



Appeal Decisions

Hearing held on 28 May 2008

Site visit made on 28 May 2008

by **Katie Peerless Dip Arch RIBA**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
4 June 2008

Appeal A: APP/M9496/C/07/2052831

Church Cottage, The Green, Parwich, Derbyshire DE6 1QA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Lynette Coyne against an enforcement notice issued by the Peak District National Park Authority.
- The Council's reference is NAW/C143/P9473.
- The notice was issued on 12 July 2007.
- The breach of planning control alleged in the notice is failure to comply with condition No 2(v) of a planning permission Ref NP/DDD/0302/099 granted on 30 October 2002.
- The development to which the permission relates is an extension to dwelling to form conservatory and workroom/store. The condition in question is No 2(v) which states that: The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans:
 - (v) The weavers window on the roadside elevation shall be omitted.
- The notice alleges that the condition has not been complied with in that the development has been completed and the window on the roadside elevation has not been omitted.
- The requirements of the notice are: (i) Remove the weavers window from the roadside elevation of the conservatory. (ii) Build up the internal wall of the conservatory on the roadside elevation to eaves height with external stone to match the adjoining sections of wall.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B: APP/M9496/A/08/2062537

Church Cottage, The Green, Parwich, Derbyshire DE6 1QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Ms Lynette Coyne against the decision of the Peak District National Park Authority.
- The application Ref NP/DDD/0707/0661, dated 10 July 2007, was refused by notice dated 4 October 2007.
- The application sought planning permission for retention of garden room as existing with external access only, glazing to street, without complying with a condition attached to planning permission Ref NP/DDD/0302/099 granted on 30 October 2002.
- The condition in dispute is No 2(v) which states that: The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans: (v) The weavers window on the roadside elevation shall be omitted.
- The reason given for the condition is: to match the character of the adjoining buildings and to provide a sense of harmony between the existing and proposed development.

Summary of Decision: The appeal is allowed as set out below in the Formal Decision.

Procedural matter

1. Although the appellant has not made an appeal under ground (f), that is that the requirements of the notice are excessive, she has submitted in her representations that the local planning authority should not require the window to be infilled in stone because that was not part of the application and there has been no public consultation on this matter. She also maintains that it is not a practical solution as the stonework would be structurally unsound and not properly weatherproof. These matters were discussed at the Hearing and I have treated them as though an appeal under ground (f) had been made.

Planning history

2. An appeal against the grant of planning permission (ref: NP/DDD/0302/099) subject to conditions was dismissed in September 2003. The building to which the planning permission related was subsequently erected in breach of the disputed condition 2(v), in that the window to the roadside elevation that was required to be omitted was installed. The application to retain the window as built is the subject of Appeal B.

Main issue

3. I consider that the main issue in both these appeals is the effect of the window on the character and appearance of the main building and the Parwich Conservation Area.

The site and surroundings

4. Church Cottage is a small traditional dwelling built in local limestone in the centre of the village of Parwich. It is within the Parwich Conservation Area and is part of a group of houses around the village green, some of which are former agricultural buildings. Its main elevation faces the church and churchyard and the rear elevation stands directly on a lane running behind the property. The site is separated from the lane and the churchyard by stone rubble boundary walls that are typical of the village and surrounding area.
5. Church Cottage originally had two rooms on each floor with an attached single storey kitchen and WC. It has since been extended by the present owners by the enlargement of the former kitchen and the addition of another room above it. Planning permission NP/DDD/0302/099 allowed the construction of a stone built workshop, in the local vernacular style with a pitched blue clay-tiled roof, against part of the roadside boundary wall. The garden room that is the subject of these appeals was granted planning permission at the same time and the appellant explains that this building was intended to protect and make use of the space remaining between the workshop and the house, although it would be accessible only from the garden.
6. The garden room was the subject of discussion between the appellant and the local planning authority, who advised her that, whilst the roof and elevation fronting the garden could be fully glazed, it was considered that the road elevation should have a solid roof. The application drawings show glazing beneath the tiled roof set behind, but rising above, the existing boundary wall.

Reasons

7. The design of the garden room deliberately seeks to ensure that it is not seen as an integral extension of the small dwelling that is Church Cottage. The appellant wanted to retain a sense of openness and light between the cottage and the workshop and it is for this reason that she has retained the glazing on the northern side of the garden room, allowing views through the building from both the road and churchyard sides. The roadside elevation of the cottage has only two small windows and there are none on this side of the workshop. These solid stone elevations, together with the boundary wall that connects them are similar to those of other properties that I was shown on the site visit, where the fenestration is concentrated on the south facing side of the buildings.
8. However, I was not shown any other examples of buildings such as the garden room elsewhere in the village and therefore there seems to be no precedent to inform its design. The appellant has provided a comprehensive brief for the building and has described how the design has evolved to respond to a number of constraints that limit the available solutions. She has explained the philosophy of using modern, simple detailing to indicate that the building is an addition that relates to a new chapter in the history of the cottage and this approach was not criticised by the local planning authority.
9. The resulting solution ensures that the new building does not appear as a conversion of a former outbuilding or as part of an agricultural complex; it is also clear that it differs from a conventional extension of the living space of the cottage. The design does not compromise the almost solid stone rear elevations of Church Cottage and the workshop and the use of glazing serves to emphasise that the garden room is a space that is in a different use to that of the dwelling or the workshop. The window separates the solid walls of the two buildings, retaining a feeling of space and light along what could otherwise be a somewhat forbidding and featureless elevation. It also allows views of the flank wall of Church Cottage, and the windows within it, as well as of the side of the workshop.
10. The window does not, however, alter the view from the vantage point of the village green or diminish the sense of enclosure provided by Church Cottage at the start of Church Walk, which is mentioned and illustrated in the Parwich Conservation Area Appraisal (P103 and para 7.56 on page 25). The window itself is only visible from limited viewpoints further along the lane, where, as noted above, it serves to delineate the gap between the cottage and the workshop. Neighbours have commented that they appreciate this gap, which retains views across the garden over the boundary wall towards the church. The glazing also allows light from existing windows to reach the lane, which can otherwise be very dark at night.
11. The Park Authority considers that the correct approach is to maintain the stonework along the roadside elevation and to reflect the solid materials of the roof slope in the wall beneath. However the treatment suggested would have disadvantages. The glazing has been set on a new structure behind the existing boundary wall and if it was replaced in stonework, as required by the enforcement notice, the appearance of two walls would be created, one standing immediately behind the other. This would be an awkward and peculiar detail that would detract from the appearance of the group of buildings and the wider conservation area.

12. The use of solid walling on the garden building would also give the impression that the cottage was an integral part of a single, much larger, building. When viewed from the garden side, the use of the glazed roof and walls makes it clear that there are three distinct buildings which, although linked, have separate characters and functions. It would seem inconsistent not to express these differences on the roadside elevation and the inclusion of the glazing serves to do this. It also ensures that Church Cottage does not appear over-extended and maintains a proportionally higher ratio of stonework over glazed area along the boundary elevation, as required by Local Plan policies and the Peak District National Park Authority Design Guide.
13. The design of the window has received strong support from a number of the appellant's neighbouring residents in the village and from the Parish Council. Some of these third parties attended the Hearing and explained that, whilst the village community was keen to support the local planning authority in its attempts to protect the heritage of the National Park, the garden room was considered to be a welcome and appropriate addition to the neighbourhood. The fact that recent and emerging Government guidance puts community involvement high on the list of priorities in the planning process was noted and residents asked me to consider their representations in this light.
14. The building has been in place for some time and I was impressed by the strength of feeling that brought so many people out to speak positively of their liking for the building as it exists. Development, especially in a modern idiom, is often unpopular in conservation areas and it is more usual to hear objections to change, both before and after it has occurred, than praise for an innovative approach. In this case, the design also receives support from the local history society, the vicar of St Peter's Church and the Parish Council, as well as from other professionals in the fields of conservation architecture and planning. This compares to a single letter supporting the local planning authority's stance.
15. I note that an appeal to remove the condition requiring the window to be omitted has already been dismissed. However, the garden room, as built, differs from that shown on the plans considered by the previous Inspector. The glazing is now higher and the window is divided into five panes, rather than seven as shown previously. These variations have changed the proportions of the window and allow wider views through it and I consider that they are material enough to justify reconsideration of the proposals. I also have the advantage over the previous Inspector of having seen the proposals as built and consider that my conclusions are not, therefore, inconsistent with his earlier findings.

Conclusions

16. I have found that the garden room, as built, preserves the character and appearance of the host building and the Parwich Conservation Area. It consequently complies with the aims and objectives of the relevant Development Plan policies that seek to protect the historic environment and promote sympathetic design for new development. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that appeal A should succeed on ground (a) and planning permission will be granted. The appeal on ground (f) does not therefore need to be considered. For the same reasons, appeal B also succeeds.

Formal Decisions

Appeal A: APP/M9496/C/07/2052831

17. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of an extension to the dwelling to form a conservatory and workroom/store without complying with condition No 2(v) of planning permission: NP/DDD/0302/099, on land at Church Cottage, The Green, Parwich, Derbyshire DE6 1QA as referred to in the notice.

Appeal B: APP/M9496/A/08/2062537

18. I allow the appeal, and grant planning permission for the retention of the garden room as existing, with external access only and glazing to the street, without complying with condition No 2(v) attached to planning permission Ref: NP/DDD/0302/099 granted on 30 October 2002 at Church Cottage, The Green, Parwich, Derbyshire DE6 1QA in accordance with the terms of the application, NP/DDD/0707/0661, dated 10 July 2007, and the plans submitted with it.

Katie Peerless

Inspector

APPEARANCES

FOR THE APPELLANT:

Les Sparkes OBE Dip Arch Dip TP RIBA MRTPI Hon DD FRSA	114 Selly Park Road, Birmingham B29 7LH
Lynette Coyne BA (Hons USA) Int Design	Church Cottage, The Green Parwich, Derbyshire DE6 1QA

FOR THE LOCAL PLANNING AUTHORITY:

Laurence Rayner	Senior Enforcement Officer, Peak District National Park Authority
John Sewell	Historic Buildings Architect, Peak District National Park Authority

INTERESTED PERSONS:

Peter Trehwitt MA Oxon Dipl SS MRCSLT	Hallcliffe, Parwich, Derbyshire DE6 1QA
John Fuller-Sessions MA Cert Ed	Orchard Farm, Parwich, Derbyshire DE6 1QB
Patti Beasley	Blanch Meadow Farm, Parwich, Derbyshire DE6 1QL
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Christine Goldstraw	6 Church Walk, Parwich, Derbyshire DE6 1QL
Christopher Duffell TD BSc CEng MICE MIHT	Church Farm, Alsop En Le Dale, Ashbourne, Derbyshire DE6 1QP
Chris Elton BA MA MPhil	Jasmine House, Church Walk, Parwich, Derbyshire DE6 1QA
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DOCUMENTS

- 1 Letters of notification and circulation lists
- 2 Representations from interested parties
- 3 Parwich Conservation Area appraisal