

## Appeal Decisions

### SUMMARY

- 1 A summary of the appeal decisions taken in the last month.

### RECOMMENDATION

- 2 To note the decisions on appeals taken.

### REASONS FOR RECOMMENDATION

3. This report is for information only.

### SUPPORTING INFORMATION

- 4.1 Appendices 2 and 3 give details of decisions taken.
- 4.2 The intention is that a report will be taken to a Committee meeting each month.

### OTHER OPTIONS CONSIDERED

- 5 None

This report has been approved by the following officers:

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	08 October 2010
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<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Paul Clarke 01332 255942 e-mail paul.clarke@derby.gov.uk Planning application files Appendix 1 – Implications Appendix 2 – Summary of appeal decision(s) Appendix 3- Decision letter(s)
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<b>IMPLICATIONS</b>
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**Financial**

1      None

**Legal**

2      None

**Personnel**

3      None

**Equalities Impact**

4      None

**Health and Safety**

5.      None

**Carbon commitment**

6.      None

**Value for money**

7.      None

**Corporate objectives and priorities for change**

8      None

## **Appeal Decisions**

### **Appeal against refusal of Full Planning Permission**

<b>Application No.</b>	<b>Proposal</b>	<b>Location</b>	<b>Appeal Decision</b>
DER/10/09/01249/PRI	Installation of shop front and alterations to access for disabled people	20 Strand, Derby (BSM)	Allowed with conditions
<p><b>Comments:</b>Comments: This appeal follows the second refusal of planning permission and Listed Building Consent. The current and previous applications were refused by Planning Committee due to the failure to provide reasonable ramped access for disabled persons. The proposal was to be funded under the Building Repair Grant scheme, partly funded by English Heritage and the City Council. The existing shop front includes a stepped access to the interior as there are changes in the land levels along the Strand. The proposal was considered to be contrary to the aims of policy T10 in the City of Derby Local Plan Review, which seeks to improve access for disabled people.</p> <p>The Inspector considered that the main issues of these two appeals were would the proposal preserve the architectural and historic interest of the Listed Building, would it preserve or enhance the character of the Conservation Area and the impact upon disabled access provision.</p> <p>The Inspector concluded that the proposal would preserve and enhance the special architectural and historic interest of the Grade II Listed Building and it would preserve and enhance the character and appearance of the City Centre Conservation Area, therefore the proposal was in his opinion in accordance with policies E18 and E19 of the CDPLR and PPS 5.</p> <p>When considering disabled access the Inspector noted the significance of the historic shop front and the position of the means of access. This would result in a ramped access being impractical, and in the opinion of a structural engineer, impossible to achieve because of beams under the floor. The Inspector was satisfied that the appellant had demonstrated a ramped access could not be provided either internally or externally. The proposed access consisting of two steps, in his opinion, would be no worse than the existing. Therefore he considered that there was no conflict with policy T10 in the CDLPR and accordingly allowed the appeals with the standard conditions limiting time and approved plans.</p> <p>Members will note that this decision accords largely with the original officer recommendation when the application came before Committee in February 2010.</p>			

**Recommendation:** To note the report.





# Appeal Decisions

Site visit made on 13 October 2010

by **Mr J P Sargent** BA(Hons) MA MRTPI

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

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Decision date:  
**18 October 2010**

## **Appeal A Ref: APP/C1055/A/10/2126816** **20 The Strand, Derby DE1 1BE**

- 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 Trevor Raybould of Raybould and Sons against the decision of Derby City Council.
- The application Ref DER/10/09/01249/PRI, dated 25 October 2009, was refused by notice dated 26 February 2010.
- The development proposed is alterations to the shop frontage at ground floor only.

## **Appeal B Ref: APP/C1055/E/10/2126818** **20 The Strand, Derby DE1 1BE**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Trevor Raybould of Raybould and Sons against the decision of Derby City Council.
- The application Ref DER/10/09/01250/PRI, dated 25 October 2009, was refused by notice dated 26 February 2010.
- The works proposed are alterations to the shop frontage at ground floor only.

### **Decisions**

#### ***Appeal A Ref: APP/C1055/A/10/2126816***

1. I allow the appeal, and grant planning permission for alterations to the shop frontage at ground floor only at 20 The Strand, Derby DE1 1BE in accordance with the terms of the application, Ref DER/10/09/01249/PRI, dated 25 October 2009, subject to the following conditions:
  - 1) the development hereby permitted shall begin not later than 3 years from the date of this decision;
  - 2) the development hereby permitted shall be carried out in accordance with the following approved plans: 1.01, 1.02, 1.03, 9.02, 10.01 and 10.02.

#### ***Appeal B Ref: APP/C1055/E/10/2126818***

2. I allow the appeal, and grant listed building consent for alterations to the shop frontage at ground floor only at 20 The Strand, Derby DE1 1BE in accordance with the terms of the application Ref DER/10/09/01250/PRI, dated 25 October 2009 and the plans submitted with it subject to the following condition:
  - 1) the works hereby authorised shall begin not later than 3 years from the date of this consent.

## **Main issues**

3. 20 The Strand is a Grade II listed building in the City Centre Conservation Area. Consequently, with both appeals the main issue is whether the proposal would preserve the special architectural or historic interest of this listed building, and whether it would preserve or enhance the character or appearance of the Conservation Area. With Appeal A a second main issue is whether the development would have an unreasonable effect on disabled access provision.

## **Reasons**

### ***Historic environment***

4. This unit is in a Grade II listed terrace of small shops that dates from 1881. The design and detailing of the proposed frontage is based on photographic evidence, and the scheme would be sympathetic to this historic building and more appropriate than the shop front now in place.
5. The Council has suggested conditions be imposed to require the submission of joinery details at a scale of 1:2. However, the drawings before me provide this detail and I have not been told they are in any way inadequate. Such a condition is therefore unnecessary.
6. Consequently, if appropriately detailed in accordance with the submitted drawings the proposal would preserve and enhance the special architectural and historic interest of this Grade II listed building and it would preserve and enhance the character or appearance of the City Centre Conservation Area. As such it would accord with Policies E18 and E19 in the *City of Derby Local Plan Review* and national policy in Planning Policy Statement 5 *Planning for the Historic Environment*.

### ***Disabled access***

7. Because of the lower level of the pavement there is now a step up into the premises. While the development would not change this height difference, it proposes 2 steps instead. I have not received substantive evidence to show that this would be any worse than the present arrangement.
8. Having regard to the historic character of the building it is important that the entrance to the unit is located centrally and is set back from the main frontage in the manner proposed. Given this, a ramp in front of the door would be impractical as it would be too steep. Moreover, a structural engineer has concluded that a ramp inside the building would not be possible because of the cast iron beams in the floor. While the Council said it would be appropriate and feasible to require a ramped approach to this unit it gave no details of the form or location this could take. Consequently, the Appellant has shown an access ramp cannot be provided either internally or externally, and based on the submitted evidence I have no reason to disagree with that view.
9. Local Plan Policy T10 requires the reasonable access needs of disabled people to be included in schemes such as this where it is practical, appropriate, and environmentally pleasant. This approach is reflected in the terrace. Ramped accesses are to the 3 units to the south of No 20 where the difference between

the floors and the pavement is less, but at the 3 shops to the north, where the difference is greater, stepped entrances have been allowed.

10. Accordingly, when account is given to the existing situation, the construction of the building, the historical context, and the height difference between the pavement and the shop floor at this point, it has not been shown that a practical, appropriate, or environmentally pleasant ramped access could be reasonably provided. Therefore I conclude that the development subject of Appeal A would not have an unreasonable effect on disabled access provision and would not conflict with Policy T10 in the Local Plan.

### **Conclusions**

11. For the reasons given above both appeals should be allowed.

*J P Sargent*

INSPECTOR