24 March 2014

To: All Councillors

As a Member or Substitute of the Central and Northern Area Planning Committee, please treat this as your summons to attend a meeting on Tuesday 1 April 2014 at 6.00pm in the Council Chamber, Town Hall, Matlock.

Yours sincerely

Sandra Lamb

Head of Corporate Services

AGENDA

SITE VISITS

The Committee is advised that the coach will leave the Town Hall, Matlock at 3.30pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

4 March 2014

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct. Those Interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

Issued 24 March 2014
4. APPLICATIONS FOR DETERMINATION

Please note that, for the following items, references to financial, legal and environmental considerations and equal opportunities and disability issues will be embodied within the text of the report, where applicable.

PUBLIC PARTICIPATION

To provide members of the public WHO HAVE GIVEN PRIOR NOTICE (by no later than 12 noon on the working day prior to the meeting) with the opportunity to express their views, ask questions or submit petitions relating to the planning application under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed.

4.1 Application No.14/00091/FUL (Site Visit) 5 - 8
New access and creation of parking bays at 32 High Street, Bonsall.

4.2 Application No.13/00594/FUL (Site Visit) 9 - 15
Erection of stone faced retaining wall (retrospective) at land opposite 24 Chapel Hill, Cromford.

4.3 Application No. 14/00018/FUL (Site Visit) 16 - 20
Extensions and alterations and associated extension to domestic curtilage at Littlemore Wood Farm, Littlemoor Wood Lane, Riber.

4.4 Application No. 14/00010/FUL (Site Visit) 21 - 26
Erection of building to provide ancillary accommodation at 1 Malpas Road, Matlock

5. TREES PROGRESS REPORT – DDDC APPLICATIONS 27 - 33
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.

6. TREES PROGRESS REPORT – DCC APPLICATIONS 34 - 35
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.

7. APPEALS PROGRESS REPORT 36 - 43
To note a report on appeals to the Planning Inspectorate.

Members of the Committee
Councillors David Burton, Robert Cartwright, Mrs Ann Elliot, David Fearn, Neil Horton, Mike Longden, Jean Monks, Garry Purdy, Lewis Rose OBE, Peter Slack, Andrew Statham, Geoff Stevens MBE, Mrs Jacquie Stevens, Mrs Philippa Tilbrook, Barrie Tipping, Mrs Carol Walker, Ms Jo Wild

Issued 24 March 2014
Substitute Members
Councillors Richard Bright, Mrs Sue Burfoot, Albert Catt, Richard Fitzherbert, Steve Flitter, Chris Furness, Cate Hunt, Mike Ratcliffe, Colin Swindell, Mrs Judith Twigg

SITE VISITS
Members will leave the Town Hall, Matlock at 3.30pm prompt for the following site visits:

<table>
<thead>
<tr>
<th>Time</th>
<th>Application No.</th>
<th>Location</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.45pm</td>
<td>14/00091/FUL</td>
<td>32 High Street, Bonsall</td>
<td>Requested by Officers to assess the impact of the proposed development upon the character and appearance of the Conservation Area.</td>
</tr>
<tr>
<td>4.00pm</td>
<td>13/00594/FUL</td>
<td>24 Chapel Hill, Cromford</td>
<td>Requested by Members to assess the visual impact of the proposed development.</td>
</tr>
<tr>
<td>4.25pm</td>
<td>14/00018/FUL</td>
<td>Littlemoor Wood Farm, Littlemoor Lane, Riber</td>
<td>Requested by Ward Member to assess the visual impact of the proposed development.</td>
</tr>
<tr>
<td>4.45pm</td>
<td>14/00010/FUL</td>
<td>1 Malpas Road, Matlock</td>
<td>Requested by ward member to assess the impact of the development upon the surrounding area.</td>
</tr>
</tbody>
</table>

COMMITTEE SITE MEETINGS PROCEDURES
You have been invited to attend a site meeting of the Council’s Planning Committee/Advisory Committee. The purpose of the meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting.

The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting).
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.

Issued 24 March 2014
6. Those present will be allowed to give factual responses to questions from Members on site features.

7. The site meeting will be made with all those attending remaining together as a single group at all times.

8. The Chairman will terminate the meeting and Members will depart.

9. All persons attending are requested to refrain from smoking during site visits.
THE SITE AND SURROUNDINGS:
The application property is a traditional, stone-built semi-detached house. It fronts onto High Street and is set above and back from a stone-built, roadside retaining wall. The property is within the Bonsall Conservation Area.

THE APPLICATION:
This application is to renew planning permission for the formation of a car parking bay which extends back to an original approval in 2003; the permission had its time for compliance extended by two further permissions. The latest permission expires on 16th May 2014.

The permissions have been granted to step back a section of the roadside retaining wall to create a parking bay. The applicant has not been in a position to make a start on the development within the life of the previous permissions and hence this re-submission. There have been no alterations to the proposal and the application is as originally submitted and previously approved.

RELEVANT HISTORY:
11/00224/EXF Extension of time limit for the implementation of new access & creation of parking bays – Granted.
08/00191/FUR New access and creation of frontage parking bays (renewal of planning permission 03/06/0449) - Granted.
03/06/0449 New access and creation of frontage parking bays - Granted
02/03/0231 New access and creation of frontage parking bays - Refused

CONSULTATIONS:
Parish Council – No comments received at time of report preparation.

Local Highway Authority – No objection subject to conditions as attached to previous permission

REPRESENTATIONS:
None

POLICIES:
1. Adopted Local Plan 2005
   SF4 Development in the Countryside
   SF5 Design and Appearance of Development
   H2 Extensions to Dwellings
   NBE21 Development Affecting a Conservation Area
   TR1 Access Requirements and the Impact of New Development
2. Pre-submission Draft Local Plan (2013)
Development Management Policy 2 - Development in the Countryside
Development Management Policy 8 - The Historic Environment
Development Management Policy 9 - Design and Appearance of Development
Development Management Policy 22 - Access and Parking

3. National Planning Policy Framework

4. Other:
Bonsall Conservation Area Character Appraisal
Bonsall Village Design Statement

ISSUES:
1. The main issues to assess are whether there have been any significant changes in Development Plan Policies since the previous planning application was approved in May 2011.
2. The National Planning Policy Framework was introduced in 2012 as the latest national planning policy guidance, and thus post-dates the previous approval to extend the time period for implementing the planning permission. However, it is considered that there is no conflict with the relevant policies of the Adopted Local Plan (2005) by which the previous two applications were determined and granted; these policies are detailed above.
3. In addition, the District Council is working towards the adoption of a new Local Plan which is currently at the pre-submission draft stage. However, the relevant policies contained within this plan, and which are also referred to above, are considered consistent with the Adopted Local Plan (2005) and the National Planning Policy Framework.
4. Although there were concerns raised to the original planning application in 2002 (ref: 02/03/0231), with respect to the adverse impact that the scheme would have on the character and appearance of the Bonsall Conservation Area, the Central and Northern Area Planning Committee subsequently approved the scheme in 2003 (ref: 03/06/0449) and the latter applications were also granted accordingly.
5. Given the above, it is recommended that this latest application be granted permission subject to the previous conditions as circumstances have not materially changed since it was last granted permission.

OFFICER RECOMMENDATION:
Planning permission be granted subject to the following conditions:

1. Condition ST02a: Time Limit on Full.

2. No development shall be commenced until full details of the materials to be used in the construction of external surfaces of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

3. The parking bay hereby approved shall be laid out with visibility splays set 2m back and parallel with the existing highway. Within the visibility splays there shall be no obstructions greater than 1m high.
14/00091/FUL (Continued)

Reasons:

1. Reason ST02a.


NOTES TO APPLICANT:

The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This decision notice relates to the following documents:
Drawings No. 242/02 Rev. D received on 11th February 2014
Supporting letter dated 04.06.03 received on 11th February 2014
Land opposite 24 Chapel Hill, Cromford
THE SITE AND SURROUNDINGS:
The application site is situated at the bottom end of the Via Gellia (A5012), on the fringe of Cromford village. It is an area of vegetated embankment which has a high, stone-built retaining wall to Chapel Lane above. Part of the stone-built retaining wall collapsed approximately three and a half years ago and a concrete block retaining structure has been installed to stabilise it, albeit without the grant of planning permission.

The site lies within the Cromford Conservation Area and the Derwent Valley Mills World Heritage Site.

THE APPLICATION:
Full planning permission is sought to retain the concrete block retaining wall and to face this with natural stone. The retaining wall has a length of 8.6m, but also steps approximately 1.5m forward and onto the terrace below. It is proposed to build up the retaining wall to remove this step and thus give a singular facing plane. It is also proposed to erect a safety barrier above the wall.

The applicant has commissioned structural engineers to assess the stability of the wall. These have advised that, whilst the design of the wall does not meet the safety factors required by current UK standards, the wall itself is considered likely to have a greater factor of safety than the previous wall.

RELEVANT HISTORY:
11/00216/FUL Re-building of retaining wall - Refused

CONSULTATIONS:
Parish Council – Object:
- if not acceptable in 2011 do not see why it should be now
- query need for ‘immediate’ response bearing in mind the dates of the original collapse
- have geo-technical surveys been carried out?
- understand foundations were fully loaded up within days of being laid
- dip can be seen to the front of the retaining wall
- appears to be movement at the side with end blocks looking loose - cannot see how stone cladding and buttress will help
- was drainage to the rear installed in 2011? – saturated ground is the most likely cause of collapse
- request wall be rebuilt on line no matter what the expense
- neighbours at 22 unaware that buttresses were proposed and would lose yet more of their garden
Local Highway Authority – Comment:
- only have powers relating to walls within 4 yards of a highway
- if could comment, would have to recommend refusal as does not meet design criteria
- retaining wall appears more stable and substantial than the original wall and poses less of a risk to the public highway
- stone cladding should be adequately tied back
- applicant would be entirely responsible for the future liability and maintenance of the structure and all costs if failure was to cause damage or impact on the safe operation of the highways of Via Gellia or Chapel Hill

Derwent Valley Mills World Heritage Site – Object:
- fundamental form and construction expressed in the massing and modelling of the existing retaining wall is inherently non-traditional and incongruous within the context of the established settlement,
- original adjacent retaining wall assumes a modest, low-key feature, representative of the available technologies and resources of its time.
- the repair to part of the retaining wall reads as an inappropriate modern intervention, which has a negative visual effect on the historic structure
- the engineered intervention into this length of the retained hillside appears as a pronounced modern intervention into the carefully built and crafted, traditional structures that have shaped this place over a considerable time
- facing and vegetation will not alter its fundamental inappropriateness in terms of its footprint and bulk, that is at odds with the simplicity of its context
- despite the stated complexities of the site, e.g. topography, access for plant, road closures, etc., it is not considered unrealistic or impossible to reinstate the failed section of retaining wall to present a more traditional and characteristic appearance
- proposed works fail to conserve, preserve or enhance the character or appearance of the Cromford Conservation Area and the Derwent Valley Mills World Heritage Site.

Natural England – Comment:
- Sites of Special Scientific Interest do not represent a constraint
- Expect LPA to assess other potential impacts on protected species, local wildlife sites local landscape and biodiversity enhancements

REPRESENTATIONS:
- A total of four letters of representation from neighbours. The comments can be summarised as follows:
  - completely out of place on Chapel Hill
  - blockwork structure completely unacceptable in Conservation Area and World Heritage Site
  - gives awful impression on approach to Cromford along Via Gellia
  - enforcement action delayed and current status unclear
  - understand that regular measurements have shown no evidence of subsidence
  - have documentary evidence to show that the blockwork wall was not an emergency response
  - existing garden retaining walls in the area are much smaller
  - wall much larger and geo-metric shape
  - out of line with existing retaining walls
  - will look better faced with stone but size and shape would be very apparent
if granted ask that visual impact lessened such as through landscaping
- facing stones should be in keeping with existing stones in size, shape and colour
- appears to already be failing structurally and appears to be subsiding and showing signs of deflection
- buttresses alien to the form of retaining walls in the area
- extended terrace created at the upper level will be out of keeping with the character of small gardens in the area
- buttress and facings will place increased load on the lower retaining wall
- garden area below the wall has not been reinstated
- believe retaining wall and foundations encroach onto neighbour’s land
- the extension, by adding facing and cosmetic planting, will be on neighbour’s land

POLICIES:
1. Adopted Local Plan (2005)
   SF1  Development within Settlement Framework Boundaries
   SF5  Design and Appearance of Development
   NBE21 Development Affecting a Conservation Area
   NBE 25 Derwent Valley Mills World Heritage Site

2. Pre-submission Draft Local Plan (2013)
   Development Management Policy 1 - Development within Settlement Framework Boundaries
   Development Management Policy 8 - The Historic Environment
   Development Management Policy 9 - Design and Appearance of Development

3. National Planning Policy Framework

4. Other
   Cromford Conservation Area Character Appraisal

ISSUES:
Introduction
The main issues to assess are the impact that the replacement retaining wall, when altered and faced with stone, will have on the character and appearance of the immediate surroundings and also on the wider Cromford Conservation Area and Derwent Valley Mills World Heritage Site. There is a presumption that development should preserve or enhance such historic areas. Another matter that requires consideration is the stability of the wall in its existing and proposed form.

The original retaining walls and boundary walls are prominent and attractive components in the streetscene and contribute to the character and appearance of the locality. However, in its current form, the concrete retaining wall causes significant harm to the character and appearance of the area. It is highly visible and prominent because of its large size (over 8m in length), light grey colour and it also steps significantly forward (approximately 1.5m) beyond the original alignment. The retaining wall appears as a visually clumsy engineering solution, with no appreciation of its context, and has a visually detrimental impact on the character and appearance of the Conservation Area and World Heritage Site.
Notwithstanding the above, the applicant has submitted this latest planning application by way of seeking to justify the development to date and proposes facing it with stone. The applicant also proposed to have a singular, albeit, projecting plane to the wall rather than its current stepped appearance.

**Structural Stability**
The applicant has appointed a structural engineering company to assess the wall. The conclusions are that the wall cannot be justified when considering overturning and sliding, albeit the risk of overturning failure is considered less of an issue. In addition, insufficient information is available to the applicant’s structural engineer to enable an assessment of bearing capacity and the wider stability of the slope. However, the wall was not considered to show obvious signs of distress or adverse movement when the structural survey was undertaken in December 2013.

The structural engineers have therefore advised that, whilst the design of the wall does not meet the safety factors required by current UK standards, the wall itself is considered likely to have a greater factor of safety than the previous wall. In addition, it is advised that the drystone wall to the east of the concrete wall was considered to be in poor condition and may be marginally stable. The limited exposure of the wall to the west of the new wall suggests that it is likely to be in a better condition than that to the east but the long term performance cannot be guaranteed.

Given the above, the structural report has been submitted to the Local Highway Authority and their structural engineers for consideration. The Local Highway Authority has raised no objection as, under Section 167 of the Highways Act 1980, it only has powers relating to walls that are within 4 yards of the highway. From the cross sections submitted with the application, the top, base and foundations of the retaining wall would appear to be in excess of 4 yards from the edge of the public highway. Therefore, the Structures Section of the Local Highway Authority cannot recommend refusal of the application.

However, the Local Highway Authority has advised that, if it were in a position to comment, it would recommend that the application be refused as the retaining wall does not appear to meet the recommended criteria. Notwithstanding these comments, the Local Highway Authority has pointed out that it is the applicant who would be responsible for the future liability and maintenance of the structure and associated retained land and who will be responsible for any costs arising should the wall fail and impact on Via Gellia and/or Chapel Hill. In this respect, it is not considered reasonable to refuse the application based on the structural integrity of the wall.

**Impact on Character and Appearance of Conservation Area/World Heritage Site**
The principal matter for consideration is therefore the impact the altered retaining wall would have on the character and appearance of the Conservation Area and World Heritage Site. It is considered that this is a very finely balanced consideration. The wall will appear different to the adjacent walls, all of which themselves have differences in the stone type and laying pattern. Nevertheless, these do present a flat plane to the land which they retain. The proposals would clearly project from this plane. Whilst this identifies the wall as different to the remainder of the wall it is not uncommon in historic environments for retaining walls to adopt a variety of forms and differ in their alignment/plane.
It is considered that it would be difficult to refuse planning permission on the basis that the facing would be seeking to disguise a modern retaining wall or that this is of such harm that would justify refusal. It is considered, from the structural analysis, that the retaining wall will function in a manner that would be an improvement on the existing walls. It is also considered that in time, through weathering and plant growth, that the wall will become more visually integrated with the existing walls despite its projection. In this respect, it is considered that, on balance, it would be unjustified to refuse planning permission, albeit the wall is not as originally or traditionally constructed.

Given the above, it is considered that permission should be granted for the retention of the wall faced in appropriate stonework as the harm to the character and appearance of the locality in time will not be significant. However, it is considered necessary to ensure that the wall is not buttressed, as detailed on the submitted drawings, and that the facing and coping stones, their type and origin and method of laying and construction, and the safety barrier above the retaining wall, are appropriate to the character and appearance of the Conservation Area; conditions can be attached to any grant of planning permission in this respect.

OFFICER RECOMMENDATION:
Planning permission be granted subject to the following conditions:

1. Notwithstanding the details in the original submitted drawings and specifications, the wall face shall not be buttressed.

2. Notwithstanding the details of the submitted drawings and specifications, within 6 months of the date of this permission, the retaining wall shall be faced in rubble stone and capped with random length capping stones (toppers) in accordance with stone types/origins to be approved in writing by the Local Planning Authority and a subsequent sample panel shall also to be approved in writing by the Local Planning Authority. The means of fixing of the stone facings to the retaining wall shall also be agreed with a structural engineer in accordance with details to be submitted for the Local Planning Authority for its records. The works shall thereafter be carried out in accordance with the approved details.

3. Notwithstanding the details of the submitted drawings and specifications, a protective fence/railing shall be provided above the retaining wall in accordance with details to be submitted to and approved in writing by the Local Planning Authority to include details of its fixing and paint colour. The works shall thereafter be carried out in accordance with the approved details and provided within 6 months of the date of this permission.

Reasons

1-3. To ensure the satisfactory appearance of the development to safeguard the character and appearance of the Cromford Village Conservation Area and the Derwent Valley Mills World Heritage Site and to comply with Policies SF1, SF5, NBE2, NBE25 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 1, 8 and 9 of the Pre-submission Draft Derbyshire Dales Local Plan (2013) and government advice contained in the National Planning Policy Framework.
NOTES TO APPLICANT:

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 21st August 2013
Drawing Nos. M2141.08, 09, 16, 14A and 17 received on 21 August 2013
Planning, Design and Access Statement received on 21 August 2013
Additional Information received on 24th September 2013
Structural Report (Peter Eaton) received on 4th October 2013
Retaining Wall Appraisal (WSP) received on 14th February 2014
THE SITE AND SURROUNDINGS:
The existing dwelling is a two storey stone building of traditional proportions with two storey and single storey later additions. The site is isolated and surrounded by the open countryside which is farmed by the applicant. Access to the site is via a driveway leading from Littlemoor Lane. There are a number of agricultural buildings associated with the property located within the immediate vicinity of the house.

THE APPLICATION:
Planning permission is sought to extend and alter the existing dwelling. The proposed extension is in the form of a gable extension from the rear of the existing house with a single storey grassed roofed element leading off from this and with a two storey element projecting from part way along the main gable extension. Overall the proposal would lead to a reception room, snug, hallway, study, dining area, kitchen, day room utility/plant room, and W.C on the ground floor with four bedrooms, 2 en-suites and bathroom on the upper floor. The proposed extension is to be constructed of render, stone and slate with more modern timber detailing on the less visible southern elevation. The main gable extension to the rear is proposed to be 12.5m in length and 5m in width with the northern projection from this being 7m in length and 5m in width. The highest part of the extension is in line with the roof line of the existing dwelling. A new driveway and parking is also proposed along with an associated extension to the domestic curtilage of the property.

The applicant has submitted a supporting statement which is summarised as follows:

- The applicant who is a Naval Officer is based in Cornwall the property is currently occupied by his parents.
- The family has a wider involvement in land at Riber and let High Leas on a long term until 2025. The family support community groups and invest in farming within the area.
- The existing dwelling is in need of improvement, the farm and woodland’s infrastructure also need investment to facilitate farming and forestry, these projects cannot be done unless I am able to build my family a suitable home for the future.
- The current application includes an extension of curtilage.
- In the revised proposal I have looked at pre-application advice, the refusal and Inspector’s decision. The appeal decision clarified that specifically the northern projection would have overwhelmed the traditional frontage and dominated the building as a whole.
- In this proposal the single storey elements of the northern projection have been removed, significantly reducing the width of the northern projection is significantly reduced, an 18% reduction of footprint. The design of the chimney has been altered.
- The proposed extensions are no longer dominant but are subordinate to the existing.
- This proposal if granted will take precedence over the existing permission for a dependent relative unit, if granted that building would remain as a storage building.
RELEVANT HISTORY:
13/00174/FUL Extensions and alterations – Refused – Appeal Dismissed
The reasons for refusal were as follows:

1. The size and scale of the proposed extensions are such that they will dominate the existing dwelling to the detriment of the character and appearance of the existing dwelling contrary to Policies SF5 and H2 of the Adopted Derbyshire Dales Local Plan.

2. The layout and scale of the proposed extensions are contrary to the traditional form of dwellings in this countryside location, detrimental to the prevailing landscape character of the area contrary to Policy NBE8 of the Adopted Derbyshire Dales Local Plan.

12/00003/FUL Conversion and extension of outbuilding to form dependant relative unit – Permitted with Conditions

11/00723/AGR Agricultural Prior Notification - Erection of tractor shelter – No Objection

09/00593/FUL Change of use and conversion/extension of outbuilding to form dependant relative unit - Permitted with Conditions

CONSULTATIONS:
Town Council:
No objection.

Local Highway Authority:
No objection providing extensions/alterations form private domestic ancillary living accommodation for the existing dwelling.

REPRESENTATIONS:
A representation has been received which makes the following points: -
1. The proposal secures the retention of the attractive east elevation whilst removing the unsightly 20th century extensions.
2. Careful attention is needed for the join between the old and new.
3. The rear elevation is an improvement.
4. The conservatory is in keeping.
5. Support the use of matching stone and slate to front and side elevations and full height windows.

POLICIES:
Adopted Derbyshire Dales Local Plan 2005:

SF4: Development In The Countryside
SF5: Design And Appearance Of Development
H2: Extensions To Dwellings
H8: Extending Domestic Curtilages Into The Countryside
NBE8: Landscape Character
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

Pre Submission Draft Local Plan:
ISSUES:
Planning permission was recently refused and an appeal dismissed for extensions and alterations to this property. Therefore in determining whether or not this proposal is acceptable the proposal has to be assessed in light of the Inspector’s decision.

This revised proposal removes the single storey projections from the proposed northern gable, thereby leaving that projection at 7m length by 5m width. The size of the western gable has not been reduced although some small design changes have been made in terms of the finish to the northern facing elevation of the western gable and the chimney design has been altered to be of a more traditional design.

In the appeal decision the Inspector noted that:

“Due to the scale and mass of the proposed contemporary projections, I consider that they would appear as incongruous additions.”

“The traditional frontage of the dwelling would be totally overwhelmed by the scale of the proposal.”

“The traditional building would be unacceptably dominated, particularly by the proposed northern projection… to the detriment of the existing dwelling and wider landscape.”

“Due to the dominance of the scale of the proposal over the existing dwelling, I conclude that the proposal would not be a proportionate addition and thus would have an adverse effect on the character of the existing dwelling and the landscape character of the surrounding area.”

In order to grant planning permission the Local Planning Authority would need to be satisfied that the revised design has addressed the reasons for refusal and Inspectors concerns. In this regard the scale of the western gabled extension to the rear of the dwelling has not altered as a result of this revised scheme. The northern gable has been reduced in size but only the single storey elements have been removed. In view of this it is still considered that the size and scale of the extensions proposed result in an incongruous addition which will dominate the existing dwelling and as such be harmful to the character and appearance of the existing dwelling. In addition to this negative impact they will have an adverse impact upon the character and appearance of the wider landscape.

Although the changes made are acknowledged they are not it is considered sufficiently comprehensive to address the concern of officers and the Planning Inspector and as such refusal is recommended.
OFFICER RECOMMENDATION:
To refuse planning permission for the following reasons:

1. The size and scale of the proposed extensions are such that they will dominate the existing dwelling to the detriment of the character and appearance of the existing dwelling contrary to Policies SF5 and H2 of the Adopted Derbyshire Dales Local Plan, Development Management Policy 9 – Design And Appearance Of Development of the Pre Submission Draft Local Plan and guidance contained within Part 7 of the National Planning Policy Framework.

2. The layout and scale of the proposed extensions are contrary to the traditional form of dwellings in this countryside location, detrimental to the prevailing landscape character of the area contrary to policy NBE8 of the Adopted Derbyshire Dales Local Plan, Development Management Policy 6 - Landscape Character of the Pre Submission Draft Local Plan and guidance contained within Part 11 of the National Planning Policy Framework.

NOTES TO APPLICANT:
The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This decision notice relates to the following documents:
Design and access statement
Proposed east elevation B1_E_E_G200_01 REV B
Proposed north elevation B1_E_N_G200_01 REV B
Proposed roof plan B1_P_RF_G200_01 REV B
Proposed south elevation B1_E_S_G200_01 REV B
Proposed section AA B1_S_AA_G200_01 REV B
Proposed section BB B1_S_BB_G200_01 REV B
Proposed section CC B1_S_CC_G200_01 REV A
Proposed section DD B1_S_DD_G200_01
Proposed west elevation B1_E_W_G200_01 REV B
Proposed first floor plan B1_P_01_G200_01 REV B
Proposed ground floor plan B1_P_00_G200_01 REV B
Proposed site plan P_RF_G100_01 REV B
Site location plan XP_RF_G100_01
Existing site plan XP_RF_G100_02
Existing ground floor plan B1_P_00_JA12_01
Existing first floor plan B1_P_01_JA12_01
Existing roof plan B1_P_RF_JA12_01
Existing north elevation B1_E_N_JA12_01
Existing south elevation B1_E_S_JA12_01
Existing west elevation B1_E_W_JA12_01
Existing east elevation B1_E_E_JA12_01
Existing section AA B1_S_AA_JA12_01
All received 14.01.14
THE SITE AND SURROUNDINGS:
The application property is a fairly old, detached house, situated in a residential area to the north-west of Matlock town centre, off Woolley Road. It is set down and back from Malpas Road and has a downward sloping, back garden. It has a single-garage at the end of the back garden which has access onto a narrow lane / shared drive which has access on to Woolley Road.

THE APPLICATION:
The proposal is for a detached, stone-built, single-storey, ‘L’ shaped building at the bottom end of the back garden. It will be used as a study / guest bedroom and will be replacing the single-garage which currently stands there. Two additional parking spaces are also proposed. The dimensions of the new building will be 8.9m by 8.9m and it will have a slate roof. Solar panels will be positioned on the southern and eastern roof-slopes, with roof-lights in the other sections. It will have large, bi-folding, full-height glazed-doors in the main west elevation. It will also have a window in the north-facing gable-end and a window and an entrance-door on the main, north-facing elevation.

The applicant and the agent have also provided further information in support of the application:

There is no intention to convert the building to a dwelling. This would require planning permission and apart from a 1 bedroom flat, the accommodation does not lend itself to conversion to a dwelling.

Although it is described as a ‘pedestrian route’, a garage exists on site which is accessed from this ‘pedestrian route’. The cars indicated on the plan show the possibility of ‘off-road’ parking. It is intended that visitors will park on Malpas Road, adjacent the main house. Parking also exists for other properties along this route, so the junction with Woolley Road is currently used by vehicles.

Number 5 Malpas Road uses the access road on a daily basis, driving past the proposed site and has a double-garage and a long drive. They already drive along the route and exit onto Woolley Road.

Number 9 Allen Hill, backing on to the proposed site, also uses the access road to park their car and exit onto Woolley Road. They also park along the path in Allen Hill on the other side of the bollards.

Number 23 Woolley Road parks their car along the access road and exits onto Woolley Road.
Number 19 Woolley Road has access along the route to access their garage.

Number 7 Woolley Road has a caravan parked at the bottom of their garden with driving access along the route.

Our house has a garage with a parking space and we already use the access road to drive along to access our garage. There would be no new traffic as we already use this route and planning refusal would mean that we would be the only property not allowed access. If this were the case, we would ask that all vehicles are barred from driving along the route.

There are no plans to park along this route, thereby blocking pedestrian access – the parking would be off-road.

We are not setting a precedent. We are just making better use of our garage space.

A number of planning applications have been accepted on Malpas Road and therefore there is no history of refusing conversion of garages to office accommodation. These include demolition of garage and erection of office with garage above; double-garage with music room; change of use from office to guest accommodation; and erection of double-garage.

We would like to reinforce that we have no plans to convert the building into a separate dwelling. This is purely a study / guest bedroom. The distance from the house is beneficial, rather than a hindrance. Garden studies / rooms are a common addition to modern family living and the space will allow flexibility for a growing, busy, professional family.

RELEVANT HISTORY:
06/00405/OUT Erection of dwelling (outline). Refused
06/00404/FUL Formation of car parking bay. Granted

CONSULTATIONS:
Local Highway Authority:
No objection. But recommend that the 2 proposed car-parking spaces being created adjacent to the proposed building be removed from the application. The existing dwelling already has 2 off-street car-parking spaces and the access track to the south, which serves the existing garage, is substandard as it emerges on an existing road junction. As the proposals are ancillary for occasional visitors to stay overnight, any increase in on-street parking demand will be minimal.

Town Council:
Object. This new building, at a distance from the existing house, would set a precedent for adjacent properties in this area, given that the proposed accommodation could easily be converted into a separate dwelling. The access is predominantly a pedestrian route between Woolley Road and Allen Hill, so further use could pose a danger to pedestrians, especially children. Visibility from the junction of the access road with Woolley Road is limited and this junction also includes both Imperial Road and Edge Road, immediately opposite.
14/00010/FUL (Continued)

There is a planning history in terms of refusing conversion of garages to office accommodation on Malpas Road.

REPRESENTATIONS:
Matlock Civic Association:
No objection provided that the new building remains ancillary to the existing house.

4 representations received which can be summarised as follows:
Support – Like the appearance. This is a pleasing stone-building that blends in with its surroundings.

Object. Concern over the size of the development (office and ancillary bedroom accommodation), given that permission has been refused on more than one occasion for a bungalow on this site. Should the application be granted, use of the accommodation must be ancillary to the main house and not be available for long or short term letting. Permitted Development Rights should also be removed.

The proposed building is too close to our property and will only be separated by a small lane. This could affect the value of our property. It will also reduce the privacy to the rear of our house. Although the plans show a 1 storey building, this could potentially be the first step towards further work to develop a two-storey building, which would directly overlook our house and garden.

This would set a precedent to develop land. This would directly affect both mine and my neighbour’s property, causing an overcrowded feel and potentially have a negative impact on house value and privacy.

Vehicular access – presently, the garage to the application property is located along the Woolley Road footpath and serves 1 vehicle. The proposed plan shows two vehicles parked to the side of the proposed building. However, the supporting documentation states that the parking for this would be off Malpas Road. Parking along Malpas Road already causes problems for waste disposal vehicles and others due to parked vehicles and as this is a no through-road, they are often required to reverse out onto the main carriageway. If Planning Permission was granted and a dwelling was erected, this would increase traffic volumes along the Woolley Road access. This is a walk-way between Woolley Road and Allen Hill and is regularly used by pedestrians. Any increase in the volume of traffic would be potentially dangerous, making vehicles reverse back or out of the Woolley Road entrance which is difficult and illegal. The access is not lit at night. It would also need to be used for waste collection and other amenities. The width would be very restrictive for emergency access – Fire, Ambulance.

Precedent, overdevelopment and detrimental effects – The rear gardens are linear and generous in size. If the proposal was allowed, it would set a precedent for development of the other gardens. This would spoil the open character of the area and be detrimental to the visual amenity of the adjacent dwellings. The proposal could also represent back-land development and overdevelopment of the area.
Noise, disruption and loss of privacy – The dwelling would be adjacent to and overlooking my
garden. Previous applications have been made and these have been refused. The situation
has not changed.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
SF1 Development Within Settlement Framework Boundaries
SF5 Design And Appearance Of Development
TR1 Access Requirements And The Impact Of New Development

National Planning Policy Framework (NPPF)
Chapter 7 – Requiring good design

Derbyshire Dales Local Plan Pre Submission Draft June 2013
Development Management Policy 1 – Development within Settlement Framework Boundaries
Development Management Policy 9 - Design and Appearance Of Development

ISSUES:
The main issues to assess are the impact that the proposed new building at the bottom of the
garden will have on the character and appearance of the house and also the impact that it will
have on the surrounding area.

In terms of its visual appearance, the proposed new building is not considered to have an
adverse impact on the character or appearance of the surrounding area. It will be built in
stone and slate to match the main house. It will be replacing a garage and there are other
examples of garages in the back gardens of properties in the area. The adjoining neighbour
has a large garage at the end of their garden.

In terms of its use as an office / guest accommodation, this will continue to remain ancillary to
the main house and the applicant has confirmed that there is no intention to convert this into a
separate residential property. As he correctly points out, this would require a further planning
application and it does not really lend itself to being converted into a separate residential
property without significant extension and alteration because of its modest size.

The views of the Local Highway Authority are noted, but as the applicant correctly points out,
they currently use the access and it would be unreasonable to prevent them from being
allowed to continue to use this whilst others continue to freely do so.

Whilst it is proposed to have large, bi-folding doors in its west elevation, these are not
considered to lead to any issues of overlooking / loss of privacy. The orientation will be
towards the main house.

The concerns of the Town Council and other objectors have been taken into consideration
whilst processing this planning application. It is not considered that this ancillary building
could be easily converted into a separate dwelling. Such a proposal would require planning
permission.
The ‘pedestrian route’ is currently used as a vehicular access by the applicant and others. The applicant has also pointed out that the Town Council are incorrect that there have been previous refusals and has noted the approved schemes in the area.

Other concerns have been raised about the size and use of the building, close proximity, affect on house value, privacy, potential future development and associated concerns, precedent, overdevelopment, vehicular access, character of the area. However, the applicant and Agent have provided a strong response to these objections and they are not considered to provide sufficient reason to refuse the application.

To conclude, the impact of an ancillary building at the bottom of the garden is not considered to have an adverse impact on the character or appearance of the house or an adverse on the surrounding area.

OFFICER RECOMMENDATION
Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.

2. Condition GR1: Development not to be a Separate Unit.

Reasons:

1. Reason ST02a.


Note to applicant:

This Decision Notice relates to the following documents:

The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
**APPLICATIONS TO CARRY OUT WORKS TO PRESERVED TREES:**

<table>
<thead>
<tr>
<th>TPO NO.</th>
<th>ADDRESS/APPLICATION</th>
<th>DECISION/COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>98</td>
<td>BIRCH GROVE, 82a LUMSDALE ROAD, UPPER LUMSDALE, MATLOCK</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>FELLING OF TWO SYCAMORES</td>
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<td>Reasons: Dangerous</td>
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<td></td>
<td>PRUNING OF WILLOW</td>
<td></td>
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<tr>
<td></td>
<td>Reasons: Not given</td>
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<tr>
<td>62 &amp; 109</td>
<td>6 NORMANHURST PARK AND LAND TO THE SOUTH-WEST OF 6 NORMANHURST PARK, DARLEY DALE</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>PRUNING OF TREES</td>
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<td>Reasons: General maintenance</td>
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<td>Clearance for tractor</td>
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<td>Clearance over garage</td>
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<tr>
<td>21</td>
<td>CULVER CROFT, LEA ROAD, LEA BRIDGE</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>FELLING OF BEECH TREE</td>
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<td>Reasons: Unsatisfactory branch structure</td>
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<td>Overlong branches</td>
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<td>Structurally poor with tight fork</td>
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<td>Not a good long term tree</td>
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<td>Largely hidden behind Birch trees</td>
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<td>Long term management of the site</td>
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<td>PRUNING OF HORSE CHESTNUT</td>
<td></td>
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<td>Reasons: Overhanging driveway causing accumulation of leaves</td>
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<tr>
<td>10</td>
<td>LAND ADJACENT TO 9 PORTEOUS CLOSE, TWO DALES</td>
<td>PENDING DECISION</td>
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<td></td>
<td>PRUNING OF WEEPING BEECH</td>
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<td>Reasons: To allow safe passage of vehicles</td>
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<td></td>
<td>Overhanging adjacent property</td>
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<td></td>
<td>Overhanging path</td>
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</tr>
<tr>
<td>35</td>
<td>79 CAVENDISH ROAD, MATLOCK</td>
<td>CONDITIONAL CONSENT</td>
</tr>
<tr>
<td></td>
<td>FELLING OF TREES</td>
<td></td>
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<td>Reasons: Dying</td>
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<td>Light to garden</td>
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<td>To facilitate reconstruction of retaining wall</td>
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<td></td>
<td>and landscaping of garden</td>
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<tr>
<td>43</td>
<td>28 BANK GARDENS, MATLOCK</td>
<td>PENDING DECISION</td>
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<tr>
<td></td>
<td>FELLING OF SILVER BIRCH</td>
<td></td>
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<td>Reasons: Disproportionally large for garden</td>
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<td>Negative amenity value</td>
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<td>TPO NO.</td>
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</tbody>
</table>
|         | Blocks light to dwellings  
Leaves block guttering and drains  
Close to retaining wall  
Close to services |                  |
| 119     | ST ELPHIN’S PARK, DARLEY DALE  
PRUNING & FELLING TREES  
Reasons: In the interests of Health & Safety  
For the purposes of sound  
arboricultural management | PENDING DECISION |
| 108     | 9 HACKNEY ROAD, MATLOCK  
PRUNING OF CEDAR  
Reasons: To reduce excessive shading | PENDING DECISION |

### NOTIFICATIONS OF INTENTION TO CARRY OUT WORKS TO TREES IN CONSERVATION AREAS:

<table>
<thead>
<tr>
<th>CONS. AREA</th>
<th>ADDRESS/PROPOSED WORKS</th>
<th>DECISION/COMMENT</th>
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</thead>
</table>
| MATLOCK BANK | ST JOSEPH’S CATHOLIC PRIMARY SCHOOL, CHESTERFIELD ROAD, MATLOCK  
PRUNING & FELLING OF TREES  
Reasons: Self-set trees  
Overgrown vegetation  
Overhead cables  
Distorted growth  
Leaning  
Overhanging footpath  
Obstructing site sign  
Leader growing into Leylandii  
Crossing branches  
Growing over the school  
Playground | PENDING DECISION |
| MATLOCK BANK | YEW TREE COTTAGE, UPPERWOOD, MATLOCK BATH  
FELLING OF FIR  
Reasons: Excessive shading  
Top section broke off last year | PENDING DECISION |
| WIRKSWORTH | CLARE COTTAGE/THE OLD COACH HOUSE, GATEHOUSE DRIVE, WIRKSWORTH  
FELLING OF BEECH  
Reasons: Poor condition of tree | PENDING DECISION |
| MATLOCK BANK | ALL SAINTS VICARAGE, SMEDLEY STREET, MATLOCK  
FELLING & PRUNING OF TREES  
Reasons: Unsafe  
Obscuring light to house  
Overhanging the roof | PENDING DECISION |
| CROMFORD | CULVER CROFT, LEA ROAD, LEA BRIDGE  
WORKS TO TREES | PENDING DECISION |
<table>
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<tr>
<th>CONS. AREA</th>
<th>ADDRESS/PROPOSED WORKS</th>
<th>DECISION/COMMENT</th>
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<tr>
<td></td>
<td>Reasons: Overcrowded</td>
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<td>Obscuring views</td>
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<td></td>
<td>To open up garden</td>
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<td>Affecting growth of other trees</td>
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<td>Excessive shading of driveway</td>
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<td>Slippery leaves</td>
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<td>Lop-sided</td>
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<td>Low canopy</td>
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<td>Weak fork</td>
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<td>Spindly</td>
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<td>Light to house</td>
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<tr>
<td>MATLOCK BATH</td>
<td>WAPPING NATURE RESERVE, CLIFTON ROAD, MATLOCK BATH</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>POLLARDING OF ASH</td>
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<td>Reasons: Structural failure.</td>
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<tr>
<td>WIRKSWORTH</td>
<td>YOKECLIFFE HOUSE, WEST END, WIRKSWORTH</td>
<td>PENDING DECISION</td>
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<td></td>
<td>PRUNING &amp; FELLING OF TREES</td>
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<td>Reasons: Foliage rather sparse</td>
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<td>Heavily pruned in past</td>
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<td>Overhanging the road</td>
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<td>Vigorous tree</td>
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<td>in confined space</td>
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<td>Close to adjoining property</td>
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<td>Squirrel damage</td>
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<td>Growing above retaining wall</td>
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<td>To allow other trees to develop</td>
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<td>WIRKSWORTH</td>
<td>DALE WOOD, WEST END, WIRKSWORTH</td>
<td>PENDING DECISION</td>
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<td>FELLING OF TREES</td>
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<td>Reasons: To maintain longterm stability &amp; continuity of the woodland</td>
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<tr>
<td>WIRKSWORTH</td>
<td>11 WASH GREEN, WIRKSWORTH</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>FELLING OF GOAT WILLOW</td>
<td></td>
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<td>Reasons: Excessive shading</td>
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<td>Poor location</td>
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<tr>
<td>LUMSDALE</td>
<td>MOORLAND VIEW, UPPER LUMSDALE, MATLOCK</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>FELLING OF A SPRUCE &amp; LARCH</td>
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<td>Reasons: Not given</td>
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<td>RIBER</td>
<td>THE HERMITAGE, RIBER ROAD, RIBER</td>
<td>PENDING DECISION</td>
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<td>PRUNING &amp; FELLING OF TREES</td>
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<td>Reasons: Diseased</td>
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<td>Multi-stemmed poor quality</td>
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<td>To create space for replanting</td>
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<td>Close proximity to stone wall</td>
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<td>To maintain the tree</td>
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<td>To increase light through the canopy</td>
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<td>To promote the health of trees and aid fruit production</td>
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<td>To increase the light and usable garden space</td>
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<td>CONS. AREA</td>
<td>ADDRESS/PROPOSED WORKS</td>
<td>DECISION/COMMENT</td>
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<td>Forestry trees too large for the garden that dwarf a large section of the garden Unwanted self-set tree To provide space for the development of the neighbouring tree</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td>MATLOCK BATH</td>
<td>CROW PIE COTTAGE, 7 ORCHARD ROAD, MATLOCK BATH FELLING OF 7 TREES Reasons: Self-set, non specimen trees Almost totally shading the lawn Two lean badly</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td>MATLOCK BATH</td>
<td>YEW TREE COTTAGE, UPPERWOOD ROAD, MATLOCK BATH PRUNING OF TWO TREES Reasons: Not given</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td>MATLOCK BATH</td>
<td>ROCK WEIR, NEW BATH ROAD, MATLOCK BATH PRUNING &amp; FELLING OF TREES Reasons: Growing out of boundary wall To remove liability for damage to parked cars</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td>WIRKSWORTH</td>
<td>DALE WOOD, WEST END, WIRKSWORTH FELLING OF TREES Reasons: Safety To allow other trees to develop</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td>OLD MATLOCK</td>
<td>THE HARRISON ALMSHOUSES, 3 – 11A MATLOCK GREEN, MATLOCK PRUNING OF WEEPING ASH Reasons: To provide clearance from overhead cables FELLING OF WEEPING ASH Reasons: Fungal decay in the stem FELLING OF CYPRESS Reasons: Light to properties</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td>CROMFORD</td>
<td>DERWENT HOUSE, WILLERSLEY LANE, CROMFORD PRUNING OF TWO YEW TREES Reasons: Not given FELLING OF THREE TREES Reasons: Leans over garden Suppressing adjacent tree Very close to building Causing heavy shading</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td>MATLOCK BATH</td>
<td>STONEYDALE, HOLME ROAD, MATLOCK BATH FELLING OF TREES Reasons: Pushing retaining wall Leaning &amp; close to neighbour’s property Fear of size in relation to neighbouring property</td>
<td>PENDING DECISION</td>
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<tr>
<td>CONS. AREA</td>
<td>ADDRESS/PROPOSED WORKS</td>
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<td>MATLOCK DALE</td>
<td>140 DALE ROAD, MATLOCK PRUNING &amp; FELLING OF TREES</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td>LUMSDALE</td>
<td>LAND TO THE REAR OF 59 RIBER VIEW CLOSE, TANSLEY FELLING OF SYCAMORE</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td>MIDDLETON-BY-WIRKSWORTH</td>
<td>MIDDLEPEAK WHARF, MIDDLETON ROAD, WIRKSWORTH FELLING OF FOUR SYCAMORES</td>
<td>NO OBJECTIONS</td>
</tr>
<tr>
<td>MATLOCK BANK</td>
<td>BT TELEPHONE EXCHANGE, NEW STREET, MATLOCK WORKS TO TREES</td>
<td>NO OBJECTIONS</td>
</tr>
<tr>
<td>OLD MATLOCK</td>
<td>42 MATLOCK GREEN, MATLOCK PRUNING OF FLOWERING CHERRY</td>
<td>NO OBJECTIONS</td>
</tr>
<tr>
<td>BOLEHILL</td>
<td>9 NAN GELLS HILL, BOLEHILL FELLING OF WALNUT</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td>BONSALL</td>
<td>67 HIGH STREET, BONSALL PRUNING OF CHERRY</td>
<td>NO OBJECTIONS</td>
</tr>
<tr>
<td>MATLOCK BANK</td>
<td>COUNTY HALL, SMEDLEY STREET, MATLOCK FELLING &amp; PRUNING OF TREES</td>
<td>NO OBJECTIONS</td>
</tr>
<tr>
<td>BONSALL</td>
<td>LAND TO THE NORTH OF 2 HOLLOW BROOK, CLATTERWAY, BONSALL</td>
<td>NO OBJECTIONS</td>
</tr>
<tr>
<td>CONS. AREA</td>
<td>ADDRESS/PROPOSED WORKS</td>
<td>DECISION/COMMENT</td>
</tr>
<tr>
<td>------------</td>
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</tr>
<tr>
<td></td>
<td><strong>FELLING OF ASH TREE</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reasons: Growing away from canopy line</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Danger of failing</td>
<td></td>
</tr>
<tr>
<td>MIDDLETON-BY-WIRKSWORTH</td>
<td>LAND TO THE REAR OF 3 SANDY HILL, MIDDLETON</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>FELLING OF MULTI-STEMMED ASH</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reasons: Excessive lean towards buildings</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Potentially unstable as growing in loose rock bed</td>
<td></td>
</tr>
<tr>
<td>MATLOCK BATH</td>
<td>GILDEROY EAST, UPPERWOOD ROAD, MATLOCK BATH</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>PRUNING OF BEECH</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reasons: Leaning towards house</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Extremely top heavy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To reduce the weight</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To reduce the risk</td>
<td></td>
</tr>
<tr>
<td></td>
<td>to properties in the event of the tree falling</td>
<td></td>
</tr>
<tr>
<td>MATLOCK BANK</td>
<td>102 WELLINGTON STREET, MATLOCK</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>FELLING OF CONIFER</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reasons: Not given</td>
<td></td>
</tr>
<tr>
<td>MATLOCK BANK</td>
<td>68 WELLINGTON STREET, MATLOCK</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>PRUNING OF CONIFER</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reasons: Outgrown location</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Overbearing in relation to neighbouring garden and house</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To remove danger of further damage to property or injury to neighbours</td>
<td></td>
</tr>
<tr>
<td>MATLOCK BANK</td>
<td>36 WELLINGTON STREET, MATLOCK</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>FELLING OF CHERRY</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reasons: Damage to retaining wall</td>
<td></td>
</tr>
<tr>
<td>MATLOCK BATH</td>
<td>27 CLIFTON ROAD, MATLOCK BATH</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>FELLING OF CEDAR</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reasons: Safety concerns in relation to public footpaths and neighbouring property</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Interfering with BT cables</td>
<td></td>
</tr>
<tr>
<td>WIRKSWORTH</td>
<td>JASMINCE COTTAGE, 3 STONEY HILL, BOLEHILL</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>FELLING OF LEYLANDII</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reasons: Outgrown location</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Overshadows neighbouring property</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Concerns about tree in high winds</td>
<td></td>
</tr>
<tr>
<td>MATLOCK BATH</td>
<td>23 CLIFTON ROAD, MATLOCK BATH</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>PRUNING &amp; FELLING OF TREES</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reasons: Self-set</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Obstructing light to plants</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Overshadowing greenhouse</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Threatening overhead cables</td>
<td></td>
</tr>
</tbody>
</table>

PENDING DECISION
<table>
<thead>
<tr>
<th>CONS. AREA</th>
<th>ADDRESS/PROPOSED WORKS</th>
<th>DECISION/COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Perceived threat to house</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Leaning towards neighbouring garden</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Obstructing light to neighbouring garden</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Storm and snow damage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rot in root system</td>
<td></td>
</tr>
</tbody>
</table>

**OFFICER RECOMMENDATION:** That the report be noted.
CONSULTATIONS RECEIVED ON APPLICATIONS TO CARRY OUT WORKS TO TREES PROTECTED BY A DERBYSHIRE COUNTY COUNCIL TREE PRESERVATION ORDER:

<table>
<thead>
<tr>
<th>TPO NO.</th>
<th>ADDRESS/APPLICATION</th>
<th>DCC DECISION/COMMENT</th>
</tr>
</thead>
</table>
| 123     | ROCK LODGE, 69 DERBY ROAD, CROMFORD  
PRUNING & FELLING OF TREES  
Reasons: Potentially weak forks
Clearance over the road
To limit the spread of the tree
To restrict the size
To improve the shape of the crown
To allow other trees to develop | PENDING DECISION |
| 88      | LAND ADJACENT TO 36 PARK AVENUE, DARLEY DALE  
PRUNING OF LIME  
Reasons: Overhanging neighbouring drive | PENDING DECISION |
| 88      | ABBEY HOUSE, CHURCH ROAD, DARLEY DALE  
PRUNING OF TREES  
Reasons: To reduce weight and leverage
Growing over another tree
FELLING OF TREES  
Over crowded
To allow other trees to develop
Spindly
Not very attractive
Poor form
Poor condition
Top of the tree broken off
Leaning
Forked
Suffering from “Bleeding Canker”
Extensive decay in stem
Almost dead | PENDING DECISION |
| 25      | TOR HILL, 204 DALE ROAD, MATLOCK BATH  
PRUNING OF A BEECH  
Reasons: To provide clearance over the A6
FELLING OF TWO BEECH TREES  
Reasons: Suppressed
Unsuitable form
To allow the other Beech to develop | PENDING DECISION |
| 25      | GULLIVERS KINGDOM, TEMPLE ROAD, MATLOCK BATH  
PRUNING AND FELLING OF TREES | PENDING DECISION |
<table>
<thead>
<tr>
<th>TPO NO.</th>
<th>ADDRESS/APPLICATION</th>
<th>DCC DECISION/COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>84</td>
<td>23 PINEWOOD ROAD, MATLOCK PRUNING OF OAK</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>Reasons: General maintenance</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To control the growth of the tree</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not pruned for at least 10 years</td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>LAND TO THE REAR OF 9 PEAKLAND VIEW, DARLEY DALE FELLING OF ASH</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>Reasons: Declining</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pushing wall</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Outgrown location</td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>NORTH LODGE, WHITWORTH ROAD, DARLEY DALE PRUNING &amp; FELLING OF TREES</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>Reasons: To facilitate inspection for Ustulina</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To maintain as a hedge</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Poor specimens</td>
<td></td>
</tr>
<tr>
<td></td>
<td>suppressed by larger Sycamore</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To improve light</td>
<td></td>
</tr>
</tbody>
</table>

**OFFICER RECOMMENDATION:** That the report be noted.
## Planning Appeal - Progress Report

Report of the Director of Planning & Housing Services

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/00656/FUL</td>
<td>Land opposite 52 Greenhill, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>12/00732/FUL</td>
<td>Longway Bank Wood, Longway Bank, Whatstandwell</td>
<td>IH</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>13/00443/FUL</td>
<td>10 Imperial Road, Matlock</td>
<td>WR</td>
<td>Appeal Dismissed – Copy of Decision Attached</td>
</tr>
<tr>
<td>ENF/12/00099</td>
<td>Tipsy Cottage, 14 Main Road, Darley Bridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>13/00231/FUL</td>
<td>Matlock Transport, Northwood Lane, Darley Dale</td>
<td>WR</td>
<td>Appeal Dismissed – Copy of Decision Attached</td>
</tr>
<tr>
<td>13/00138/FUL</td>
<td>Land off Flash Lane, Farley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>13/00417/FUL</td>
<td>The Three Stags, Darley Dale</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>T/13/00112/TPO</td>
<td>9 Hackney Road, Hackney</td>
<td>IH</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>13/00569/FUL</td>
<td>27 Greenhill, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

WR - Written Representations  
IH - Informal Hearing  
LI - Local Inquiry  
PI – Public Inquiry  
HH – Householder

**Officer Recommendation:**

That the report be noted.
Appeal Decision

Site visit made on 24 February 2014

by R Schofield  BA(Hons) MA MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 March 2014

Appeal Ref: APP/P1045/A/13/2205475
10 Imperial Road, Matlock, Derbyshire DE4 3NL

- 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 Claire Neale against the decision of Derbyshire Dales District Council.
- The application Ref 13/00443/FUL, dated 17 June 2013, was refused by notice dated 4 September 2013.
- The development proposed is described as ‘change of use of dwelling into 39 place childrens day nursery’.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the living and working conditions of the occupiers of the neighbouring surgery and 12 Imperial Road, with particular regard to noise and disturbance, and on the character and appearance of the area.

Reasons

Living conditions

3. The appeal site is located on the north-eastern side of Imperial Road. It contains a large two-storey house with single-storey extension to the rear, set back from the road behind a large front garden and driveway. A surgery is located to the south-east, whilst to the north-west, in close proximity to the appeal site, is a pair of semi-detached houses, of which one is No 12. It is the impact of the proposed use upon these properties that is the principle consideration in relation to this issue.

4. Although there are some non-residential properties near the appeal site, as well as two car parks in reasonably close proximity, it was nonetheless evident from my site visit that, beyond the intermittent sound of passing traffic, the site and its immediate vicinity experience limited background noise of a level one might reasonably expect of a predominantly residential area.

5. Four car parking spaces are proposed on the development site; two for staff and two for customers. The appellant notes that customers typically park for five minutes when dropping off and collecting children. Whilst many parents may have no need of the customer spaces, either parking elsewhere or travelling to the site by other means, it is reasonable to assume that there
would be a frequent turnover of cars bringing children to, or collecting them from, the site, particularly at peak times. The appellant’s Design and Access Statement suggests that peak times are likely to be from 0730-0830 hours, 1200-1300 hours and from 1600-1800 hours. I consider that the regular opening and closing of car doors and the sound of engines, combined with the likely noise from conversations on and at the door to the appeal property, whatever the means of arrival, for around four hours a day, would represent a level of activity and noise beyond that which might reasonably be expected of a predominantly residential area and which would certainly be above that which is experienced at the present time. Such levels of activity, and the noise that it would generate, are likely to cause significant disturbance to the occupiers of No 12, notably during the early morning and evening.

6. The outdoor play area would be situated to the rear and to one side of the appeal property and it is suggested that it would accommodate up to 15 children at any one time. Given that the total number of children that would be accommodated at the proposed nursery is up to 39, it is not unreasonable to assume that the limit of 15 children in the outdoor play area is likely to be met most of the time. I note that the play area would not extend the full length of the side elevation, such that it would not fully overlap with Imperial Road Surgery (the Surgery) next door, and that it is proposed to install a 1.8 metre high fence in front of the hedge that already separates the appeal site from the Surgery. Nonetheless, there are numerous windows in the side elevation of the Surgery, which is in close proximity to the boundary and, thus, to the proposed play area. I have no reason to doubt the Surgery’s representation that these windows are open in the summer months. A standard close boarded fence and hedge would be likely to act as a barrier to some of the noise that would be generated by 15 children. I do not consider, however, that they would be so effective as to eliminate noise to the extent that it would no longer be a harmful intrusion into the current working environment experienced by the Surgery’s occupiers. Notwithstanding this, I consider that an acoustic fence, which could be secured by condition, is likely to overcome any adverse impacts from noise, when combined with the other conditions proposed in relation to outdoor play.

7. The outdoor play area would be separated from No 12 by No 10’s single storey rear extension, and by the boundary fence and raised ground level behind it. While this situation would not eliminate noise from the play area completely, it is likely to mitigate it to a significant extent. Consequently, I do not consider that the occupiers of No 12 are likely to suffer any significant adverse effects upon their living conditions from the outdoor play area.

8. Turning to the issue of nuisance parking, I observed on my site visit that time-restricted parking spaces were available on Imperial Road, and on Edgefold Road close by, which are away from residential properties. There were also spaces available in the Council owned car park nearby, which is free to residents of Derbyshire Dales District, whom it is reasonable to assume would be the appeal development’s main customer base, with a valid permit. The proposed travel plan, suggested by the appellants as a condition, may also be of some benefit in addressing concerns about nuisance parking. Consequently, I consider that nuisance parking is unlikely to occur and, thus, would not have an adverse impact on the living conditions of the occupiers of neighbouring properties.
9. I am mindful of the comments of the Council’s Director of Community Services (Environmental Health), cited in the Committee Report, that there are other nurseries in the District, located next to residential properties, which operate with no problems. However, the only specific example given is at Woolley Road. From the information provided in the appellant’s Grounds of Appeal this appears to be primarily an After School Club, rather than a nursery. Consequently, I do not consider this to be a comparable example.

10. Taking the above matters into consideration, as a result of the close juxtaposition of the appeal property to No 12, I conclude that the noise generated by the increased levels of activity at the front of the property during drop off and collection times would be likely to have an adverse effect upon the living and conditions of the occupiers of this property. The appeal proposal would conflict, therefore, with policy SF1 of the Derbyshire Dales Local Plan, which seeks, among other things, to ensure that new development is well related to surrounding properties and land uses.

**Character and appearance**

11. The bottom end of Imperial Road sees a transition into a mixed-use area, leading into Matlock town centre. However, although the appeal site is located next to the Surgery, and there is a social club to the rear, Imperial Road is essentially a mature suburban residential street, lacking any prominent commercial properties or activity.

12. The proposed development would introduce a commercial use into the area. However, given that No 10 is on the edge of the residential area, rather than being situated in its heart, and noting that there would not be any significant changes to the external appearance of the building or to the frontage of the site, such that it would appear markedly at odds with surrounding properties, I do not consider that the overall change of use would have a significant adverse impact upon the character and appearance of the area.

13. It has been suggested that external signage on the property would be at odds with the residential character of the area and I would be concerned were large, garish signs proposed. However, there is no evidence to suggest that this is likely to be the case and, notwithstanding that some signage would have deemed consent, inappropriate signage could be controlled by the Council through the Advertisement Regulations.

14. Taking the above matters into consideration, I conclude that the proposed development would not have an adverse impact upon the character and appearance of the area. It would not conflict, therefore, with policies SF1, EDT5 and EDT6 of the Derbyshire Dales Local Plan, which seek, among other things to ensure that new development does not have a detrimental impact on the character and appearance of the area, settlement or host building.

**Other matters**

15. I note that the site is in an accessible location and may create nine new jobs of benefit to the local economy, that there may be a lack of nursery provision in Matlock and that the appellant operates a nursery elsewhere without complaints. However, I do not consider that these factors are sufficient to outweigh the harm that I found to the living conditions of the occupiers of No 12. Moreover, while I have found the scheme to be acceptable in terms of its
effect upon the character and appearance of the area, I conclude that the adverse effect upon living conditions justifies the refusal of permission. For this reason the proposal is not the sustainable development for which the National Planning Policy Framework indicates that there is a presumption in favour.

Conclusion

16. For the reasons given above, and taking all other matters into consideration, including the Government's National Planning Practice Guidance, issued on 6 March 2014, I conclude that the appeal should be dismissed.

R Schofield

INSPECTOR
Appeal Decision

Site visit made on 24 February 2014

by R Schofield BA(Hons) MA MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2014

Appeal Ref: APP/P1045/A/13/2203399
Matlock Transport, Northwood Lane, Darley Dale, Matlock, Derbyshire DE4 2HQ

• 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 R Lowe against the decision of Derbyshire Dales District Council.
• The application Ref 13/00231/FUL, dated 4 April 2013, was refused by notice dated 10 July 2013.
• The development proposed is described as ‘change of use from agricultural to haulage operators yard’.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposed development on the character and appearance of the area, including protected trees, and on the living conditions of the occupiers of nearby properties, with particular regard to noise.

Reasons

Character and appearance

3. The appeal site is situated on the edge of a small settlement and is surrounded on three sides by open countryside, which is typically characterised by grassed fields and woodland, with a few scattered dwellings. Boundary treatments are low stone walls and roadside hedges and there is a lack of embankments. The site is clearly visible from the footpath that runs past it to the north, but it does not extend significantly into the open countryside and benefits from some screening derived from the trees that surround it on three sides.

4. The appeal proposal would extend the site further out into the open countryside, increasing the size of hard standing by around 100sqm. It would introduce an embankment of at least 30m in length and around 1.5m in height, angled at around 30 degrees, across much of the field to the north of the site. The embankment would be created from excavated material from the site and would be topped by a fence and a thorn hedge with some additional tree planting.

5. Such a significant further intrusion into, and re-engineering of, the open countryside would undoubtedly have an adverse effect upon the character and
appearance of the area, although the starkness of the increased area of hard standing would be mitigated to some degree by the screening afforded by the proposed embankment. However, while ground shaping may be a well-established approach to the screening of development in certain situations, the surrounding landscape lacks any such features and, thus, the embankment, along with its proposed post and rail fence, would fail to blend in. It would be prominent to users of, and would dominate, the public footpath. Even if planted with hedging and additional trees it would appear as an unnatural and atypical boundary treatment in the context of the surrounding area.

6. I note that a tree to the northeast of the site would be lost to the proposed works, although the Council has not raised any concerns in this regard. The trees along the western boundary of the site are, however, of some concern. Given their role in screening the site from the wider countryside, I consider that they are of value and contribute to the character and appearance of the area as recognised by their inclusion in tree preservation orders. Furthermore I consider that, given the extent of the excavation and embanking works proposed in proximity to the protected trees, I cannot be certain that there is no potential risk to these trees from the development.

7. I consider that no detail, in the form of an aboricultural survey, has been provided by the appellant to enable an informed assessment of potential risk, notably in relation to the extent of the Root Protection Area. I have considered whether this issue could be overcome by the imposition of conditions setting out appropriate tree protection measures. However, I do not consider that such conditions could be specific or effective in the absence of an assessment of any risks against which they would be designed to mitigate.

8. Regard has also been had to the works being required to meet the needs of the business, in relation to the more effective manoeuvring of large vehicles on the site, and to the benefit in providing a more defined boundary to, and better screening of, the site. However, no substantive evidence has been presented to support the assertion of business need or to demonstrate that there are not more effective ways of achieving this functionality within the existing confines of the site. Similarly, I consider that there would be ways of achieving a defined boundary and screening to the site that would be more sympathetic to the prevailing character and appearance of the area.

9. I have considered policy SF4 of the Derbyshire Dales Local Plan in the light of the National Planning Policy Framework (the Framework). While there are inconsistencies within the policy, notably in relation to its precise specification of the types of rural development afforded support and its requirement for re-use or extension of existing buildings, I consider that its overall thrust is consistent with the Framework’s aim of ensuring appropriate forms of sustainable economic development in rural areas. Consequently, I give it some weight in relation to this appeal.

10. Taking the above matters into consideration, I conclude that the proposed development would have an adverse impact upon the character and appearance of the area, with the potential to adversely affect protected trees, which contribute to this character and appearance. Of the policies referred to by the Council policies SF4, SF5, EDT12, NBE6, NBE8 and L9 of the Derbyshire Dales Local Plan are most relevant. These seek, among other things, to ensure that new development would not result in an adverse impact upon the
character and appearance of the countryside, landscape and its surroundings; preserves or enhances the quality and local distinctiveness of its surroundings; justifies the loss of trees; and would not have an adverse impact upon the amenity of statutory rights of way. The proposal would conflict with these policies.

Living conditions

11. Notwithstanding the information provided on the application form, subsequent correspondence from the appellant’s agent to the Council suggests that the proposed site expansion is not to facilitate an increase in the number of haulage vehicles, and thus an increase in vehicle movements to and from the site, but is required to make it easier to manoeuvre increasingly large vehicles, numbering 45 lorries and around 50 trailers, on the site.

12. As access to the site is via a predominantly residential street, I would have concerns about the effects of intensification of use upon the living conditions of local residents. However, considering that the Council has not provided any substantive evidence to dispute the appellant’s assessment of vehicle numbers or to support the view that an intensification of activity on the site is likely, and further considering the appellant’s assertion that a reduction in on-site manoeuvring should help to reduce any current noise impacts, I conclude that the appeal proposal would not have an adverse effect upon the living conditions of the occupiers of nearby properties, with particular regard to noise.

13. Of the policies referred to by the Council in relation to the potential effects of noise from the proposed development, policy SF4 of the Derbyshire Dales Local Plan is most relevant. This seeks, among other things, to ensure that new development in the countryside minimises any adverse impact on the local environment. The proposal would not conflict with this aspect of the policy.

14. I have found that the proposal would not cause harm in relation to the living conditions of the occupiers of neighbouring properties, with particular regard to noise. I do not find, however, that this is sufficient to outweigh the harm that I found to the character and appearance of the area.

Conclusion

15. For the reasons given above, and taking all other matters into consideration, including the Government’s Planning Practice Guidance issued on 6 March 2014, I conclude that the appeal should be dismissed.

R Schofield
INSPECTOR