



Appeal Decision

Site visit made on 5 June 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/P1045/D/24/3336335

Cedar Lodge, Dark Lane, Ashbourne, Derbyshire DE6 1AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Derek Pettigrew against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/00898/FUL.
 - The development proposed is 'extension to private residence consisting of: external insulation and cladding of existing house; removal of pitched roof and construction of flat roof to existing ancillary room; construction of two-storey flat roof link; construction of two-storey dual pitched roof extension; construction of two single-storey flat roof extensions and construction of single storey detached annexe.'
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development proposed on the character and appearance of the host property and the surrounding area; and the effect of the proposal upon a protected tree.

Reasons

Character and appearance

3. The appeal site relates to a two storey detached dwelling situated on a large plot. The property is set well back from Dark Lane and occupies an elevated position relative to the highway. It is accessed via a long driveway which leads to a large area of hardstanding to the south and east of the dwelling. There are several trees within the site and close to its boundaries, notably including a mature yew tree situated towards the site frontage. As a result, the property is relatively well screened from Dark Lane. The south-eastern boundary of the site adjoins the Ashbourne Conservation Area.
4. The area surrounding the site has a spacious, semi-rural feel characterised by a small number of detached properties set within large gardens and surrounded by mature trees and hedgerows. These attributes contribute positively to the character and appearance of the area and contrast with the more built up, mainly linear forms of development along Belle Vue Road to the north east.
5. The proposal includes a two storey extension to the eastern side of the dwelling, with a new two storey flat roof link connecting this extension to the existing building, and two further flat roof extensions. While the link extension allows the overall form of the existing dwelling to be retained, the combined

footprint of the two storey extension and link would be as large as the existing building. The plans indicate that the two storey extension would extend forward of the existing dwelling, and the apex of the pitched roof would project slightly above the main ridge of the property. It would obscure the eastern elevation of the existing building. Rather than being subordinate to it, the proposed extensions would dominate the building.

6. The development would be partially visible from Dark Lane in gaps between the trees and would become more so given the proposed removal of trees close to the property, which would open up views of the site, including from Mayfield Road within the Conservation Area, with a consequent harmful effect on the character and appearance of the area.
7. The single storey detached annexe would be sited in the garden to the north of the dwelling. Its substantial footprint would include a living room, kitchen and two bedrooms. Due to its bulk and massing, this building would be a dominant feature of the garden. While not prominently sited, it would be seen from the driveway and exacerbate the overall harm to the character of the area.
8. In this case, the appellants consider the principle of subservience to be less important than the need for high quality architecture having regard to the reference to a site's wider setting and location in Policy HC10 of the Derbyshire Dales Local Plan (LP). However, this policy also requires the height, scale, form and design of the extension or outbuilding to be in keeping with the scale and character of the dwelling. The proposal would not meet these requirements.
9. The appellants refer to recent alterations to the neighbouring property to the south, known as "Trees". However, I do not have the details of that scheme or its planning history before me and it has its own specific context. It does not, therefore, provide justification for the appeal proposal which I have considered on its own merits. While I also note the appellants' point that the existing dwelling is of limited architectural merit, this does not alter my findings above. Given the mix of styles and ages of properties in the area, I consider that the contemporary approach in external materials would be appropriate in this instance, but this does not sufficiently mitigate the adverse impact of the proposal, which would arise as a result of its siting and scale.
10. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the surrounding area. Accordingly, it would conflict with Policies PD1 and HC10 of the LP, which amongst other things, require development to be of high quality design that respects the character, identity and context of the District's townscapes and landscapes.

Protected tree

11. The large yew tree to the south eastern side of the appeal property is close to the site frontage and is visible from Dark Lane and from further afield, including Mayfield Road. It is subject to a tree preservation order and is an impressive specimen which contributes positively to the verdant character of the area.
12. The yew tree is within close proximity of the appeal building, with its branches extending towards it. Due to the substantial size of this tree, it is likely to have an extensive root system which may already be compromised by its proximity

- to the existing building and the areas of hardstanding adjacent to its trunk. As the extension would project further towards this tree and extend significantly within its root protection area, damage to the tree roots cannot be ruled out.
13. While the appellants' arboricultural survey report identifies the need for carefully designed foundations to limit damage to the roots, there is no substantive evidence before me confirming that an appropriate foundation design can be achieved in this instance without unacceptable adverse effects arising to the tree, particularly by way of damage or disturbance to its roots.
 14. Given the proximity to the proposed extension, it is likely that the tree would have a shading effect on the windows to the south eastern elevation of the development, as indicated by the appellants' tree shading plan. Consequently, while I note that the appellants are respectful of the tree, there could be pressure from future occupiers to prune or fell it.
 15. Any harm to the health of the tree could lead to its deterioration or eventual loss, with resulting adverse impacts on the character and appearance of the area. As there is a degree of uncertainty around the effects of the proposal on the protected tree, the use of conditions would not be appropriate in this case.
 16. I conclude that insufficient information has been provided to demonstrate that the proposed development would not cause harm to the protected tree. The proposal therefore conflicts with Policy PD6 of the LP where this seeks to ensure that trees, hedgerows, orchards or woodland of value are retained and integrated within development wherever possible.

Other Matters

17. I note the appellants' contentions that the proposal would improve the energy efficiency of the property, and that the potential alternative of a replacement dwelling rather than an extension would have a significant impact on the carbon footprint of the site. Given the scale of the development proposed, the weight attributable to these matters is limited and is outweighed by the harm I have identified above.
18. Although the appellants are dissatisfied with the Council's handling of the planning application, this is a matter between the parties. I have been concerned only with the planning merits of the case.

Conclusion

19. The proposal does not accord with the development plan as a whole and there are no other considerations that indicate that I should take a different decision other than in accordance with this. Therefore, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR