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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

A handwritten signature in black ink, appearing to be 'Sandra Lamb'. The signature is fluid and cursive, with a large initial 'S'.

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](mailto: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.

	<b>Page Nos</b>
<b>4.1</b>	
<b>Application No.14/00091/FUL (Site Visit)</b>	<b>5 - 8</b>
New access and creation of parking bays at 32 High Street, Bonsall.	
<b>4.2</b>	
<b>Application No.13/00594/FUL (Site Visit)</b>	<b>9 - 15</b>
Erection of stone faced retaining wall (retrospective) at land opposite 24 Chapel Hill, Cromford.	
<b>4.3</b>	
<b>Application No. 14/00018/FUL (Site Visit)</b>	<b>16 - 20</b>
Extensions and alterations and associated extension to domestic curtilage at Littlemore Wood Farm, Littlemoor Wood Lane, Riber.	
<b>4.4</b>	
<b>Application No. 14/00010/FUL (Site Visit)</b>	<b>21 - 26</b>
Erection of building to provide ancillary accommodation at 1 Malpas Road, Matlock.	
<b>5.</b>	
<b>TREES PROGRESS REPORT – DDDC APPLICATIONS</b>	<b>27 - 33</b>
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.	
<b>6.</b>	
<b>TREES PROGRESS REPORT – DCC APPLICATIONS</b>	<b>34 - 35</b>
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.	
<b>7.</b>	
<b>APPEALS PROGRESS REPORT</b>	<b>36 - 43</b>
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

## 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:

		Page Nos.
3.45pm	<b>Application No. 14/00091/FUL</b> <b>32 High Street, Bonsall</b> Requested by Officers to assess the impact of the proposed development upon the character and appearance of the Conservation Area.	<b>5 - 8</b>
4.00pm	<b>Application No. 13/00594/FUL</b> <b>24 Chapel Hill, Cromford</b> Requested by Members to assess the visual impact of the proposed development.	<b>9 - 15</b>
4.25pm	<b>Application No. 14/00018/FUL</b> <b>Littlemoor Wood Farm, Littlemoor Lane, Riber</b> Requested by Ward Member to assess the visual impact of the proposed development.	<b>16 - 20</b>
4.45pm	<b>Application No. 14/00010/FUL</b> <b>1 Malpas Road, Matlock</b> Requested by ward member to assess the impact of the development upon the surrounding area.	<b>21 - 26</b>

## 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:

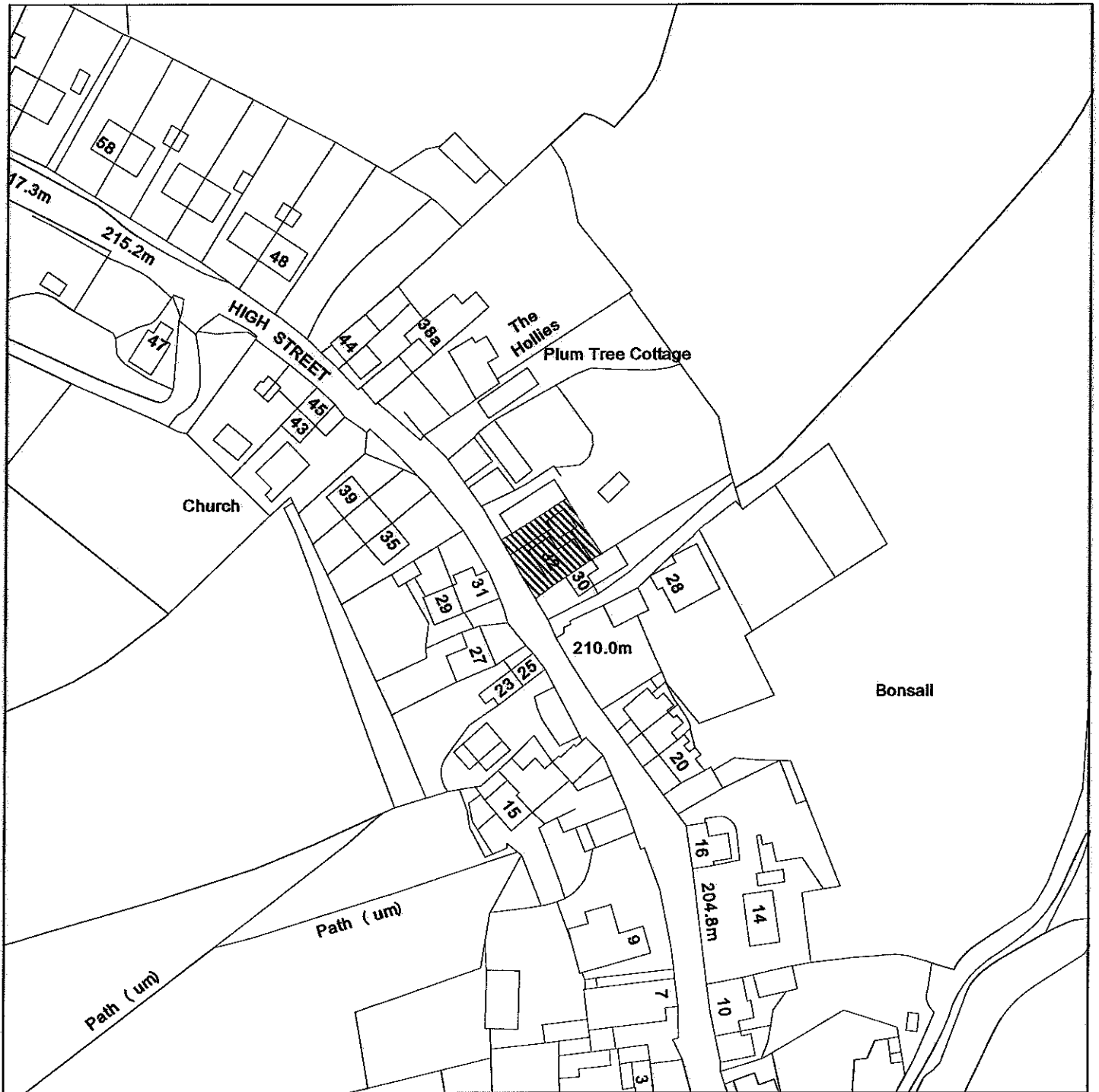
1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting).
2. A representative of the Town/Parish Council and the applicant (or representative can attend).
3. The Chairman will ascertain 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.

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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.

14/00091/FUL

32 High Street, Bonsall



Scale : 1:1250

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Matlock, Derbyshire DE4 3NN. Telephone: (01629) 761100.  
Website: [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	20 March 2014
<b>Licence No.</b>	100019785

**14/00091/FUL NEW ACCESS & CREATION OF PARKING BAYS AT 32 HIGH STREET, BONSCALL FOR MR. ROBERT CARTWRIGHT**

Parish Council: Bonsall  
Application type: Full

Date of receipt: 11.02.14  
Case Officer: Mr. G. Griffiths

**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 16<sup>th</sup> 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

## **14/00091/FUL (Continued)**

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.
2. To ensure a satisfactory external appearance of the development in the interests of the character and appearance of the Conservation Area, in accordance with government guidance contained in the National Planning Policy Framework, Policies SF5 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005) and Development Management Policies 2, 8 and 9 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
3. In the interests of highway safety in accordance with in accordance with government guidance contained in the National Planning Policy Framework, Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and Development Management Policy 22 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).

### 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:

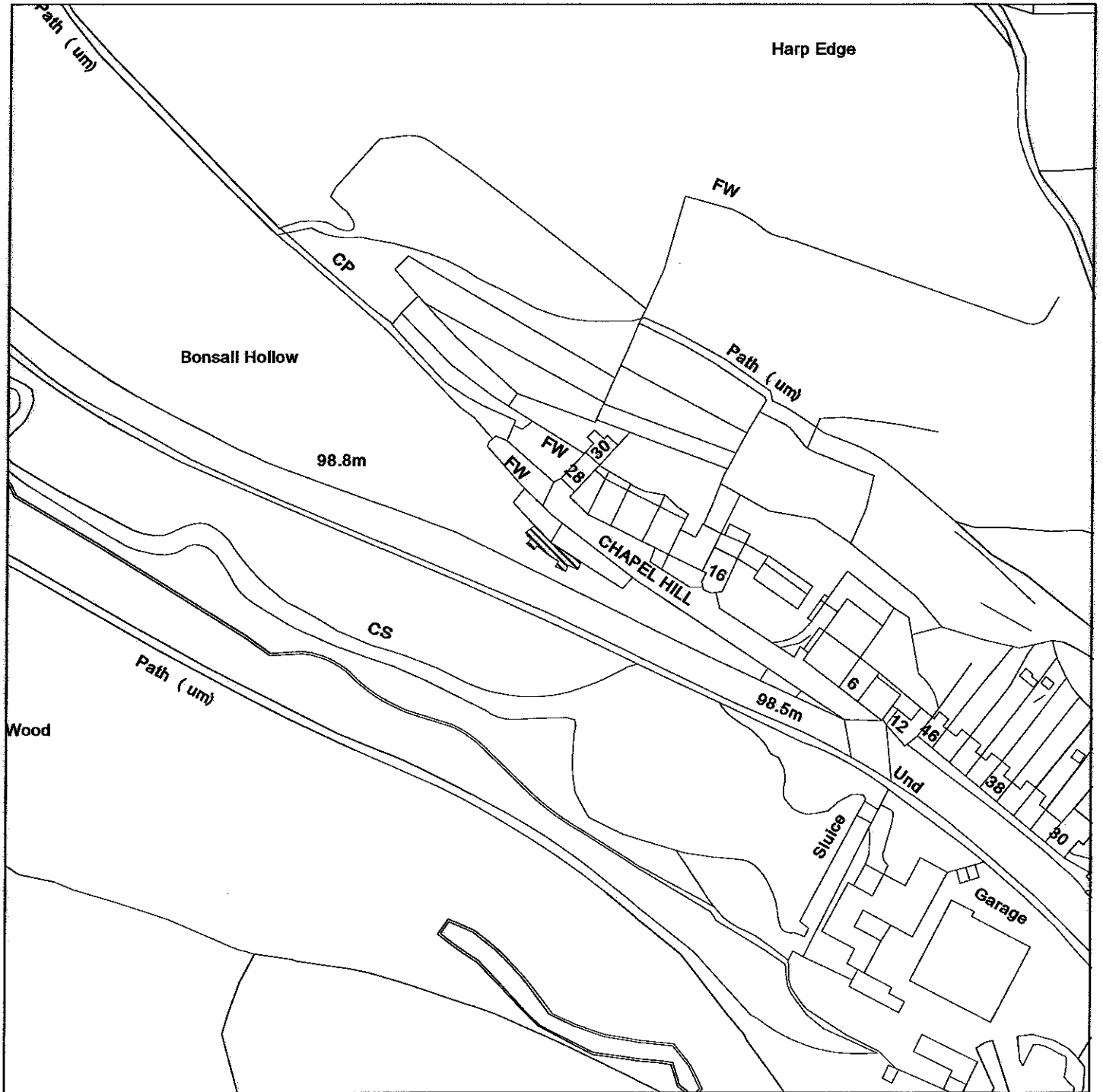
Drawings No. 242/02 Rev. D received on 11<sup>th</sup> February 2014

Supporting letter dated 04.06.03 received on 11<sup>th</sup> February 2014



13/00594/FUL

Land opposite 24 Chapel Hill, Cromford



Scale : 1:1250

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Website: [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	20 March 2014
<b>Licence No.</b>	100019785

**13/00594/FUL ERECTION OF STONE FACED RETAINING WALL (RETROSPECTIVE) AT LAND OPPOSITE 24 CHAPEL HILL, CROMFORD FOR NFU MUTUAL INSURANCE**

Parish Council: Cromford  
Application type: Full

Date of receipt: 21.08.13  
Case Officer: Mr. G. Griffiths

**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

## 13/00594/FUL (Continued)

### 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

## 13/00594/FUL (Continued)

- 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.

## 13/00594/FUL (Continued)

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.

## 13/00594/FUL (Continued)

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.

## **13/00594/FUL (Continued)**

### NOTES TO APPLICANT:

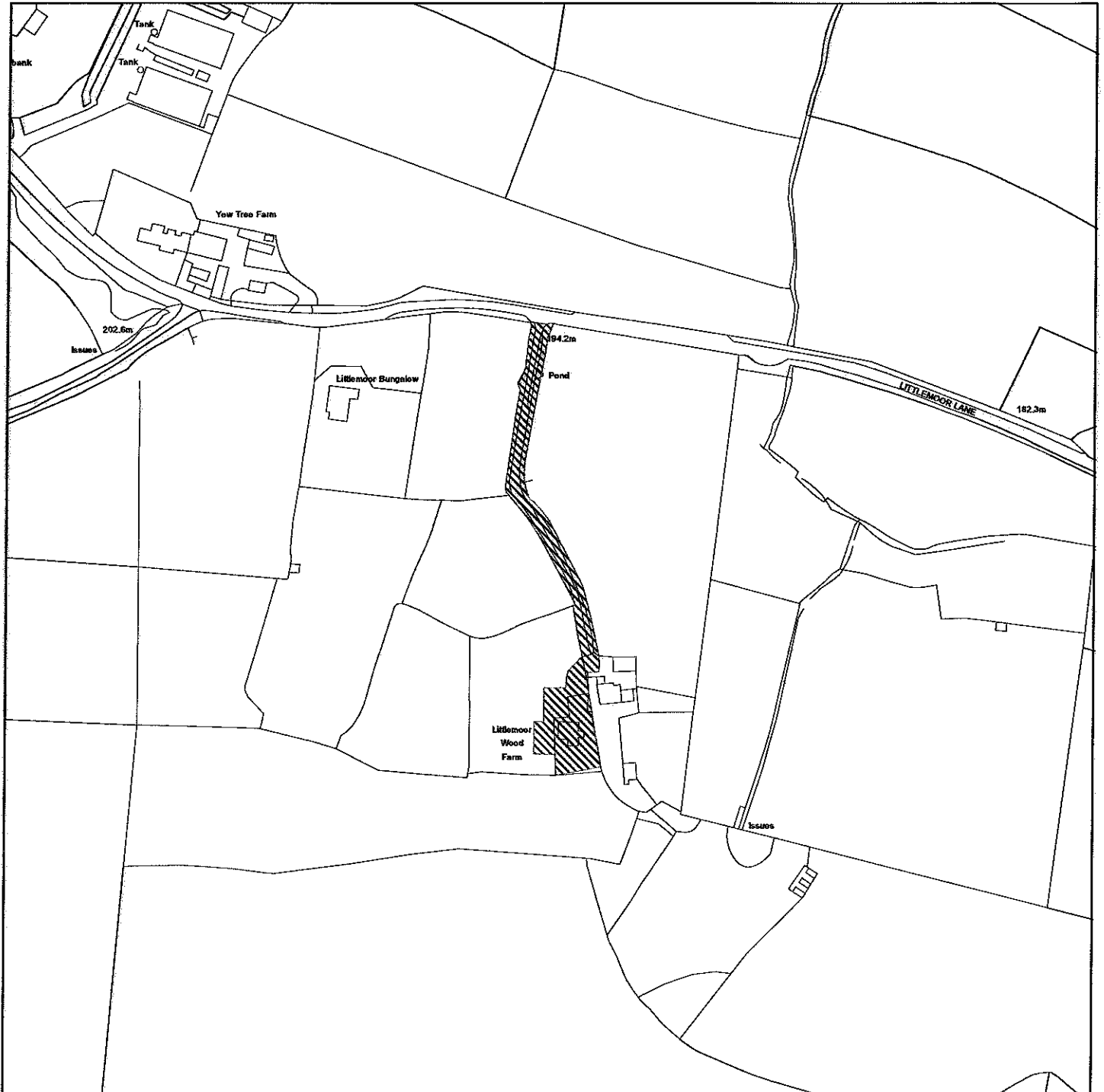
The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development 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 21<sup>st</sup> 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 24<sup>th</sup> September 2013  
Structural Report (Peter Eaton) received on 4<sup>th</sup> October 2013  
Retaining Wall Appraisal (WSP) received on 14<sup>th</sup> February 2014

# 14/00018/FUL

## Littlemoor Wood Farm, Littlemoor Lane, Riber



Scale : 1:2500

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Matlock, Derbyshire DE4 3NN. Telephone: (01629) 761100.  
Website: [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	20 March 2014
<b>Licence No.</b>	100019785



**14/00018/FUL            EXTENSIONS AND ALTERATIONS AND ASSOCIATED  
EXTENSION TO DOMESTIC CURTILAGE AT LITTLEMOOR  
WOOD FARM, LITTLEMOOR WOOD LANE, RIBER FOR MR  
RICHARD BEAUMONT**

Town Council:            Matlock  
Application Type:        Full

Date of Receipt:        14.01.2014  
Case Officer:          Mrs H. R. Frith

**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.

## **14/00018/FUL (Continued)**

### **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 20<sup>th</sup> 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:

## **14/00018/FUL (Continued)**

Development Management Policy 2 – Development In The Countryside  
Development Management Policy 6 - Landscape Character  
Development Management Policy 9 – Design And Appearance Of Development  
Development Management Policy 22 – Access And Parking

National Planning Policy Framework - Parts 7 and 11.

### **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 Inspectors 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.

## 14/00018/FUL (Continued)

### 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

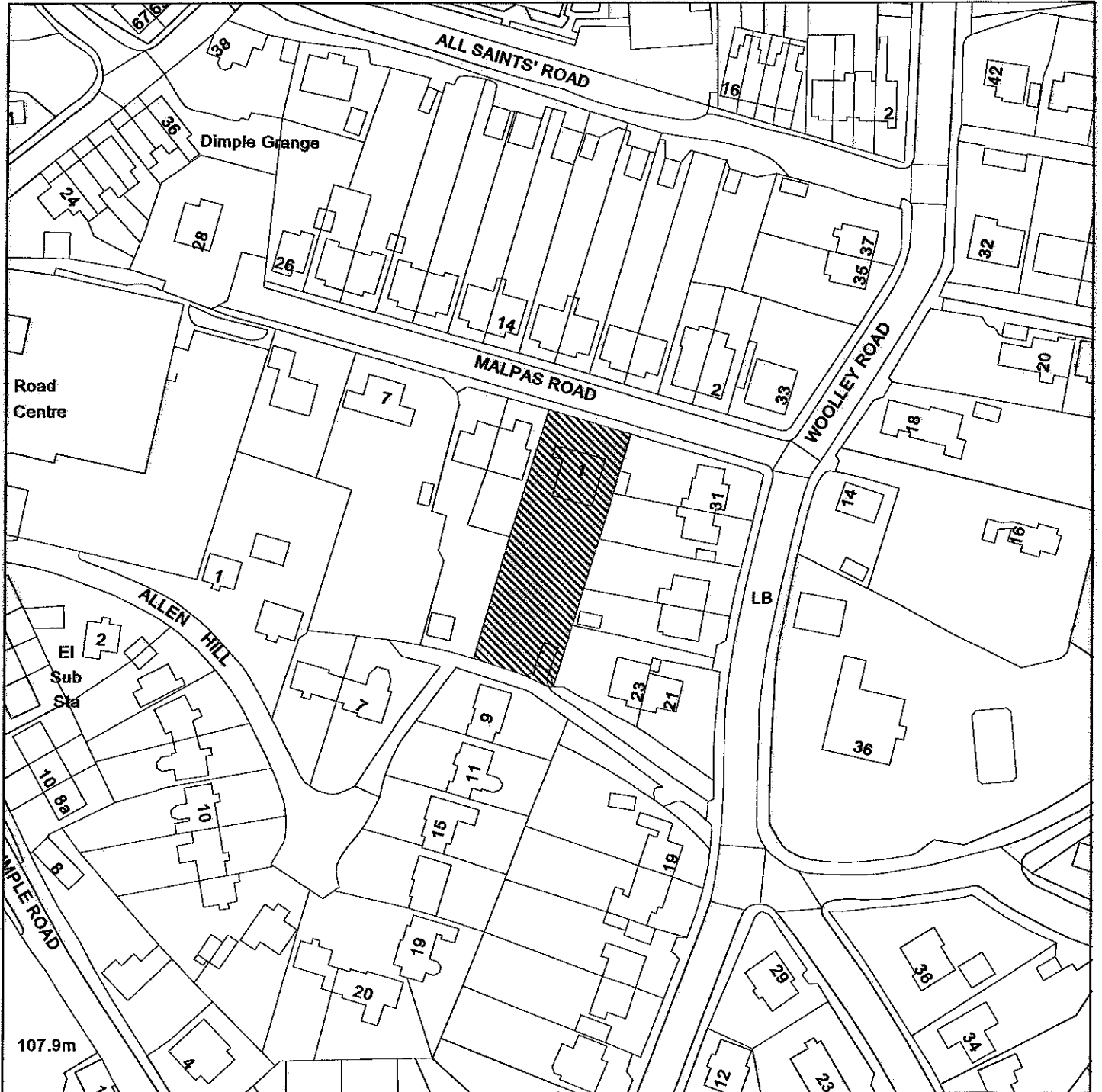
Existing east elevation B1\_E\_E\_JA12\_01

Existing section AA B1\_S\_AA\_JA12\_01

All received 14.01.14

14/00010/FUL

1 Malpas Road, Matlock



Scale : 1:1250

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Derbyshire Dales District Council, Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN. Telephone: (01629) 761100. Website: [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	20 March 2014
<b>Licence No.</b>	100019785

**14/00010/FUL      ERECTION   OF   BUILDING   TO   PROVIDE   ANCILLARY  
ACCOMMODATION AT 1 MALPAS ROAD, MATLOCK FOR MR.  
FLEMING**

Town Council:      Matlock  
Application type:   FUL

Date of receipt: 8<sup>th</sup> January 2014  
Case Officer: Mr. A. T. Ecclestone

**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.

## 14/00010/FUL (Continued)

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.



## **14/00010/FUL (Continued)**

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.

## **14/00010/FUL (Continued)**

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.
2. Reason GR1...Policies SF5 and TR1 of the Adopted Derbyshire Dales Local Plan (2005).

Note to applicant:

This Decision Notice relates to the following documents:

Drawings numbered 1625 – 1250A, 1605 - 500A and 1625 - 02, received by the Council on 16<sup>th</sup> January 2014.

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.

NOT CONFIDENTIAL - For public release

CENTRAL PLANNING COMMITTEE – 1st APRIL, 2014

DISTRICT COUNCIL TREE APPLICATIONS/NOTIFICATIONS

Progress report for March 2014

APPLICATIONS TO CARRY OUT WORKS TO PRESERVED TREES:

TPO NO.	ADDRESS/APPLICATION	DECISION/COMMENT
98	BIRCH GROVE, 82a LUMSDALE ROAD, UPPER LUMSDALE, MATLOCK FELLING OF TWO SYCAMORES Reasons: Dangerous PRUNING OF WILLOW Reasons: Not given	PENDING DECISION
62 & 109	6 NORMANHURST PARK AND LAND TO THE SOUTH-WEST OF 6 NORMANHURST PARK, DARLEY DALE PRUNING OF TREES Reasons: General maintenance Clearance for tractor Clearance over garage	PENDING DECISION
21	CULVER CROFT, LEA ROAD, LEA BRIDGE FELLING OF BEECH TREE Reasons: Unsatisfactory branch structure Overlong branches Structurally poor with tight fork Not a good long term tree Largely hidden behind Birch trees Long term management of the site  PRUNING OF HORSE CHESTNUT Reasons: Overhanging driveway causing accumulation of leaves	PENDING DECISION
10	LAND ADJACENT TO 9 PORTEOUS CLOSE, TWO DALES PRUNING OF WEEPING BEECH Reasons: To allow safe passage of vehicles Overhanging adjacent property Overhanging path	PENDING DECISION
35	79 CAVENDISH ROAD, MATLOCK FELLING OF TREES Reasons: Dying Light to garden To facilitate reconstruction of retaining wall and landscaping of garden	CONDITIONAL CONSENT
43	28 BANK GARDENS, MATLOCK FELLING OF SILVER BIRCH Reasons: Disproportionally large for garden Negative amenity value	PENDING DECISION

TPO NO.	ADDRESS/APPLICATION	DECISION/COMMENT
	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:**

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
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 BATH	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

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	Reasons: Overcrowded Obscuring views To open up garden Affecting growth of other trees Excessive shading of driveway Slippery leaves Lop-sided Low canopy Weak fork Spindly Light to house	
MATLOCK BATH	WAPPING NATURE RESERVE, CLIFTON ROAD, MATLOCK BATH POLLARDING OF ASH Reasons: Structural failure.	PENDING DECISION
WIRKSWORTH	YOKECLIFFE HOUSE, WEST END, WIRKSWORTH PRUNING & FELLING OF TREES Reasons: Foliage rather sparse Heavily pruned in past Overhanging the road Vigorous tree in confined space Close to adjoining property Squirrel damage Growing above retaining wall To allow other trees to develop	PENDING DECISION
WIRKSWORTH	DALE WOOD, WEST END, WIRKSWORTH FELLING OF TREES Reasons: To maintain longterm stability & continuity of the woodland	PENDING DECISION
WIRKSWORTH	11 WASH GREEN, WIRKSWORTH FELLING OF GOAT WILLOW Reasons: Excessive shading Poor location	PENDING DECISION
LUMSDALE	MOORLAND VIEW, UPPER LUMSDALE, MATLOCK FELLING OF A SPRUCE & LARCH Reasons: Not given	PENDING DECISION
RIBER	THE HERMITAGE, RIBER ROAD, RIBER PRUNING & FELLING OF TREES Reasons: Diseased Multi-stemmed poor quality To create space for replanting Close proximity to stone wall To maintain the tree To increase light through the canopy To promote the health of trees and aid fruit production To increase the light and usable garden space	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	<p>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</p>	
MATLOCK BATH	<p>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</p>	PENDING DECISION
MATLOCK BATH	<p>YEW TREE COTTAGE, UPPERWOOD ROAD, MATLOCK BATH            PRUNING OF TWO TREES            Reasons: Not given</p>	PENDING DECISION
MATLOCK BATH	<p>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</p>	PENDING DECISION
WIRKSWORTH	<p>DALE WOOD, WEST END, WIRKSWORTH            FELLING OF TREES            Reasons: Safety            To allow other trees to develop</p>	PENDING DECISION
OLD MATLOCK	<p>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</p>	PENDING DECISION
CROMFORD	<p>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</p>	PENDING DECISION
MATLOCK BATH	<p>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</p>	PENDING DECISION

<b>CONS. AREA</b>	<b>ADDRESS/PROPOSED WORKS</b>	<b>DECISION/COMMENT</b>
MATLOCK DALE	140 DALE ROAD, MATLOCK PRUNING & FELLING OF TREES Reasons: Concern about size in relation to property Poor specimen Low branch over neighbouring roof	PENDING DECISION
LUMSDALE	LAND TO THE REAR OF 59 RIBER VIEW CLOSE, TANSLEY FELLING OF SYCAMORE Reasons: To improve light Overcrowded	PENDING DECISION
MIDDLETON-BY-WIRKSWORTH	MIDDLEPEAK WHARF, MIDDLETON ROAD, WIRKSWORTH FELLING OF FOUR SYCAMORES Reason: Poor condition Within falling distance of an outbuilding for which planning permission has been granted	NO OBJECTIONS
MATLOCK BANK	BT TELEPHONE EXCHANGE, NEW STREET, MATLOCK WORKS TO TREES Reasons: Restricting growth of young tree Risk of failure onto car park and buildings below Maintenance programme	NO OBJECTIONS
OLD MATLOCK	42 MATLOCK GREEN, MATLOCK PRUNING OF FLOWERING CHERRY Reasons: Not given	NO OBJECTIONS
BOLEHILL	9 NAN GELLS HILL, BOLEHILL FELLING OF WALNUT Reasons: Dead FELLING OF HORSE CHESTNUT Reasons: Bark wounds Deep cavity in trunk	PENDING DECISION
BONSALL	67 HIGH STREET, BONSALE PRUNING OF CHERRY Reasons: To clear the drive To balance the tree FELLING OF SPRUCE Reasons: Inappropriate location Heavily pollarded in the past Not very large Will outgrow location	NO OBJECTIONS
MATLOCK BANK	COUNTY HALL, SMEDLEY STREET, MATLOCK FELLING & PRUNING OF TREES Reasons: Damaging building Leaning over car park area Damaging greenhouse roof	NO OBJECTIONS
BONSALL	LAND TO THE NORTH OF 2 HOLLOW BROOK, CLATTERWAY, BONSALE	NO OBJECTIONS

<b>CONS. AREA</b>	<b>ADDRESS/PROPOSED WORKS</b>	<b>DECISION/COMMENT</b>
	FELLING OF ASH TREE Reasons: Growing away from canopy line Danger of failing	
MIDDLETON-BY-WIRKSWORTH	LAND TO THE REAR OF 3 SANDY HILL, MIDDLETON FELLING OF MULTI-STEMMED ASH Reasons: Excessive lean towards buildings Potentially unstable as growing in loose rock bed	PENDING DECISION
MATLOCK BATH	GILDEROY EAST, UPPERWOOD ROAD, MATLOCK BATH PRUNING OF BEECH Reasons: Leaning towards house Extremely top heavy To reduce the weight To reduce the risk to properties in the event of the tree falling	PENDING DECISION
MATLOCK BANK	102 WELLINGTON STREET, MATLOCK FELLING OF CONIFER Reasons: Not given	PENDING DECISION
MATLOCK BANK	68 WELLINGTON STREET, MATLOCK PRUNING OF CONIFER Reasons: Outgrown location Overbearing in relation to neighbouring garden and house To remove danger of further damage to property or injury to neighbours	PENDING DECISION
MATLOCK BANK	36 WELLINGTON STREET, MATLOCK FELLING OF CHERRY Reasons: Damage to retaining wall	PENDING DECISION
MATLOCK BATH	27 CLIFTON ROAD, MATLOCK BATH FELLING OF CEDAR Reasons: Safety concerns in relation to public footpaths and neighbouring property Interfering with BT cables	PENDING DECISION
WIRKSWORTH	JASMINE COTTAGE, 3 STONEY HILL, BOLEHILL FELLING OF LEYLANDII Reasons: Outgrown location Overshadows neighbouring property Concerns about tree in high winds	PENDING DECISION
MATLOCK BATH	23 CLIFTON ROAD, MATLOCK BATH PRUNING & FELLING OF TREES Reasons: Self-set Obstructing light to plants Overshadowing greenhouse Threatening overhead cables	PENDING DECISION



CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	Perceived threat to house Leaning towards neighbouring garden Obstructing light to neighbouring garden Storm and snow damage Rot in root system	

**OFFICER RECOMMENDATION:** That the report be noted.

CENTRAL PLANNING COMMITTEE – 1st APRIL, 2014

COUNTY COUNCIL TREE APPLICATIONS

Progress report for March 2014

CONSULTATIONS RECEIVED ON APPLICATIONS TO CARRY OUT WORKS TO TREES PROTECTED BY A DERBYSHIRE COUNTY COUNCIL TREE PRESERVATION ORDER:

TPO NO.	ADDRESS/APPLICATION	DCC DECISION/COMMENT
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

TPO NO.	ADDRESS/APPLICATION	DCC DECISION/COMMENT
	Reasons: Self-set To clear branches from building Leaning over the roof Dead Distorting wall	
84	23 PINWOOD ROAD, MATLOCK PRUNING OF OAK Reasons: General maintenance To control the growth of the tree Not pruned for at least 10 years	PENDING DECISION
88	LAND TO THE REAR OF 9 PEAKLAND VIEW, DARLEY DALE FELLING OF ASH Reasons: Declining Pushing wall Outgrown location	PENDING DECISION
88	NORTH LODGE, WHITWORTH ROAD, DARLEY DALE PRUNING & FELLING OF TREES Reasons: To facilitate inspection for Ustulina To maintain as a hedge Poor specimens suppressed by larger Sycamore To improve light	PENDING DECISION

**OFFICER RECOMMENDATION:** That the report be noted.

**PLANNING APPEAL - PROGRESS REPORT**

Report of the Director of Planning & Housing Services

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

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

PI – Public Inquiry

HH – Householder

**OFFICER RECOMMENDATION:**

That the report be noted.

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# 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**

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**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

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**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'.
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### 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 arboricultural 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