acknowledge that the listed building has been empty for some time and will be in need of some repair.
24. Nonetheless, it is unclear from the evidence what is meant by the term 'restoration'. Reference is made to the removal of the bank vault, but although this would be desirable, it is not essential to the conservation of the building. Moreover, I have not been provided with details of the works of repair and restoration that would be needed, as opposed to the works of proposed alteration to the building that would not fall under the banner of restoration. I am therefore not convinced of the necessity of the demolition of the northern extension on these grounds.

Summation

25. Accordingly, overall, the proposal conflicts with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the National Planning Policy Framework (NPPF). Paragraph 200 of the NPPF confirms that significance can be harmed or lost through development within the setting of a heritage asset. In addition, it would fail to comply with LP Policy PD1, insofar as it requires development to contribute positively to an area's character, history and identity, or with LP Policy PD2, which seeks to conserve heritage assets in a manner appropriate to their significance.

26. Although serious, the harm to the heritage assets in this case would be less than substantial, within the meaning of the term in paragraph 195 of the NPPF. Paragraph 196 requires that, where there is less than substantial harm, the harm should be weighed against the public benefits of the works.
27. The proposal would bring back into use an important listed building, which is to be welcomed. There would be social and economic benefits in terms of the provision of new dwellings to the town. In the context of the undersupply of housing in the Council area, this is to be given significant weight. Also, a number of later additions and buildings that detract from the listed building, its setting, and its contribution to the CA would be removed.
28. However, the new build elements of the scheme would be fundamentally unacceptable in terms of their impact on the significance of the heritage assets. This harm would not be mitigated by the benefits I have outlined.
29. I therefore find that insufficient public benefits have been identified that would justify or outweigh the harm I have identified to the heritage assets. The scheme therefore conflicts with the NPPF, which directs, at paragraph 193, that great weight should be given to the assets' conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.
30. I note the lack of objection to the scheme from Historic England and a number of other consultees, but this circumstance is neutral in my consideration.

Living conditions

31. LP Policy PD1 requires development to achieve a satisfactory relationship to adjacent development. Proposals should not cause unacceptable effects by reason of, amongst other things, visual intrusion or overbearing.
32. At the rear of the dwelling at No 12 are habitable rooms whose windows face into the space at the back of the listed building. The outlook from the rear windows at No 12 is constrained by the back of Bank House on one side, and the front of the garage on the other side. However, due to its low height and its position set close to the rear boundary of the site, the garage is not overly intrusive.
33. As existing, the back of Bank House comprises a series of different elements including the rear gable wing, the flat roofed element, and the backs of the north extension and the terrapin block. These are lower than the height of the main block of Bank House, and the north extension follows the line of the main rear elevation of the house. Therefore, whilst they frame the views out from No 12, they are relatively unobtrusive.
34. Conversely, the front elevation of the new rear block would sit forward into the line of sight of the rear windows, and the new northern block would step back to the back line of the rear gable wing. This arrangement would significantly reduce the breadth of the outlook between the built forms from No 12. When the significantly greater heights are taken into account, the development would result in a canyon effect that would funnel views from No 12 through a significantly narrower area. This would materially constrict views, and give rise to an overbearing effect that would be unacceptably oppressive to residents.

35. I therefore conclude that the proposal would materially and unacceptably harm the living conditions of the occupants of No 12, contrary to LP Policy PD1.

Other Matters

36. I have taken into account the representations in support of the proposal, but these have not led me to a different conclusion on the main issues above.

37. I have also taken note of the appellants' concerns over the way the proposal was dealt with at the application stage. However, these matters are beyond the scope of this appeal, and should be raised directly with the Council.

Conclusion

38. For the reasons above, the development would unacceptably conflict with the development plan overall. With regard to the NPPF, I have not found sufficient public benefits that would outweigh the harm identified.

39. The appeal is therefore dismissed.

Elaine Gray

INSPECTOR