



Appeal Decision

Site visit made on 1 September 2023

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/P1045/D/23/3315344

Moor Edge, Uppertown Lane, Bonsall, Derbyshire DE4 2AW

- 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 Mrs Wells against the decision of Derbyshire Dales District Council.
 - The application Ref 22/01174/FUL, dated 13 October 2022, was refused by notice dated 9 December 2022.
 - The development proposed is described as the "conversion of existing store to extend existing dwelling to form new kitchen and additional bedroom including the formation of two car parking spaces with the construction of new retaining walls".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above refers to the conversion of an existing store to extend the dwelling and form a new kitchen and an additional bedroom. However, the information before me suggests that the Council's decision was not based on this aspect of the proposed development and solely considered the formation of two parking spaces with the construction of new retaining walls. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the surrounding area, including Bonsall Conservation Area ('the CA') and the setting of the Peak District National Park ('the PDNP'); and
 - b) highway safety.

Reasons

Character and Appearance, including Bonsall CA and the Setting of the PDNP

4. Uppertown Lane is characterised by narrow roads flanked on either side by dwellings and boundary walls, predominantly constructed of stone, that create an enclosed character and appearance. The appeal site is opposite the boundary of the PDNP and is therefore within its setting. Paragraph 176 of the National Planning Policy Framework ('the Framework') states that development within the setting of National Parks should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.

5. The appeal site comprises a semi-detached stone-built cottage marginally set back from Uppertown Lane by a stone wall. To the side of the cottage is a raised garden that is retained by a stone wall abutting the road. It is proposed to excavate a large proportion of the raised garden, erect retaining walls around the excavated area, and create an area of hardstanding for the parking of two vehicles.
6. The proposal would result in the demolition of a substantial length of stone wall and the creation of an open area which would be out of keeping with the enclosed prevailing character and appearance of this part of the road. The host dwelling is the last building on this side of Uppertown Lane and its raised garden provides a soft landscaped transition into the countryside and the PDNP. The replacement of a large proportion of the garden with a hard landscaped parking area with retaining walls would result in an urbanising effect that would erode the rural character of this part of the area and the rural setting of the settlement.
7. Accordingly, the proposal would harm the character and appearance of the surrounding area and the setting of the PDNP. It would conflict with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan, adopted 2017 ('the LP') which, amongst other things, seek to ensure that new development protects and where possible, enhances, the landscape's intrinsic character and distinctiveness, including the setting of the PDNP; and require all development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. It would also conflict with the Framework which seeks to achieve well-designed places and conserve and enhance the natural environment.
8. The appeal site is within the CA and therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The CA covers a large area that encompasses the rural village of Bonsall and its surrounding fields. The part of the CA in which the appeal site is located has an elevated position and is largely residential with a rural character. The significance of the CA is derived from its architectural and historic interest.
9. For the reasons detailed above, the proposal would considerably erode the rural setting of this part of the CA and would fundamentally change the contribution this part of the appeal site provides to the significance of the CA. Consequently, the proposed development would cause less than substantial harm to the character and appearance of the CA. In accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal. In doing so, paragraph 199 of the Framework explains that great weight should be given to the conservation of the designated heritage asset.
10. The appellant asserts that the proposal would assist in removing two vehicles from parking on the surrounding narrow roads which would benefit those travelling around the area as the roads can become congested, and the bus has previously been forced to reverse to let oncoming vehicles pass. However, evidence has not been submitted to support these assertions. Consequently, I attach limited weight to this public benefit and therefore, it would be insufficient to outweigh the harm to the significance of the CA.

11. The proposed development would conflict with Policies S4 and PD2 of the LP which, amongst other things, seek to ensure that new development protects and where possible, enhances the character, appearance and integrity of the historic environment; and ensure that development proposals contribute positively to the character of the built and historic environment. It would also conflict with the Framework which seeks to conserve and enhance the historic environment.

Highway Safety

12. Uppertown Lane is a narrow, mostly single width road with no pavements and no parking restrictions. On-street parking occurs along some parts of the road. The proposed parking spaces would be adjacent to the gable wall of the existing cottage and one of the proposed retaining walls. No elevational drawings have been submitted to indicate the height of the proposed retaining wall, however, from my site visit, it was clear that it would be over 900mm in height due to the ground levels behind. Both the existing cottage and the retaining walls would therefore restrict visibility from the proposed parking spaces. Uppertown Road curves from Abel Lane along the front of the appeal site, which would also restrict visibility from the proposed parking spaces.
13. An untitled drawing has been submitted (Ref: 1139/06) with annotations that suggest visibility splays. However, no x or y dimensions are shown. Furthermore, the speed limit for this section of road is 30mph, rather than 50mph as annotated on the drawing. Insufficient information has therefore been provided to demonstrate that the required visibility splays could be achieved for the proposed development.
14. The appellant suggests that the road is not heavily trafficked and vehicle speeds along the road are low. However, this has not been substantiated with evidence. While the drivers of vehicles would use their mirrors when exiting the proposed parking spaces, this would not overcome the need for the development to accord with the necessary visibility splays.
15. In reference to the second main issue, it has not been demonstrated that the proposed development would have an acceptable impact on highway safety. It would therefore conflict with Policy S4 of the LP which, amongst other things, requires developments to have a safe access.

Conclusion

16. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

A Berry

INSPECTOR

