



Appeal Decision

Hearing held on 13 May 2008

Site visit made on 13 May 2008

by **Olivia Spencer** BA BSc DipArch RIBA

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

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Decision date:
17 June 2008

Appeal Ref: APP/M1005/A/08/2063638

Former Brettles Building, Chapel Street, Belper DE56 1AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Chevin Property against the decision of Amber Valley Borough Council.
- The application Ref AVA/2007/1193, received as valid on 14 September 2007, was refused by notice dated 15 November 2007.
- The development proposed is replacement of the former Brettles Building with a new 3 storey block containing 15no. dwellings and erection of a new block containing 4no. dwellings on the opposite side of the car park.

Decision

1. I dismiss the appeal.

Outline application

2. The application that led to this appeal was submitted in outline with all matters except landscaping to be considered at this stage.

Main issues

3. The main issues are firstly, the effect of the proposed development on the character and appearance of the Belper and Milford Conservation Area, on the setting of De Bradelei House which is listed grade II*, and on the Derwent Valley Mills World Heritage Site and secondly, the effect on highway safety.

Reasons

Character and appearance

4. The appeal building, originally constructed as a private school in approximately 1830, sits opposite De Bradelei House, a grade II* listed mill building on Chapel street. In later years it was adapted and used for manufacturing and retail. The front part of the building is a well designed, good quality, example of a 19th century villa that although currently in poor repair, is an attractive feature of the street scene. It is not listed, however it forms part of a group buildings that bear witness not just to an extraordinary transformation in manufacturing, but to the economic and social changes that accompanied industrialisation and shaped Belper's growth in the 19th century. As such I consider the appeal building makes a positive and important contribution to the town's history and to the distinctive character and appearance of the
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Conservation Area, the setting of De Bradelei House and to the defining character of the World Heritage Site.

5. Policy EN26 of the Amber Valley Local Plan (LP) 2006 reflects *Planning Policy Guidance (PPG15): Planning and the Historic Environment* which states at paragraph 4.27 that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area and that such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings.
6. The appellants have submitted a feasibility cost plan that indicates renovation and conversion of the building would not be viable even with a nil site value. The report, which assesses conversion to either residential units or a combination of commercial and residential with the addition of 4no. cottages to the rear, assumes substantial structural repair costs as a result of deterioration in large part caused by dry rot. The report does not however explore other possible uses, combination of uses or other ways of converting the building to incorporate for example partial demolition of the most structurally poor parts.
7. The submitted structural report dated September 2006 records the extent of decay and rot. An addendum dated February 2008 identifies significant further decay. This, the appellants contend, has increased renovation costs and reduced the opportunities for retention and repair of badly effected parts of the building. The considerable extent of the dry rot and some resulting structural instability was evident at the site visit. However I was aware also that other than tents, (with windows) poorly secured to parts of the rear range roof, there was no visible evidence that measures had been taken to prevent water entering the building and thus arrest the spread of dry rot. In my opinion this amounts to deliberate neglect. PPG 15 advises that in these circumstances less weight should be given to the costs of repair.
8. The site has been marketed at a price of £650,000, though I understand that offers were invited. Nevertheless given the appellants' own costings for repair it is questionable whether this represents a realistic price that reflects the condition of the building, and the extent to which it has deteriorated since it was acquired by the appellants for some £350,000.
9. Finally I turn to the merits of the proposed replacement building. It has been designed to incorporate stone and window openings reclaimed from the existing building and will sit a similar distance back from Chapel Street. The proposed building would however have nothing of the simple elegance and generous sheltering horizontality of the existing. Although not significantly different in overall height, excavation of the currently raised frontage area would allow 3 storeys of accommodation. Into this the reclaimed window openings would be inserted with a new set of openings above. The building would be substantially larger and more imposing however than the adjacent narrow 3 storey terraced houses and the existing villa. And the strong vertical frame form of the entrance/stair feature, minimal eaves projection and hipped shallow pitched roof would give the building overall an imposing, vertical and predominantly industrial appearance. In my view the use of, and reference to domestic features in the existing and adjacent buildings as well as to the industrial mill buildings opposite, has resulted in a design that is an incongruous confusion of the 2 traditions.

10. Incongruity is evident too in the composition of the proposed front façade. The residential houses to either side generally follow a pattern of repeated forms or handed pairs and the listed mill building has a grand classical and essentially symmetrical façade on Chapel Street. The existing building has a carriageway arch with a window above but this is a modest feature sufficiently different from the 3 bays of the main façade not to detract from its simple symmetry. In contrast the proposed building would have a strong asymmetry. The dominant feature of the 3 storey entrance/stair element would be off-set from the centre with an unequal number of bays and expanse of masonry to either side, giving the building a disquieting unbalanced appearance that I consider would be seriously disruptive to the street scene and detrimental to the setting of De Bradelei House.
11. I conclude the existing building on the appeal site makes an important and positive contribution to the Conservation Area and find no justification sufficient to outweigh the strong policy presumption in favour of retaining it. I further conclude that its loss and the proposed redevelopment would fail to preserve the character and appearance of the Conservation Area and the World Heritage Site contrary to LP Policies EN26, EN27 and EN29, and that in so doing it would fail also to preserve the setting of the grade II* listed building, De Bradelei House.

Highway safety

12. Chapel Street forms part of the A6 principal road linking Derby to north-west Derbyshire. The Highway Authority has recorded a 12 hour day time traffic flow in excess of 15,000 vehicles on this section of road. Visibility at the existing access to the site falls significantly below national standards. The proposed alterations to the entrance include widening it, moving it back from the highway, lowering of the front wall and the provision of protected pedestrian routes into the site. These measures would provide some improvements to safety. However visibility standards at the junction would remain substantially below those set out in *TD42/95 Geometric Design of Major/Minor Priority Junctions* which forms part of the *Design Manual for Roads and Bridges* (DMRB). This document sets out national guidance in relation to the trunk road network and has been adopted by Derbyshire County Council as technical policy.
13. The site is close to the town centre and traffic speed is limited to 30 mph, it is also controlled to some extent by road junctions and a nearby pedestrian crossing. However the road cannot in my view be described as lightly trafficked and for this reason falls outside the clearly stated focus of *Manual for Streets* (MfS). That said the proposed gate piers would be set back only some 2 metres from the edge of the footway providing less than the 2.4 metres x distance normally required in built-up areas by MfS and requiring most vehicles leaving the site to protrude into the carriageway in order for drivers to gain adequate views of approaching traffic. Further the appellants have measured the left hand visibility splay from the centre line. MfS advises that this would only be acceptable where vehicles approaching from the left are unable to cross the centre line. This is not the case on this part of Chapel Street.
14. I note the comparison made by the appellants to non-food edge of town retailing space and the suggestion that such a space could attract 300 vehicles

a day, considerably more than would result from the proposed development. However the building is currently unused and has been for some time. Any assessment of the level of traffic movements that would occur as a result of currently permitted use is thus largely speculative, particularly given the very low projected visitor vehicle numbers indicated on the application for the last permitted use and the tight constraints of the site. Other parking areas in Chapel Street referred to by the appellants are closer to the town centre, where passing drivers may be more likely to expect vehicles to emerge from entrances and of the ones we visited most had at least reasonably good intervisibility at the junction with the highway. I find little justification therefore in these terms for the danger to highway users that I conclude would arise from vehicle use in association with the proposed scheme.

Other considerations

15. The north wall of the existing building and the west wall of a large commercial building on Campbell Street form 2 of the boundaries to a small area of gardens serving a dense and tightly knit area of housing to the north of the site. The walls are high but the brickwork is attractively weathered and the enclosing nature of the unpunctuated walls creates a sense of privacy and seclusion. In contrast the north wall of the proposed building would be set away from the boundary leaving a long and narrow alleyway running along the edge of the site and numerous windows would be evident along the length of the façade. Whilst I note that the windows would be obscure glazed neighbouring residents enjoying their gardens would in my view experience such a considerable number of openings, and the shadows and lights that would be seen within them as intrusive. Taken together with the proposed alleyway I consider occupiers of the adjacent properties would as a result experience a reduced sense of privacy. In addition I note that the lower building in the north-east corner of the site, which currently allows sunlight to the eastern end of the gardens and a welcome variation in scale, would be demolished. It would be replaced by the proposed rear range which would extend to a point close to the eastern boundary. The loss of this small but significant gap would I consider contribute to the oppressive nature of the development from this aspect. The adverse effects I consider the development would thus have on the living conditions of neighbouring residents adds weight to my view that the appeal should be dismissed.

Olivia Spencer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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Mr S Jones FRICS	Jones & Co
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Mr J Turkington	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Clements PGDip Urban Planning	Planning officer
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Mr G Fairs IEng FIHIE MIHT	Environmental Services Dept
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Mr P Warren BSc(Arch) MA Arch Bldg	Environmental Services, Conservation &
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Mr A Farmer	World Heritage Site
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INTERESTED PERSONS:

Mr D R Howarth	53a Chapel Street, Belper DE56 1AR
Mr A Howard-Jones	29a Chapel Street, Belper DE56 1AR
Mr Derek Brown	45 Chapel Street, Belper DE56 1AR

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Letter from English Heritage submitted by the Council
- 2 History of the school submitted by the Council
- 3 Updated cost plan submitted by the appellants
- 4 Bundle of historic photographs submitted by Mr Farmer

PLANS

- A Survey drawing – application drawing omitted from appeal docs submission