



## **WIRKSWORTH CONSERVATION AREA**

# **CASE FOR THE DIRECTION**

**Statement of Derbyshire Dales District Council for making the Direction under 'Article 4' of the Town and Country Planning (General Permitted Development) Order 1995, as amended by Statutory Instruments & Circulars.**

The National Planning Policy Framework (2012) provides general guidance relating to the use of Article 4 Directions (policy 200) with more detailed guidance set out within the Town & Country Planning (General Permitted Development) Order 1995 and in the replacement Appendix D to DoE Circular 9/95 issued in June 2012.

This statement includes:

- 1. Preamble**
- 2. Description of the Area**
- 3. The Special Need for an Article 4 Direction in this Area**
- 4. Permitted Development Rights to be Removed**
- 5. Future Amendments to the Direction & Reviewing**
- 6. Planning Policies**

<h1><b>FINAL</b></h1>
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**1 AUGUST 2014**

## 1) Preamble

The first Conservation Area in Wirksworth was designated on 21 August 1970. On 23 January 1973 the Department of the Environment published the statutory 'list of buildings of architectural or historic interest' for the town of Wirksworth which included over 100 buildings within the town centre area.

In 1978 Wirksworth was declared a 'General Improvement Area' and later that year the 'Wirksworth Project', administered by the Civic Trust was started. Its aim was the economic, social and environmental re-generation of the town. Also in 1978 a 'Town Scheme' was set up funded by the Historic Buildings & Monuments Commission (later known as English Heritage); Derbyshire County Council and Derbyshire Dales District Council. This scheme was specifically set up with the aim of trying to reverse a trend of unsympathetic repairs & alterations to both 'listed' buildings and historic/traditional buildings that did not benefit from statutory protection.

On 9 January 1979 & 2 October 1979 the Conservation Area was extended to form the current Conservation Area boundary. These extensions included many buildings outside the immediate core of the town but which were, nevertheless, of considerable age and architectural interest. The extensions also brought the entire 'historic' town centre, and its setting, under Conservation Area designation.

In 1982 Wirksworth Town Council claimed the 'Wirksworth Project' to have been worthwhile and declared their intention to take it over. This intervention became crucial to its success. The 'Project' won two prestigious awards – The Europa Nostra Award and the Civic Trust Award for work to individual buildings. In 1984 the area was awarded the RTPI Silver Jubilee Cup for Planning Achievement.

By the late 1980s it became clear that the excellent, on going, work of the 'Project' needed to be assisted by planning controls to safeguard the important and distinctive character of many of the un-listed buildings within the Conservation Area, and particularly all those un-listed properties which had already been identified and included in the 'Town Scheme' project of 1978. The District Council took on this issue and undertook further research and survey work which led to a conclusion that an Article 4 Direction should be made to cover all those properties included within the 'Town Scheme' together with a number of other un-listed buildings which had been identified during the additional survey work. The buildings/structures to be included in the Article 4 Direction were identified on a map, and in the form of a written 'Schedule of Properties'.

The Article 4 Direction was approved by the Secretary of State on 25 March 1992. A supplementary Direction, covering an additional two properties, was approved by the Secretary of State on 30 April 1992.

The approved Wirksworth Article 4 Direction of 1992 was based on the **Town & Country Planning General Development Order 1988**. The Wirksworth Article 4 Direction **removed** the following Classes of development:

### **Schedule 2, Part 1:**

- Class A (The enlargement, improvement or other alteration of a dwellinghouse)
- Class C (Any other alteration to the roof of a dwellinghouse)
- Class D (The erection or construction of a porch outside any external door of a dwellinghouse)
- Class E (The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure).  
*Insofar as it relates to existing properties.*
- Class F (The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such)
- Class H (The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse)

and,

### **Schedule 2, Part 2:**

- Class A (The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure)
- Class C (The painting of the exterior of any building or work).  
*Insofar as it relates to exterior masonry, brickwork & render.*

The removal of the above, normally, permitted development was imposed on the *entire* property, in each case, including the front, sides, rear and roof, as well as their curtilage, and structures therein, (where applicable to the Classes above). As part of the Direction, a small number of listed buildings and commercial properties were also included primarily in relation to Classes A & C of Part 2, Schedule 2. Normal planning controls on these particular building types (i.e. listed buildings and commercial properties) have been exercised.

Three years after the introduction of the Wirksworth Article 4 Direction the government published the **Town & Country Planning (General Permitted Development) Order 1995** (came into force 3 June 1995). In relation to the Classes of development removed under the 1988 Order, the same Classes were retained in the 1995 Order and, therefore, the normally permitted development rights removed under the 1992 Article 4 Direction, as listed above, remained pertinent.

Since 2005 the government has introduced a number of 'amendments' to the General Permitted Development Order 1995 in the form of Circulars and Statutory Instruments. These are listed below in chronological order:

- **ODPM Circular 10/2005** – Permitted Development Rights for Antennas. *October 2005.*
- **Statutory Instrument 2008 No. 675.** The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2008.

- This introduced Part 40 (Installation of Domestic Microgeneration Equipment). *Came into force 6 April 2008.*
- **Statutory Instrument 2008 No. 2362.** The Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. This introduced a number of amendments to the Order. *Came into force 1 October 2008.*
  - **Statutory Instrument 2010 No. 654.** The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2010. This introduced amendments to the Order including: Directions restricting permitted development; Procedure for article 4 (1) directions; Directions with immediate effect; Class I of Part 3, Schedule 2; Part 8 (Industrial & Warehouse Development); Part 32 (Schools, Colleges, Universities & Hospitals); Part 41 (Office Buildings); Part 42 (Shops or Catering, Financial or Professional Services Establishments). *Came into force on 6 April 2010.*
  - **Statutory Instrument 2011 No. 2056.** The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2011. This introduced Classes D & E in Part 2, Schedule 2 and Class A in Part 12, Schedule 2. The Order also introduced a number of amendments to Part 40 (Installation of Domestic Microgeneration Equipment), previously introduced in 2008. *Came into force 1 October 2011.*
  - **Statutory Instrument 2012 No. 748.** The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2012. This introduced some amendments to Part 6, Schedule 2; Part 7, Schedule 2; Part 40, Schedule 2 and Part 42, Schedule 2. It also introduced Part 43 (Installation of Non-Domestic Microgeneration Equipment). *Came into force on 6 April 2012.*
  - **Statutory Instrument 2013 No. 1101.** The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013. This introduced some amendments to Part 1 of Schedule 2, Class A; Part 2 of Schedule 2, Class A and Part 3 of Schedule 2, Class B. This instrument also introduced Class J, Class K, Class L & Class M. It also introduced under Part 4 of Schedule 2 – Class C & Class D. Amendments were also made to Part 8 of Schedule 2, Part 24 of Schedule 2, Part 32 of Schedule 2, Part 41 of Schedule 2 and Part 42 of Schedule 2. *Came into force on 30 May 2013.*

#### **Legislation/Guidance relating to Article 4 Directions:**

In June 2012 the government published – ‘**Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995**’. which supersedes Appendix D of Department of the Environment Circular 9/95: General Development Consolidation Order 1995. This replacement ‘Appendix D’ reflects changes to the Article 4 process introduced in April 2010 (SI No. 654), and changes to related compensation arrangements introduced in October 2010. The replacement ‘Appendix D’ outlines the use of Article 4 Directions, powers to make them, the role of the Secretary of State, guidance on modifications, cancellations & monitoring of Article 4 Directions and compensation. The replacement appendix also provides a set procedure for the Article 4 Direction process and the ‘models’ for a non-immediate direction and an immediate direction.

No relevant 'amendments' or new Classes have been made/issued, to date (July 2014), by Government since 30 May 2013.

Local Planning Authority's should, ideally, undertake a regular review of their Article 4 Directions. This has not been undertaken and coupled with the effect of the recent introduction of a large quantity of amendments and new Classes to the General Permitted Development Order this has led to the decision of the District Council to carry out a thorough review and up-dating of the current Wirksworth Article 4 Direction.

## **2) Description of the Area**

### **Derbyshire Dales**

The Derbyshire Dales, lying within the East Midlands and to the west of the Derbyshire County covers an area of approximately 79,000 hectares (307 sq miles) and comprises some of the most diverse and beautiful scenic areas in Britain. The Peak District National Park covers over half the area of the Derbyshire Dales and is responsible for the planning functions in that area. Outside of the Peak District National Park, Derbyshire Dales covers approximately 33,000 hectares (128 sq miles) of land with a total population of around 45,000. Within the District itself there are 33 Conservation Areas and 1327 listed buildings.

The majority of the District is rural in character and comprises attractive areas of countryside interspersed with a large number of villages and hamlets. The main towns within the District are Matlock, Wirksworth and Ashbourne. There is a definite contrast in landscape ranging from rugged uplands in the north to the softer fertile agricultural land in the south. Equally, there is a diverse range of materials, from the creamy pink sandstones, buff grit-stone, grey-white limestone and charcoal grey slates found predominantly in the north, to the warm orange-red brick, bluish hues of Staffordshire tiles and crisp brown and sepia thatch found further south.

### **Wirksworth**

Wirksworth has a long history with evidence of Roman lead mining in the area, some 2,000 years ago. The settlement began in the base of a 'bowl' in the hills above and to the west of the River Derwent. The parish church of St Mary is the oldest built fabric in the town dating from c.1270 and stands in a relatively large churchyard surrounded by a 'close' of houses. To the north west of the churchyard is the Market Place forming the core of the town. From this a number of roads lead off following the topography of the landscape. In general the houses are tightly 'packed' and are located immediately at the back of the pavement. Occasional larger houses of the minor gentry are set back from the road and located in their own grounds.

The topography of Wirksworth is a fundamental and intrinsic part of its historic morphology, context and historic evolution. The nature of that topography is that many buildings can be seen from a number of aspects – on the level, from above and from below. In many cases, but not all, therefore, the character and appearance of a large number of buildings is representative in

many or all of their building elevations and roofscape (the latter being a particularly important element/characteristic of the town). In the current Article 4 Direction the removal of permitted development rights from all elevations, & roofs, of every property was imposed to control inappropriate or unsympathetic development where it could be seen from the numerous public vantage points throughout the Conservation Area. This takes into account not only short-range views but also medium and long-range views. Whilst this situation is not unique it provides myriad views, glimpses and vistas of buildings within the Conservation Area of Wirksworth which are deemed to contribute significantly to its special character and appearance.

As a consequence of the relative affluence of the town during the later 18<sup>th</sup> and early 19<sup>th</sup> centuries the town has a remarkably large number of fine examples of domestic architecture with sandstone and limestone buildings mixing harmoniously together. Wirksworth currently has 134 listed buildings. Due to the historic density of the built fabric Wirksworth has a distinctive character and in places is often described as 'higgledy-piggledy' and 'cheek-by-jowl'. Interspersed between the built fabric is a web of roads, lanes, footpaths and gennels providing historic links between parts of the town.

The moribund nature of Wirksworth from the 1950s through to the early 1970s had the effect of preserving the architectural character and details of the town to a greater degree than other, more affluent and economically prosperous towns where change and alteration was more rapid. The 'Town Scheme', the 'Wirksworth Project', and the Article 4 Direction from 1992 has built upon that special & distinctive character and has contributed significantly to the upward turn and economic prosperity of the town.

### **3) The Special Need for an Article 4 Direction in Wirksworth Conservation Area**

Derbyshire Dales District Council is committed to the protection and enhancement of the Wirksworth Conservation Area. The primary use, therefore, of an Article 4 Direction is to preserve and enhance that special character and appearance for the present, and future, benefit of society.

The special historic and architectural interest of the buildings and spaces in this area was identified by the undertaking of a Conservation Area Character Appraisal in 2001. This document was a comprehensive appraisal by Derbyshire Dales District Council, Wirksworth Town Council & the Derbyshire Historic Buildings Trust following the principles established in the English Heritage Policy Document 'Conservation Area Appraisals' (March 1997) and was subsequently approved & adopted by the District Council in 2001.

The current Article 4 Direction for Wirksworth (approved in 1992) has been in place for over twenty years and that period of time has given the District Council a unique insight into its positive impact. The following discourse explores some, and deliberates on a number, of those successes.

Fortunately, the introduction of the Direction came at a time when the surge in the replacement of traditional joinery details (for example, doors & windows) with uPVC was in its infancy. Furthermore, as a consequence of the depressed economic times which affected Wirksworth in the 1950s, 60s and

70s 'modernisation' and general replacement or removal of traditional architectural details and materials had not taken place to any great, or near wholesale, degree. This had resulted in the historic and architectural character and appearance of the town being effectively 'frozen' during a period when many traditional details & materials, including inappropriate extensions and additions were taking place across the nation. It was the economic depression of the town and its unique retention of so many historical and architectural elements that attracted the Civic Trust, and other heritage bodies, to the town in the late 1970s.

The introduction of the Article 4 Direction in 1992 followed the success of the 'Wirksworth Project' in its primary aim to re-generate the town, economically and culturally, through the repair and restoration of its unique architectural and historic character and appearance. Whilst a large number of buildings were protected by virtue of 'listing' or were commercial properties (i.e. not benefiting from many, normally, permitted development rights) there remained a large number of buildings (residential properties – 'dwellinghouses') where additional planning controls could assist in retaining the unique historic character and appearance of the market town; protect the achievements of the 'Wirksworth Project' and prevent unsympathetic development/alteration in the future.

The imposition of the Article 4 Direction in 1992 has allowed that character and appearance to be retained to the benefit of the town, as a whole, in restricting or not allowing works of alteration, extension or replacement that could potentially affect the special character and appearance of the Conservation Area. The General Permitted Development Order (1995, and as amended to date) has consistently recognised the contribution of listed buildings, and buildings on Article 1(5) land (i.e. Conservation Areas), in restricting some works to such buildings through the provisions contained in the GPDO.

The effect of the Wirksworth Article 4 Direction, over the years, has instigated the replacement of inappropriate details (particularly doors and windows) inserted in properties, perhaps in the 1960s/70s, to be removed and replaced with joinery work appropriate in construction, pattern and detailing applicable to the period/style of the property. Whilst the replacement of such items/elements represents a 'minor' work to a property the *cumulative* effect on the special character and appearance of the town, over the last twenty years, has been remarkable and continues to promote the unique character that is fundamental to Wirksworth. In terms of extensions or additions, the Direction has allowed the District Council to explore closely the design details and building materials of such works to ensure that they compliment and contribute to the special character and appearance of the Conservation Area. At the time the Direction was introduced a number of paint colours for masonry, brickwork and render were identified as representing a colour range that was deemed appropriate & harmonious to the historic context and historical tradition of external wall painting.

The Local Planning Authority offers (currently free) pre-application advice or general advice and guidance on all aspects of design & conservation issues relating to the historic environment. This advice, which is generally detailed and comprehensive, has also led to building owners making changes &

enhancements, on their own volition & enthusiasm, to their properties in relation to the period/style of the property and its architectural details & elements.

As a conclusion to the review, and up-dating, of the Wirksworth Article 4 Direction, the Local Planning Authority considers that the removal of permitted development rights (as outlined below – section 4) should apply to the **entire** property and associated land/structures, in each case.

### **Public Realm:**

The special character and appearance of the Conservation Area is most readily appreciated and enjoyed, by the majority of people, from the public realm.

In terms of alterations, extensions and additions to properties covered by the Article 4 Direction the Local Planning Authority considers that such works will, primarily, be assessed in terms of their potential impact on those parts of the property which is/are visible from the public realm. The Local Planning Authority, therefore, defines the *public realm* as any adopted highway, any un-adopted highway (on which the public are allowed), public footpaths and rights of way, which constitute locations from which the street scene can be assessed.

Of especial importance to the town of Wirksworth, as a result of its topography, is that many properties can be viewed, from the public realm, as well as from a variety of vantage points and levels. This means that some properties may only present their front elevation to the public realm, others may present front and side elevations and others may present all elevations to the public realm. In addition to this the roof scape (i.e. the roof slopes) and the garden/curtilage of many properties within the Conservation Area, in whole or in part, can also be seen from vantage points, glimpses and vistas within the public realm.

The Local Planning Authority will use the definition of what constitutes the *public realm* in making an assessment & determination, on a case-by case basis, on the potential effect/impact of proposed works to the property itself, its curtilage and on the associated public realm/street scene in relation to any planning applications submitted under these additional controls.

### **Criteria for inclusion of new properties within the Article 4 Direction:**

As part of the review or up-date of the Direction, the Local Planning Authority has noticed that some buildings and structures were not included in the 1992 Direction. Reasons for their omission are not known. Under this review a small number of properties, and some structures, have been identified as contributing to the street scene or public realm to a degree that it would be desirable to impose additional planning controls to preserve their character and appearance and their contribution to the character and appearance of the Conservation Area.

It is deemed important that such properties, or structures, are assessed on the same basis as those properties which were included in the Direction in



1992. Therefore, where a property, or structure, is identified for inclusion under the revised/up-dated Article 4 Direction it shall fulfil the criteria below:

- the property, or structure, shall be visible from the public realm;
- the property, or structure, shall contribute to the street scene;
- the greater part of the property, or structure, shall be of traditional building construction and, generally, pre-date 1914;
- modern, inappropriate, alterations should not negate inclusion under the Article 4 Direction.

The properties and structures identified for inclusion in the Article 4 Direction, under this review or up-date, are set out in the ‘**Schedule of Properties**’, and identified on the accompanying ‘**Definitive Maps**’.

### **Conclusions:**

The above discussion on the special need for an Article 4 Direction in Wirksworth, has clearly identified the potential harm to the character and appearance of the Conservation Area that the Direction is intended to address. This is based on evidence over the last twenty years since the original Direction was approved in 1992.

The Local Planning Authority remains of the opinion that a number of the normally permitted development rights would undermine the visual amenity of the area or damage the historic environment. The government propounds that the making of Article 4 Directions should only be made in exceptional circumstances. The Local Planning Authority has considered this requirement carefully and is of the opinion that the harm to visual amenity of the area or damage to the historic environment remains a realistic threat to the special character and appearance of the Wirksworth Conservation Area. On that basis the circumstances in making the Direction are deemed exceptional.

The government has also stated that strong justification for the removal of permitted development rights relating to the installation of microgeneration equipment is required. The Local Planning Authority has identified the character and context of the Conservation Area, above, and has discussed the potential impact or threat of microgeneration in the section (4) below in relation to (Schedule 2, Parts 40 & 43) **Class A** only (solar PV & solar thermal). The Local Planning Authority is of the opinion that it has made a sound case (and a strong justification) for the removal of these particular Classes (refer to the discussion below).

### **4) Permitted Development Rights to be Removed**

It is envisaged that the, revised, Article 4 Direction for Wirksworth will **remove** general permitted development rights in accordance with The Town and Country Planning (General Permitted Development) Order 1995, as amended by Statutory Instruments/Circulars (to date).

The following permitted development rights shall be **removed** in respect of:

## **RESIDENTIAL PROPERTIES:**

- **Schedule 2, Part 1 (as amended) –**

**Class A:** (The enlargement, improvement or other alteration of a dwellinghouse).

**Class C:** (Any other alteration to the roof of a dwellinghouse).

**Class D:** (The erection, or construction, of a porch outside any external door of a dwellinghouse).

**Class E:** (The provision within the curtilage of a dwellinghouse of:  
(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas).

**Class F:** (Development consisting of – (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or (b) the replacement in whole or in part of such a surface).

**Class G:** (The installation, alteration or replacement of a chimney, flue or soil & vent pipe on a dwellinghouse).

- **Schedule 2, Part 2 (as amended) –**

**Class A:** (The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure)

**Class C:** (The painting of the exterior of any building or work)

- **Schedule 2, Part 40 (as amended) –**

**Class A:** (The installation, alteration or replacement of solar PV or solar thermal equipment on—  
(a) a dwellinghouse or a block of flats; or  
(b) a building situated within the curtilage of a dwellinghouse or a block of flats).

## **COMMERCIAL PROPERTIES:**

- **Schedule 2, Part 2 (as amended) –**

**Class A:** (The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure)

**Class C:** (The painting of the exterior of any building or work)

- **Schedule 2, Part 43 (as amended) –**

**Class A:** (The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or a block of flats).

## Classes of Development to be added to the Direction:

**Schedule 2, Part 1, Class G \*** (The installation, alteration or replacement of a chimney, flue or soil & vent pipe on a dwellinghouse) was introduced in October 2008. Class G will be **removed** in respect of residential properties.

\*Prior to October 2008 Class G related to the provision of oil/gas storage containers. This provision is now included within Class E (Schedule 2, Part 1).

## **Schedule 2, Part 40 and Schedule 2, Part 43**

In 1992, Schedule 2, Part 40 (Installation of domestic microgeneration equipment) and Schedule 2, Part 43 (Installation of non-domestic microgeneration equipment) did not exist. The relevant classes ('A') of these two Parts will be **removed** (see above).

## Classes of Development to be omitted from the Direction:

In the 1992 Article 4 Direction **Class H** (microwave/satellite antenna) of Schedule 2, Part 1, was removed (as a permitted development right). As part of the review/up-date it is considered that the provision under the current Class H (H.1, d) is adequate to control the placing of such equipment on properties within a Conservation Area and, consequently, Class H will no longer be included in the Direction (see above).

## 'Additional' Properties to be included in the Direction:

Under the review of the Article 4 Direction a number of properties have been identified which did not form part of the original (1992) Direction. The reason for these properties not being included in the 1992 Direction is unknown. As part of the review a number of properties have been carefully considered and assessed against the 'criteria for inclusion' (as set out & detailed in section 3, above). In total, 23 properties (residential & non-residential) have been identified for **inclusion** within the Wirksworth Article 4 Direction. These are itemised in Appendix A.

## Properties to be omitted from the Direction:

In the 1992 Article 4 Direction a small number of **listed buildings** were included under the Article 4 Direction. As part of the review it is considered that these should no longer be included in the Direction as the current planning controls in place, for such buildings/structures, are considered adequate to control alterations and additions which may affect their special character and appearance, (including buildings and structures within their curtilage). Furthermore, a small number of properties have been demolished (with approval) or have been considered not to fulfil the 'criteria for inclusion' (as set out & detailed in section 3). In total, 19 properties have been identified for **exclusion** within the Wirksworth Article 4 Direction. These are itemised in Appendix A.

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## RESIDENTIAL PROPERTIES ONLY

### TCPA (GPDO) 1995 - SCHEDULE 2, PART 1 (as amended)

#### **DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE.**

##### **Class A**

**Permitted  
development**

**A. The enlargement, improvement or other alteration of a dwellinghouse.**

Development  
not permitted

**A.1** Development is not permitted by Class A if -

- (a) as a result of the works, the total area of the ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- (c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
- (d) the enlarged part of the dwellinghouse would extend beyond a wall which –
  - (i) fronts a highway, and
  - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- (e) subject to paragraph (ea):
  - (ea) until 30 May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single-storey and –
    - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
    - (ii) exceed 4 metres in height;
- (f) the enlarged part of the dwellinghouse would have more than one-storey and -
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
  - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
- (g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
- (h) the enlarged part of the dwellinghouse would exceed beyond a wall forming a side elevation of the original dwellinghouse, and would –
  - (i) exceed 4 metres in height
  - (ii) have more than one-storey, or
  - (iii) have a width greater than half the width of the original dwellinghouse; or
- (i) it would consist of, or include –
  - (i) the construction or provision of a veranda, balcony or raised platform,
  - (ii) the installation, alteration or replacement of a microwave antenna
  - (iii) the installation, alteration or replacement of a chimney, flue or soil & vent pipe, or
  - (iv) an alteration to any part of the roof of the dwellinghouse.

**A.2** In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if –

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble-dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than one-storey and extend beyond the rear wall of the original dwellinghouse.

**Conditions**

**A.3** Development is permitted by Class A, subject to the following conditions:

- (a) the materials used in any exterior work (other than the materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be –
  - (i) obscure-glazed, and

- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than one-storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

**A.4** (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1 (e) but is allowed by paragraph A.1 (ea).

- (2) Before beginning the development the developer shall provide the following information to the local planning authority—
  - (a) a written description of the proposed development including—
    - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
    - (ii) the maximum height of the enlarged part of the dwellinghouse; and
    - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
  - (b) a plan indicating the site and showing the proposed development;
  - (c) the addresses of any adjoining premises;
  - (d) the developer's contact address; and
  - (e) the developer's email address if the developer is content to receive communications electronically.
- (3) The local planning authority shall notify owners or occupiers of any adjoining premises about the proposed development by serving on them a notice which—
  - (a) describes the proposed development, including—
    - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
    - (ii) the maximum height of the enlarged part of the dwellinghouse; and
    - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
  - (b) provides the address of the proposed development;
  - (c) specifies the date when the information referred to in paragraph (2) was received by the local planning authority and the date when the period referred to in paragraph (8)(c) would expire; and
  - (d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.
- (4) The local planning authority must send a copy of the notice referred to in paragraph (3) to the developer.
- (5) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.
- (6) The local planning authority may require the developer to submit such further information regarding the proposed development as the local planning authority may reasonably require in order to consider the impact of the proposed development on the amenity of any adjoining premises.
- (7) The local planning authority shall, when considering the impact referred to in paragraphs (5) and (6)—
  - (a) take into account any representations made as a result of the notice given under paragraph (3); and
  - (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.
- (8) The development shall not be begun before the occurrence of one of the following—
  - (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;
  - (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
  - (c) the expiry of 42 days following the date on which the information referred to in paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.
- (9) The development shall be carried out—
  - (a) where prior approval is required, in accordance with the details approved by the local planning authority;
  - (b) where prior approval is not required, or where paragraph (8)(c) applies, in accordance with the information provided under paragraph (2), unless the local planning authority and the developer agree otherwise in writing.
- (10) The development shall be completed on or before 30th May 2016.
- (11) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
- (12) The notification referred to in paragraph (11) shall be in writing and shall include—
  - (a) the name of the developer;
  - (b) the address or location of the development, and
  - (c) the date of completion.

## **Discussion:**

### *Extensions & Additions –*

As detailed in Section 2, above, Wirksworth is situated in a valley with the dwellings rising up the hills to each side, particularly to the east, north-west and west. As a consequence of the rising topography a large number of the dwellings are perched one above the other and these areas are criss-crossed by a network of roads, lanes footpaths and gennels. The topography, therefore, allows a greater visual prominence to side and rear elevations as well as roofs and roofscape than would normally be found in settlements built on relatively flat land. The result of this is that a large number of the properties included in the Article 4 Direction are seen 'in the round' and in order to safeguard, and continue to safeguard, the special character and appearance of the Conservation Area the sides, rears and roofs of the properties are covered by the Direction.

The Local Planning Authority is of the opinion that inappropriate extensions/additions to buildings within a Conservation Area both independently, and cumulatively, can detrimentally alter the special appearance and characteristics of the area. Furthermore, the choice/selection of *appropriate* construction materials is deemed to be of especial importance as incorrect or inappropriate construction materials could have a substantial, negative, impact on the perceived existing architectural nature of the area.

Over the last twenty years the Direction has allowed the Local Planning Authority to resist unsympathetic proposals for extensions and additions to these properties that would otherwise have led to a significant diminishment of that special character and appearance through inappropriate extensions & additions in terms of their design, form, scale, building materials and details.

Extensions and additions also include conservatories which, since the early 1990s, have become an increasing desire for building owners. As a genre, coupled with their general form, design and materials these particular elements can seriously erode the special character and appearance of the Conservation Area. In most cases conservatories are proposed for a rear elevation to associate it with the properties garden, however, as a distinct 'architectural' form & appearance these can be particularly prominent and as a consequence of the topography of the Conservation Area there is a strong likelihood that they would be fully or partially visible from the public realm. Where conservatories are proposed for a front elevation their impact is likely to be highly conspicuous and most likely inappropriate.

The Local Planning Authority, with the direct assistance of the Article 4 Direction, has been able to discuss and negotiate good design and the use of appropriate materials and details for extensions and additions to those properties covered by the Direction. This has also included conservatories where the Authority has striven for 'bespoke' design, form and appropriate materials and colour where it has been deemed that such an extension/addition could be accommodated without detriment to the special character and appearance of the Conservation Area.

### *Doors and Windows:*

The doors and windows of an historic property are often the elements that are most distinctive and provide a visually instant indication of the buildings period and style. Of course, very early buildings may have undergone historic alterations, including the replacement of their original windows with window patterns or forms deemed more up to date at the time they were inserted. In these cases this contributes to the special character and appearance of a property and the Local Planning Authority would not advocate a return to an earlier style/pattern of window where physical alterations to the appearance of the property had been undertaken to effect that historic change. Windows and doors are, however, vulnerable elements of a building where change is more likely.

Some properties included in the Direction have had their original (or later) windows and doors replaced with 'modern' windows and doors. These changes generally took place from the early 1960s onwards and progressed throughout the 1970s. The windows and doors inserted during this period often have no traditional precedent and their construction detailing is overtly modern. In these particular cases the re-introduction of appropriate windows (and doors), to the period/style of the property, can be based on the architectural style & detailing of the property or, where fortunate, can be based on historic photographs.

The success of the current Article 4 Direction in relation to controlling replacement windows and doors has made a substantial contribution to the special character and appearance of the Conservation Area. The controls which can be exercised under the Direction have allowed a vast number of such details to be re-instated. More specifically, with the guidance and advice given by the Local Planning Authority to building owners the correct type and pattern of windows and doors have been re-instated to the greater benefit of the appearance of the dwelling and to the Conservation Area in general. The Direction has been particularly successful in this regard in disallowing inappropriate windows and doors (in terms of pattern, form and material - generally white, brown or oak effect UPVC) for traditionally constructed windows and doors correct in style, mechanism and detailing.

The Local Planning Authority is conscious of climate change and has looked closely at methods, such as double-glazing for windows in this respect. Standard double-glazed units are generally 24mm in thickness requiring, if installed in timber windows, untraditionally thick & chunky frames. Where such windows require glazing bars these are either excessively thick (if integral) or are 'mock' glazing bars glued to the window glass. Under these circumstances the Local Planning Authority has never been convinced that such windows would be appropriate (either visually or physically sustainable) and strongly believes that such windows harm the special character and appearance of the dwelling, and the Conservation Area in general.

Technological innovation has occurred in recent years and it is now possible to fabricate timber, double-glazed, windows using 'thin' double-glazed units. These are 12mm in thickness and allow the individual sealed glass units to be *puttied* into the frames (as opposed to being secured with a timber bead) and glazing bars to be integral (as opposed to being glued on) to the frame and of

a minimum on-face thickness of 20mm. The thinness of the units also allows the timberwork dimensions of the window frames to be almost identical to the dimensions that would have been used for single-glazing.

With the advances in technology in double-glazing the Local Planning Authority has, over the last few years, considered this for replacement windows to a number of properties covered by the Article 4 Direction. The results of this have been reviewed and it is considered that such window frames, where appropriate to the style and period of the property (and their constructional detailing), do not adversely diminish the special character and appearance of the property or Conservation Area to an unacceptable degree. The Local Planning Authority will continue to consider 'thin' double-glazing for replacement window frames. However, this shall be considered on a strictly case-by-case basis as there are likely to be instances where the *fineness* of the original window joinery cannot be matched to a sufficient and convincing degree.

As part of the planning controls under the Direction relating to doors and windows the Local Planning Authority would uphold the historic tradition of painted joinery work for all such elements. Whilst the Authority does not, and is not considering controlling specific paint colours for doors and windows (or external joinerywork in general), it would, under the application for replacement doors or windows impose a Condition that such elements shall receive a painted finish following installation. Proposals for staining the timber, or fabricating them in oak (or another hardwood) and leaving them un-painted, would be resisted as being alien to the tradition of joinery details for period/historic buildings.

Class A would normally allow a dwellinghouse owner to form new window and door openings (i.e. structural openings) within the walls of their property. The Local Planning Authority considers that the formation of such openings could irrevocably alter the character and appearance of a property. Many historic/period properties present elevational treatment that has been carefully considered in terms of the size, proportion, form and layout of openings on each elevation. This forms an intrinsic part of their character and appearance.

The Conservation Area also contains many properties where blank elevations form, and present, a distinctive characteristic. It is true that some historic/period properties display openings that have been inserted, post, their original date of construction, however, these instances are rare. The Local Planning Authority recognises that in some circumstances the formation of a new window or door opening may not be overtly detrimental to the character and appearance of the property but this would be wholly dependant on the size, form, proportion and location of such an opening. The Local Planning Authority would assess such proposals on a case-by-case basis. The potential harm to character and appearance in this respect would be assisted by the removal of Class A.

#### Advice and Guidance

1. The Local Planning Authority will freely enter into discussions ('pre-application') with a building owner or their agent with regard to the principle of an extension or addition, its location or siting, its form,



shape and massing and its constructional materials and details. The Local Planning Authority will, primarily, seek for the proposed extension/addition to be sympathetic to the host building, in relation to the aforementioned criteria, and to have been considered in terms of its potential impact on the special character and appearance of the Conservation Area.

The Local Planning Authority is unlikely to support any application for development which is not considered to be in accordance with the above criteria or sympathetic in its design to the original building and the Conservation Area as a whole.

2. Conservatories are often, by their nature and genre, alien building types to traditional period or historic buildings. The Local Planning Authority will freely enter into discussions ('pre-application') with regard to the principle of a conservatory, its location or siting, its form, shape and massing and its construction materials and details. However, as an alien building type or element such proposals will be scrutinized closely and the potential impact of the conservatory will be assessed and considered in relation to its potential effect and impact on the special character and appearance of the property, and the Conservation Area.

The Local Planning Authority is unlikely to support any application for development which is not considered to be in accordance with the above criteria or sympathetic in its design to the original building and the Conservation Area as a whole

3. The Local Planning Authority will freely enter into discussions relating to a proposal to replace modern, or inappropriate, windows/doors with windows/doors that are deemed appropriate to the style/period of the property. This will be based on an assessment of the architectural style/period and details of the property or, where it exists, a clear/reliable historic photograph of the property depicting its former windows/doors.

The Local Planning Authority will expect replacement windows and doors to be fabricated from timber and given a painted finish on installation.

The Local Planning Authority will consider the use of 'thin' double-glazing (12mm, maximum) for replacement windows on a strictly case-by-case basis. The onus will generally be on the building owner to convince the Local Planning Authority (via a sound justification and dimensional detail drawings) that double-glazed timber windows, of an appropriate pattern/style, will not be detrimental to the special character and appearance of the Conservation Area.

*There may be, limited, occasions when replacement window frames to a property cannot be satisfactorily designed, with double-glazing, which the Local Planning Authority would consider acceptable, and appropriate for the property in question. On such occasions, approval is unlikely to be granted for their replacement.*

The Local Planning Authority would not support an application for UPVC windows/doors as these are crude in their design, form and appearance and their material/finish alien and detrimental to the special character and appearance of the Conservation Area.

4. Where a new window or door *structural opening* is proposed the Local Planning Authority will consider the location (i.e. which elevation), size, form, proportion and type of window frame or door design being put forward on a case-by-case basis. Where the proposed work is considered to be harmful to the character and appearance of the property and the Conservation Area, refusal will be likely. If the proposed work is considered to be acceptable in relation to the character and appearance of the property, and the Conservation Area, then approval is likely to be granted.

## Class B

### Permitted development

Development not permitted

### B. The enlargement of a dwelling house consisting of an addition or alteration to its roof.

**B.1** Development is not permitted by Class B if -

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse, and fronts a highway;
- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –
  - (i) cubic metres in the case of a terrace house, or
  - (ii) 50 cubic metres in any other case;
- (d) it would consist of, or include –
  - (i) the construction or provision of a veranda, balcony or raised platform,
  - (ii) the installation, alteration or replacement of a chimney, flue or soil & vent pipe, or

(e) the dwellinghouse is on article 1(5) land.

### Conditions

**B.2** Development is permitted by Class B, subject to the following conditions –

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be –
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

### Interpretation of Class B

**B.3** For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by the Class or not.

## Discussion:

The permitted development under Class B of Schedule 2, Part 1 was not removed under the original Article 4 Direction of 1992 as, under section B.1 (e), this disallows such permitted development for dwellinghouses on Article 1

(5) land (i.e. Conservation Areas). It is, therefore, not intended to remove this Class as the restriction under B.1 (e) is deemed adequate to preserve the special character and appearance of the Conservation Area.

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## Class C

### Permitted development

### C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C if -

- (a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- (c) it would consist of, or include –
  - (i) the installation, alteration or replacement of a chimney, flue or soil & vent pipe, or
  - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

### Conditions

C.2 Development is permitted by Class C, subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be –

- (a) obscure-glazed, and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

## Discussion:

The traditional roofing materials prevalent and predominant throughout the Conservation Area are Staffordshire Blue clay tiles, Welsh slate, stone slate, Westmoreland slate, and less prevalent use of pantiles and old red clay tiles. Other materials such as lead can also be found in a few instances. Many buildings retain and display decorative roof elements such as moulded and shaped/pierced timber barge-boards and finials, and ridge tile crestings. Such elements are considered to be important attributes and characteristics of these particular roofs with such detailing contributing positively to the rich roofscape of the Conservation Area.

As a consequence of the topography of Wirksworth the roofs and general roofscape of the town is considered to be a significant and important attribute to its special character and appearance. The use of such traditional roofing materials create a holistic mosaic of texture and colour which contributes to the distinctive character of the Conservation Area.

Controlling permitted development with regard to roofs, and the more holistic roofscape of the town, is therefore considered to be crucial to those particular elements that make up the built fabric of the area. In this regard the results of the past twenty years of the Wirksworth Article 4 Direction demonstrates that controlling works to roofs, and roofscape, has been a key factor in preserving the special character and appearance of the Conservation Area. To this end, the Local Planning Authority has been able to control the type of roofing material, ensuring that traditional, and appropriate, roofing materials are used/maintained, and controlling the insertion of such elements as rooflights (see below).

Within Wirksworth there are a number of rows of properties, sometimes built at different times or built as a single entity or group at a single date in time. Uniformity of roofing material, particularly to those rows which were built at the same time can be an important part of their character and appearance. A loss of original uniformity with the introduction of a variety of roofing materials can have a visually, devastating effect on character and appearance. Where appropriate and pertinent the Local Planning Authority would wish to preserve the uniformity of roofscapes where the row or group to which they belong was conceived with a unity of roofing material.

There are occasions where two joined properties may be of very different dates and style and the roof covering at the time of their construction may have reflected that difference. Such idiosyncrasies should be upheld wherever possible. During the 1950s/60s and 70s many houses were re-roofed using concrete tiles (or sometimes fibre-cement tiles). The Article 4 Direction allows the Local Planning Authority to consider and assess proposals for re-covering a roof with an alternative material, however, it does not prevent the owner replacing an existing roof covering (of whatever material) with an *identical* roof covering material.

With regard to the latter, the increase in the adaptation of vacant roof spaces has led to a consequential increase in the desire for **rooflights**. Historically, rooflights were rarely included in a roof plane and if they were they were more often than not a sheet of glass installed within the roof tiles or slates. During the later 19<sup>th</sup> and early 20<sup>th</sup> centuries timber framed rooflights with a protective lead capping were used and (today) very few of these survive. In general terms rooflights were commonly of a small size and few in number.

Whilst technological advances in the shape, form, style and material of rooflights has been made over the last 10-15 years, they can still have an overtly domesticating impact on a roof and roofscape and cumulatively can form a serious visual disruption of a roof or roofscape. The Local Planning Authority has always considered each proposal on its own merits in terms of the building in question, its location, the extent to which its roof is visible and the part that roof may play in the wider roofscape character of the Conservation Area. On this basis, some rooflights have been allowed on application. As a result of technological advances, the Local Planning Authority advocates the use of a 'conservation' rooflight which displays (as much as possible) the characteristics of traditional rooflights, in terms of their form, size and material.

#### Advice and Guidance

1. The Local Planning Authority will resist alterations to a roof or roofs, which are considered to have a detrimental impact on the character and appearance of a roof, or roof-scape.
2. The Local Planning Authority will support and encourage the use of appropriate roofing materials, in terms of colour, texture and appearance and these should respect the original/traditional roofing materials in use within the Conservation Area. The Local Planning Authority will resist the replacement of existing traditional roofing materials with non-traditional roofing materials, or alternative roofing

materials deemed inappropriate to the particular property or that part of the Conservation Area.

3. The removal of traditional timber, clay or stone decorative finials, crestings, ridge tiles or bargeboards will not be supported.
4. Proposals for rooflights will be considered and assessed on a case-by-case basis. The Local Planning Authority would advocate the minimum number of rooflights be considered and their size and shape, type and form and their position/layout or arrangement on the roof plane(s) all be given careful consideration. The 'conservation' rooflights have the advantage of being able to be fitted so that their glazing is flush or aligned with the surrounding roofing material/covering. The Local Planning Authority will always advocate the use of such rooflights in order to minimise, as much as possible, their visual/physical impact.

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## Class D

**Permitted development**

**D. The erection or construction of a porch outside any external door of a dwellinghouse.**

Development not permitted

**D.1** Development is not permitted by Class D if -

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;
- (b) any part of the structure would be more than 3 metres above ground level; or
- (c) any part of the structure would be within 2 metres of the boundary of the curtilage of the dwellinghouse with a highway.

## Discussion:

As a building element, porches do not have a traditional precedent in relation to vernacular buildings. The porch as an architectural element came to the fore during the second half of the 19<sup>th</sup> century and the early part of the 20<sup>th</sup> century. In some cases a porch was conceived as a fundamental and intrinsic part of a building design, but in most cases, where they exist or survive, they were added onto existing buildings.

Where a porch was not a fundamental and intrinsic part of a building's original design it can appear alien and incongruous. There are examples of porches, or more correctly canopies (open porches) which have an ephemeral and transient character and appearance. These are commonly constructed from timber to a simple, lightweight, design and in terms of their character and appearance take on the role of an additional joinery element on the building. In most cases such canopies are small in scale and project no more than 500mm or so from the building elevation. There are many instances, as a result of the position of a property (i.e. immediately at the back of the pavement) where it is, and has been, impossible to construct a porch. Other properties include small forecourts or even front gardens which would provide the space, if there was a desire, to construct a porch. Porches can also be found on the side and rear elevations of properties (i.e. serving an external door).

In not having a traditional precedent as a common architectural element, the construction of a porch can significantly alter the special character and appearance of the property itself and the Conservation Area. The modern requirement is generally for an enclosed porch which is of a size and form that

essentially forms a small room or vestibule before entering the house proper. The permitted sizes of a porch under Class D would allow such porches to be constructed.

The Local Planning Authority considers that porches, as an alien architectural element to the vast majority of period and historic houses, are likely to cause substantial harm to the character and appearance of a property, and the wider Conservation Area. In particular where a row or group of houses all include forecourts or front gardens the inclusion of a variety of different porches (in terms of size, form, material and detailing) would present an appearance of significant disparity that would be harmful to the Conservation Area. The Local Planning Authority has approved porches but these have been assessed and considered on a case-by-case basis and in terms of their potential impact on the property and the Conservation Area, or, as setting an undesirable precedent for a row or group of properties.

There may be rare occasions when a porch has been historically removed from a property and historic photographs and archaeological evidence survive to perceive its form, mass and detailing. Where such evidence survives, and is considered to be strong/sound, then the Authority will consider the re-instatement of a porch.

#### Advice and Guidance

1. The Local Planning Authority will consider the proposal for a porch, on any elevation of a property, on a case-by-case basis. The Local Planning Authority will take into account, in their assessment, the potential impact the porch may have on the property and on the special character and appearance of the Conservation Area.
2. If the principle of a porch is considered acceptable to the Local Planning Authority then it would require a design that is specific, sympathetic and harmonious with the host building. Its construction materials and detailing (roof/door/windows etc) should be of high quality and will all need careful consideration to ensure that the proposal would not be detrimental to the special character and appearance of the building and the Conservation Area.

The Local Planning Authority is unlikely to support the use of non-traditional construction materials (such as UPVC, and other artificial materials) for a porch. Traditional construction materials (such as timber), should always have a painted finish (not stained or natural).

3. Where re-instatement of a 'lost' porch is agreed in principle the evidence must be sufficiently strong and sound to allow a detailed drawing to be prepared for its re-construction. Where the evidence allows too much conjecture in terms of its scale, form, mass and detailing the Local Planning Authority are unlikely to support such an application.

## Class E

Permitted development	<p><b>E. The provision within the curtilage of a dwellinghouse of –</b></p> <p><b>(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or</b></p> <p><b>(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas</b></p>
Development not permitted	<p><b>E.1</b> Development is not permitted by Class E if -</p> <p>(a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);</p> <p>(b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;</p> <p>(c) the building would have more than one-storey</p> <p>(d) the height of the building, enclosure or container would exceed –</p> <p style="padding-left: 40px;">(i) 4 metres in the case of a building with a dual-pitched roof,</p> <p style="padding-left: 40px;">(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or</p> <p style="padding-left: 40px;">(iii) 3 metres in any other case;</p> <p>(e) the height of the eaves of the building would exceed 2.5 metres;</p> <p>(f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;</p> <p>(g) it would include the construction or provision of a veranda, balcony or raised platform;</p> <p>(h) it relates to a dwelling or a microwave antenna;</p> <p>(i) the capacity of the container would exceed 3,500 litres.</p> <p><b>E.2</b> In the case of any land within the curtilage of the dwellinghouse which is within -</p> <p>(a) a World Heritage Site,</p> <p>(b) a National Park,</p> <p>(c) an Area of Outstanding Beauty, or</p> <p>(d) the Broads</p> <p>development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.</p> <p><b>E.3</b> In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.</p> <p><b>Interpretation of Class E</b></p> <p><b>E.4</b> For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.</p>

## Discussion:

### *Existing Buildings and Structures within the Curtilage:*

Outbuildings, and ancillary buildings, located within the curtilage of a property can sometimes be of some age and interest. Of particular interest is their original use (i.e. why they were built) but of equal importance, in relation to the special character and appearance of the Conservation Area, is their visual and physical contribution to the property, its streetscene and the wider area.

Some of these buildings are smaller than the allowed cubic volume of buildings in a Conservation Area that require Planning Permission to be demolished. Many of these smaller buildings had uses such as privies, wash-houses, stores and pig sties and therefore are not only of interest for that original use but for the contribution that their physical, and visual, presence has to the special character and appearance of the Conservation Area.

It is acknowledged that the original use for such buildings may have passed and, on occasion, they are also not required for general storage. Proposals for their conversion, and potential alteration, should retain the original external shape and form of the building and, as far as possible, its existing, external, character & appearance. The Local Planning Authority will look at proposals for the conversion/alteration of such buildings on a case-by-case basis.

#### *New Buildings/Structures within the curtilage:*

The construction of new buildings or structures within the curtilage of a period or historic property can, potentially, have a visual and physical impact on the property itself and on the Conservation Area. The topography of Wirksworth allows views, vistas and glimpses into both the public and private curtilages of many properties. The construction of new buildings/structures that in their design, form, materials and detailing would be deemed inappropriate for the Conservation Area would have a consequential effect upon it. Cumulatively, such works could provide an undesirable prominence with a streetscene or particular area of the town where some properties may have a large curtilage.

The removal of the permitted development right in 1992 to construct new buildings/structures within the curtilage of properties covered by the Direction has allowed controls to be exercised (on those which have received approval) in relation to their location, form, mass, materials and detailing in order to allow such development to be assimilated within the 'grain' of the Conservation Area and be harmonious and sympathetic to its special character and appearance. The Local Planning Authority would consider such proposals on a case-by-case basis.

This Class also includes the installation of containers for oil or gas. Such elements vary in size and form but, generally, need to be sited close, or as close to, a highway where the delivery of the oil or liquid gas can be made with ease. The Local Planning Authority will consider each proposal on a case-by-case basis and will expect that its potential visual & physical impact on the property, and that part of the Conservation Area, has been carefully considered by the applicant prior to making an application.

#### Advice and Guidance:

1. Existing buildings and structures within the curtilage of a dwellinghouse should be retained where the building or structure contributes to the special character and appearance of the Conservation Area. There may be instances whereby such buildings and/or structures play no part in views from the public realm and in these cases the Local Planning Authority will consider and assess the contribution of each building/structure, on a case-by-case basis.

Proposals for the conversion/alteration of such buildings/structures should be discussed at an early stage with the Local Planning Authority. The Local Planning Authority, if amenable to its conversion/alteration, in principle, will look for a sensitive scheme which retains the existing building/structures form and scale as well as its external character and appearance. Proposals, which include excessive alteration(s) and extension(s), are unlikely to be supported.



2. New buildings/structures within the curtilage of a dwellinghouse could, potentially, impact on the special character and appearance of the Conservation Area, or that part of it. Any proposals for such development should seek advice & guidance from the Local Planning Authority, at an early stage, in order for the *principle* of such development to be considered and assessed and, where this may be acceptable, the scale, form, mass, materials and detailing of the new build. The Local Planning Authority is unlikely to support proposals which they consider will be detrimental to the special character and appearance of the Conservation Area.
  
  3. The Local Planning Authority will expect that any proposals for the installation of an oil/gas container will have been given careful consideration by the applicant as to its location, configuration and form. The Local Planning Authority is unlikely to support proposals which result in the container being visually and physically harmful to the property, the public realm and the special character and appearance of the Conservation Area.
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## Class F

Permitted development

**F. Development consisting of –**  
 (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or  
 (b) the replacement in whole or in part of such a surface

**Conditions**

**F.1** Development is permitted by Class F, subject to the condition that where –

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of the hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

## Discussion:

Much of the special character and appeal of Conservation Areas emanates from the spaces in between the historic buildings, including, in some instances, private gardens and land affiliated to individual buildings. This can also include privately owned areas or spaces that are within, or adjacent to the public realm. Wirksworth has retained a remarkable number of areas/spaces where historic paving, setts and pitchings have survived. These historic and traditional methods of surfacing form an important and intrinsic part of the special character and appearance of the Conservation Area. In some cases, historic surfacing is known to survive under later tarmaced surfaces. In acknowledging the visual and physical contribution which can be made by historic and traditional surfacing materials and treatments, the Local Planning Authority would wish to retain all such areas, wherever possible, within the Conservation Area.

## Advice & Guidance

1. The retention (and repair) of existing historic and traditional surfacing is considered to be important to the special character and appearance of the Conservation Area. Where such surfacing exists the Local Planning Authority will expect that this will be retained and will be repaired on a like-for-like basis.
2. Where new areas of hard surfacing are proposed, particularly where these areas are visible from the public realm, the Local Planning Authority will expect that traditional methods and materials are used to surface such areas.
3. There may be instances whereby the Local Planning Authority will, following assessment of the area to be surfaced, consider the use of an artificial surfacing material. If this is the case then it would be expected that surfacing material (and method of laying) is proposed that complements and is sympathetic to the character and appearance of the Conservation Area. Such decisions will be made on a case-by-case basis.

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### **Class G**

<b>Permitted development</b>	<b>G. The installation, alteration or replacement of a chimney, flue or soil &amp; vent pipe on a dwellinghouse.</b>
Development not permitted	G.1 Development is not permitted by Class G if - <ol style="list-style-type: none"><li>(a) the height of the chimney, flue or soil&amp; vent pipe would exceed the highest part of the roof by 1 metre or more, or</li><li>(b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil &amp; vent pipe would be installed on a wall or roof slope which –<ol style="list-style-type: none"><li>(i) fronts a highway, and</li><li>(ii) forms either the principal elevation or a side elevation of the dwellinghouse.</li></ol></li></ol>

### **Discussion:**

#### *Chimneystacks:*

Chimneystacks are a prevalent and distinctive architectural element of a property, its roof and the wider roofscape of an area. Chimneystacks come in various shapes, forms, sizes and extent of detailing and present a strong visual and physical element to a streetscene. In terms of their contribution to the wider roofscape of a Conservation Area they punctuate the roof mosaic and form an intrinsic part of the historic fabric and character of the area. This is particularly true of Wirksworth where its topography allows extensive roofscape views and vistas.

The Local Planning Authority considers that the removal of a chimneystack, or stacks, to a property, would alter the character and appearance of the property, or properties, and the wider Conservation Area to a harmful and negative degree. Conservation Area Consent did not control the removal of lesser architectural elements, such as chimneystacks, as this would be classed as an alteration and, therefore, the Local Planning Authority considers that the removal of Class G, in respect of chimneystacks, should be removed under the Direction.

It is acknowledged that there may be occasional instances where a chimneystack is located in a position where its visual & physical contribution to the Conservation Area is deemed negligible, in response to an application to remove it. Under these circumstances the Local Planning Authority would assess the contribution of such stacks on a case-by-case basis.

Class G also includes flues and soil & vent pipes. Whilst generally considered to be elements that would have a minimal visual impact on the character and appearance of a Conservation Area they can have a greater visual impact on a building. Proposals for, and locations/positions of flues and soil & vent pipes would be assessed on a case-by-case basis.

### Advice and Guidance

1. Chimneystacks are an important and fundamental part of a property which contribute to the character of the street scene and wider Conservation Area. As an intrinsic architectural element they should be retained in their current form, appearance, material and position. On this basis, proposals to permanently remove a chimneystack (or stacks); reduce their height or alter their form and shape will, generally, be resisted as being harmful to the special character and appearance of the property and Conservation Area.

Where a chimneystack has identifiable structural problems, resulting in a proposal to remove it, the Local Planning Authority will require the submission of a structural engineer's report and recommendations. The engineer's primary assessment, however, should be in terms of how the stack(s) can be retained through the use of conservation engineering solutions. Only where such solutions cannot be recommended or installed will the Local Planning Authority consider the removal (or alteration) of the stack.

2. The location and positioning of flues and soil & vent pipes will need to be carefully considered by the building owner to ensure that such elements are discreetly placed. The Local Planning Authority are unlikely to support proposals where flues and soil & vent pipes are located/positioned on building elevations or roofslopes that are visible from the public realm. Building owners will also need to give careful consideration to the materials and finish of the flue or soil & vent pipe. The Local Planning Authority will assess proposals for flues and soil & vent pipes on a case-by-case basis.

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## **Class H**

**Permitted development**

Development not permitted

**H. The installation, alteration or replacement of a microwave antenna on a dwellinghouse, or within the curtilage of a dwellinghouse.**

**H.1** Development is not permitted by Class H if -

- (a) it would result in the presence on the dwellinghouse, or within its curtilage of –
  - (i) more than two antennas;
  - (ii) a single antenna exceeding 100 cm in length;
  - (iii) two antennas which do not meet the relevant size criteria;
  - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60cm.

- (v) an antenna installed on a chimney, where the antenna would protrude above the chimney, or
  - (vi) an antenna with a cubic capacity in excess of 35 litres.
- (b) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof.
  - (c) In the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 60cm measured from the highest part of the ridge tiles of the roof, whichever is the lower; or
  - (d) **In the case of article 1(5) land, it would consist of the installation of an antenna –**
    - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
    - (ii) in the broads, on a chimney, wall or roof slope which faces onto, and is visible from a waterway;
    - (iii) on a building which exceeds 15 metres in height.

#### **Conditions**

**H.2** Development is permitted by Class H, subject to the following conditions

- (a) an antenna installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building; and
- (b) an antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable.

#### **Interpretation of Class H**

**H.3** The relevant size criteria, for the purpose of paragraph H.1 (a) (iii) are that:

- (a) only one of the antennas may exceed 60cm in length; and
- (b) any antenna which exceeds 60cm in length must not exceed 100cm in length.

**H.4** The length of the antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.

## **Discussion:**

Controlling the siting of microwave antennas (satellite dishes), on buildings and within their curtilage, was included in the 1992 Direction to safeguard the streetscene of the Wirksworth Conservation Area. To date, this planning control has been successful in negating the proliferation of such items throughout the Conservation Area. In 1992 satellite dishes were generally larger than they are today and were constructed from white-coated metal. Whilst it is acknowledged that technological advances have resulted in the reduction in the size of satellite dishes, and in their colour (now generally black or grey), they continue to be specifically included within the General Permitted Development Order with specific restrictions in Conservation Areas.

This Class of development was removed in the 1992 Article 4 Direction. On review of the Direction the Local Planning Authority has carefully assessed the potential threat(s) to the historic environment with regard to the placing or siting of microwave antennas (i.e. satellite dishes) within the Conservation Area. The Local Planning Authority has considered the potential implications of the normally permitted development right and that such permitted development rights as restricted under H.1 (d) (i), (ii) & (iii) are deemed adequate to control such development within the Conservation Area. Class H, therefore, will no longer be removed from residential properties and is not included in this revised Direction.

## **RESIDENTIAL AND COMMERCIAL PROPERTIES**

### **TCPA (GPDO) 1995 - SCHEDULE 2, PART 2 (as amended)**

#### **MINOR OPERATIONS**

##### **Class A**

<b>Permitted development</b>	<b>A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.</b>
Development not permitted	<b>A.1</b> Development is not permitted by Class A if -  (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed - (i) for a school, two metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than one metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons; (ii) in any other case, one metre above ground level; (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level; (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

##### **Interpretation of Class A**

**A.2** For the purposes of Class A, "school" includes a building permitted by Class C of Part 4 of this Schedule to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Class C of Part 4.

##### **Discussion:**

The visual and physical presence of the walls, gates, fences or other means of enclosure surrounding buildings, or adjacent to a highway, has a huge impact on the perceived quality of an area. Where inappropriate materials, or poor designed walls, gates and fencing, are in place an area can appear unattractive despite the obvious quality of the buildings they surround or are adjacent to.

Within the Wirksworth Conservation Area there are a large number of walls, railings and gates, constructed in a variety of materials that are of particular historic and decorative quality and detailing and contribute significantly to its special character and appearance. Furthermore, as a result of the topography of Wirksworth there is an abundance of retaining walls and high walls enclosing footways, paths, gennels and abutting the highway. Such elements are also considered to contribute positively, and significantly, to the special character and appearance of the Conservation Area.

Current planning legislation allows for the control of the alteration to walls, gates and fencing of certain heights. However, there is a danger that where new walls, gates and fences are proposed *below* the height requiring planning permission, these could be installed using inappropriate construction material(s), design, form & detailing. The current Article 4 Direction removed this Class of development, in 1992, and the success of that can be seen throughout the Conservation Area where many such elements may have been lost, altered or inappropriately replaced over the last twenty years. In removing

the normally permitted development rights relating to such features it is considered that the special character and appearance of the Conservation Area has been preserved and, in most cases, enhanced.

The planning restriction has also been instrumental in protecting such features against a growing desire to remove walling, railings or gates bounding a property frontage, side or rear to form an off-road car-parking space. The potential impact of such works, both individually and also cumulatively can have an irrevocable, visual & physical, impact on the special character and appearance of the Conservation Area.

As a result of the topography of Wirksworth and the presence of roads, lanes, footways and gennels (*the public realm*), the front, side and rear of many properties throughout the Conservation Area are visible and, on that basis, development could have an adverse impact on that part of the Conservation Area, and cumulatively, on the wider Conservation Area.

### Advice and Guidance

1. The Local Planning Authority will support proposals for walls, gates, fences and all other types/means of enclosure where there is an obvious, and soundly justifiable, need for such enclosure and where the constructional materials and design/form of the enclosure being proposed are deemed to be in keeping with the special character and appearance of the Conservation Area, or that part of it.
2. The total loss, partial removal, re-configuration or alteration of walls, gates, railings etc which are both of historic and decorative quality, and contribute to the character and appearance of the property, the public realm & that part of the Conservation Area, would be resisted as being detrimental to the special character and appearance of the Conservation Area.

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### **Class B**

Permitted  
development

**B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part)**

### **Discussion:**

The Local Planning Authority has considered the potential implications of the normally permitted development right as set out above and concludes that the potential impact of such development would not adversely affect the special character and appearance of the Conservation Area. It is concluded, therefore, that it is not appropriate to remove Class B under the Article 4 Direction.

**Any proposals to create an access that could result in the partial demolition or alteration of a wall, gate, fence or other means of enclosure would be restricted under Schedule 2, Part 2, Class A, as would the provision of a hardstanding under Schedule 2, Part 1, Class F.**

## Class C

<b>Permitted development</b>	<b>C. The painting of the exterior of any building or work.</b>
Development not permitted	<b>C.1</b> Development is not permitted by Class C where the painting is for the purpose of advertisement, announcement or direction.
Interpretation of Class C	<b>C.2</b> In Class C, “painting” includes any application of colour.

### Discussion:

The 1992 Article 4 Direction only removed the normally permitted development right to paint, or re-paint, external stonework, brickwork and render. The painting/re-painting of external joinerywork (i.e. doors, windows, shopfronts, barge-boards etc) was not restricted.

Areas of stonework, brickwork or render, which have been historically given a painted finish, or which an owner is intending to paint for the first time generally constitute large areas of a building which could potentially have an adverse visual impact if the paint colour chosen is not sympathetic or harmonious to the building itself or the general ‘grain’ of the Conservation Area. Part of the character and appearance of the Conservation Area is the predominance of natural sandstone and limestone in its natural form and colour.

Some properties were, historically, rendered for architectural reasons or, more frequently to provide added protection to an elevation or elevations against weathering (at a later date). Render has, historically, been given a painted finish more so than sandstone or brickwork, the latter materials being rarely painted. In some cases render has never been painted and retains its original natural (self) colour. Occasionally, and particularly pertinent to the later 19<sup>th</sup> and early 20<sup>th</sup> centuries, there was a ‘fashion’ for the painting of stone window cills (and sometimes window/door lintels).

In 1992 the Local Planning Authority analysed the various colour shades and hues of the existing paint colours found to stonework, render and, occasionally brickwork. These were found to be predominantly earthy colours ranging from white, off-whites, creams, buff, beige and browns. These colours were considered to be harmonious to the ‘grain’ of the Conservation Area and a set of modern paint colours, resembling as close as possible, the historic shades and hues was set out in the 1992 Direction. Over the past twenty years the choice of these particular shades and hues, considered on a case-by-case basis for re-painting or new painting, have allowed the special character and appearance of the Conservation Area to be retained without instances of inappropriate or jarring colours.

In 2004 the Local Planning Authority up-dated the list of ‘modern’ colours, keeping the same basic shades and hues but providing building owners with a choice of manufacturer from their particular paint ranges.

Based on the success of restrictions imposed on the painting of stonework, brickwork and render it is considered that such a restriction should be retained in order to continue and maintain the special character and appearance of the Conservation Area and safeguard it against inappropriate paint colours.

The Local Planning Authority has considered the possibility of bringing in a restriction on the painting of external joinerywork but its research, based on the preceding twenty years is that, in most cases, paint colours chosen for joinerywork elements have been within a traditional choice of colours and few instances have been recorded or seen where an inappropriate or jarring colour has been used. On this basis, the Local Planning Authority considers that restricting the painting of such elements (i.e. external joinerywork) should not be brought into the Article 4 Direction as an additional restriction to building owners.

### Advice and Guidance

1. The re-painting (i.e. the existing surface has previously been painted and sound evidence survives) of stonework, brickwork and render, to any part of the property, using one of the colours identified by the Local Planning Authority as part of the Article 4 Direction would require Planning Permission but would be supported on application.
2. The painting (for the first time) of any external stonework, brickwork and render, to any part of the property, will require an application for Planning Permission. The Local Planning Authority will assess properties on a case-by-case basis. Where required, the Local Planning Authority will be able to advise on a paint colour (from its identified list of colours) it considers appropriate to a particular property.

If a building owner/occupier wished to paint their property in a colour other than one of those identified by the Local Planning Authority, under the Direction, then this would be considered as part of the application for Planning Permission. If requests regarding particular paint colours are made to the Local Planning Authority, *prior* to an application being made, they will consider and assess it and inform the owner/occupier as to whether, or not they consider it an appropriate colour for their property and for the Conservation Area.

Colours that would be deemed garish, over-bright or jarring (i.e. not sympathetic/appropriate to the historic character/context) are unlikely to be supported.

3. The table of paint colours formulated by the Local Planning Authority in 2004 is set out below (*see over*). This table has been reviewed and no changes to the colours included are intended to be made.



Table of paint colours for exterior stonework, brickwork and render.

Reference Line Number	KEIM Naturstein Range	British Standard 4800 Range	Farrow & Ball Range	Dulux Heritage Range	Dulux Trade Colour Palette Range
1	S199	No match	Light Grey 17	No match	70YY 43/113
2	S198	10 B 21	Light Grey 17	No match	20YY 39/130
3	S187	10 A 07	Hardwick White 5	No match	70YY 46/053
4	S168	10 B 17	Bone 15	Georgian Green Earth	70YY 57/098
5	S119	No match	Fawn 10	Classic Whites Dark Stone	30YY 51/098
6	S117	No match	London Stone 6	Georgian Mid Umber	20YY 39/130
7	S115	No match	Buff 20	No match	20YY 39/130
8	S114	No match	Buff 20	No match	20YY 39/130
9	S112	08 B 21	Mouse's Back 40	No match	20YY 31/106
10	S109	10 B 17	Savage Ground 213	Classic Whites Dark Stone	20YY 55/151 or 30YY 47/145
11	S107	No match	Biscuit 38	No match	30YY 36/185
12	S105	No match	Buff 20	No match	30YY 33/145
13	S103	No match	Biscuit 38	No match	30YY 31/205
14	S89	04 B 21	Dead Salmon 28	Georgian Mid Umber	70YR 31/135
15	S87	No match	Dead Salmon 28	No match	60YR 30/094
16	S85	No match	No match	No match	80YR 27/147
17	S83	No match	No match	No match	No match
18	No match	10 A 03	No match	No match	70YY 63/045
19	No match	10 B 15	Tallow 203 or House White 2013	Georgian DH White	
20	No match	08 B 15	Tallow 203	Georgian DH White	

## RESIDENTIAL PROPERTIES

### TCPA (GPDO) (AMENDMENT) (ENGLAND) 2011 SCHEDULE 2, PART 40

#### INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

##### Class A

Permitted development

**A. The installation, alteration or replacement of solar PV or solar thermal equipment on—**

- (a) a dwellinghouse or a block of flats; or
- (b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

**A.1.** Development is not permitted by Class A if—

- (a) the solar PV or solar thermal equipment would protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;
- (b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);
- (c) in the case of land within a conservation area, or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;
- (d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

##### **Conditions**

**A.2.** Development is permitted by Class A subject to the following conditions—

- (a) solar PV or solar thermal equipment shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (c) solar PV or solar thermal equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

## Discussion:

Recent government objectives in relation to renewable energy has led to a number of statutory instruments relating to permitted development rights on microgeneration. The current instrument (cited above) allows the installation of solar PV or solar thermal equipment on domestic dwellinghouses, but in the case of such properties being on land within a Conservation Area, such works are not permitted if the solar equipment is to be located on a “wall which fronts a highway”.

The above order, therefore, restricts the siting of solar equipment on a wall of a property (which fronts a highway) within a Conservation Area but it allows such equipment to be sited on the roof or roofs of a property. Whilst the provisions of the GPDO no longer include roofs, nevertheless, there is an acknowledgement by central government that where areas need to be protected from specific classes of permitted development, which may impact upon the historic environment, that controls are introduced via Article 4 Directions.

Whilst the Local Planning Authority accepts the principle of renewable energy equipment for domestic properties it has a number of concerns relating to their introduction within the historic environment. These concerns relate to: the potential visual (and sometimes physical) impact that solar equipment could have on a particular property and, cumulatively on a group of properties and the wider Conservation Area.

The topography of Wirksworth allows views and vistas of its roofscape to a significant degree. Historically, roofs were generally uninterrupted by any element, apart from chimneystacks, and therefore form an important part of the distinctive special character and appearance of an area. Under Schedule 2, Part 1, Class C, alterations to a roof that may diminish its character, such as rooflights, have been restricted since 1992 on all the properties covered by the Article 4 Direction. As stated in the ‘discussion’ relating to that particular Class, the Local Planning Authority considers that the inclusion of rooflights (as an example) could diminish the special character and appearance of the roofscape of the Conservation Area. In following that concern through to solar equipment (i.e. solar panels) on roofs, and indeed on the walls of a property, the Local Planning Authority considers that such equipment could, in some instances, present a harmful, visual, impact on the special character and appearance of the Conservation Area. That ‘visual’ impact can be defined in a number of ways –

- the glass/reflective nature of the solar equipment
- the number and extent of panels required/proposed on a roof plane(s)
- the pattern of the array over the roof plane(s)
- the quality (in construction/detailing) of the solar equipment
- the loss of view of the existing roofing material
- the cumulative impact of solar equipment on the roofscape of the Conservation Area (or parts thereof)

Some, or all, of the above can contribute to the visual inappropriateness of installing such equipment on a particular building, and the cumulative effect of a number of adjacent properties having such equipment on their roofs. Similar

concerns would also relate to the installation of such equipment on the walls of a property, however, this is currently not permitted on dwellinghouses within a Conservation Area where that equipment is sited on an elevation which “fronts a highway”. The Local Planning Authority has a concern that such equipment could, however, be sited on a side, or rear wall of a property. Whilst such locations may not technically be fronting a highway such equipment may be overtly on-view as a consequence of the form, position and orientation of the dwelling.

Solar equipment can also take the form of solar tiles. These do not sit on top of an existing roof covering but require the existing roof covering to be removed and replaced with solar tiles (laid in a similar way to roofing tiles or slates). This particular type of solar equipment has a glass/reflective finish and does require the loss of the existing roof covering material. Whilst their visual impact may be considered to be less than solar panels they can still constitute a significant visual & physical change to character and appearance which could be deemed harmful to the Conservation Area, or that part of it.

On the basis of the above, the Local Planning Authority considers that the potential individual, and cumulative, impact and effect on the special character and appearance of the Conservation Area relating to the siting/installation of solar equipment on any part of the roof, or on any walls, visible from the public realm should be restricted in order to safeguard the future character and appearance of the Conservation Area.

#### Advice and Guidance:

1. The Local Planning Authority will consider and assess each proposal for solar equipment (panels) on a roof, or wall, of a dwellinghouse on a case-by-case basis. This will allow the potential impact (both physical and visual) of the proposed equipment to be carefully considered in this regard. Where the Local Planning Authority deems a proposed installation would not be detrimental to the special character and appearance of the Conservation Area, approval would be granted.
2. Where deemed acceptable, on a particular property, careful consideration will need to be given with regard to the type of panels to be used and their arrangement on the roof slope(s) or wall(s). The Local Planning Authority considers that the solar panels which have black edging strips (and black-finished fixing brackets) are currently the most appropriate type of panel in terms of their visual impact. Furthermore, where such panels are butted closely together to form a logical/unified block of panels this can also reduce their visual impact.
3. Solar panels generally have a black colouring. Where these are intended to be located on the wall of a building it is likely that a block of black coloured panels will be visually uncomfortable on/against a stone, brick or rendered wall. The Local Planning Authority will consider such, potential, visual impact and visual discomfort as part of their assessment for any proposal for locating solar panels on the walls of a property.

4. The proposed installation of solar tiles will inevitably mean the removal of the current roof covering. This roof covering (stone slates, Welsh slates, clay tiles etc.) may form an important part of the character and appearance of the property, and contribute to the character and appearance of a group of buildings and the wider Conservation Area. The potential loss of character and appearance will be considered and assessed by the Local Planning Authority on a case-by-case basis.

Where the existing roof covering is a modern material (concrete tiles or fibre-cement tiles, for example) its visual loss may not be deemed significant, in terms of character and appearance, to replace them with solar tiles. However, in terms of the character and appearance of the property, its grouping and the wider Conservation Area, the Local Planning Authority will consider such proposals on a case-by-case basis.

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## Class B

**Permitted development**                      **B. The installation, alteration or replacement of stand alone solar within the curtilage of a dwellinghouse or a block of flats.**

Development not permitted

**B.1.** Development is not permitted by Class B if—

- (a) in the case of the installation of stand alone solar, the development would result in the presence within the curtilage of more than one stand alone solar;
- (b) any part of the stand alone solar—
  - (i) would exceed four metres in height;
  - (ii) would, in the case of land within a conservation area or which is a World Heritage Site, be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway;
  - (iii) would be installed within five metres of the boundary of the curtilage;
  - (iv) would be installed within the curtilage of a listed building; or
  - (v) would be installed on a site designated as a scheduled monument; or
- (c) the surface area of the solar panels forming part of the stand alone solar would exceed nine square metres or any dimension of its array (including any housing) would exceed three metres.

### Conditions

**B.2.** Development is permitted by Class B subject to the following conditions—

- (a) stand alone solar shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (b) stand alone solar which is no longer needed for microgeneration shall be removed as soon as reasonably practicable.

## Discussion:

The gardens or grounds of a property (its curtilage) can play an important part in the character and appearance of the Conservation Area where such spaces are visible or partly visible from the public realm. Such spaces contribute to breaks in the built environment and also contribute areas of green space to the Conservation Area. As a result of the general topography of Wirksworth some gardens and grounds can be seen from a number of public vantage points increasing their visual contribution to the character and appearance of the Conservation, or that part of it.

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of stand alone solar. It is concluded that the potential implications of the normally permitted development right and that such permitted development rights as restricted

under B.1 (b) (ii) are deemed adequate to control such development within the Conservation Area. Class B, therefore, will not be removed from residential properties.

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### Class C

Permitted  
development

C. The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse or a block of flats.

#### Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of ground source heat pumps. It is concluded that the potential implications of the normally permitted development right will not adversely affect the special character and appearance of the Conservation Area. Class C, therefore, will not be removed from residential properties.

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### Class D

Permitted  
development

D. The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse or a block of flats.

#### Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of water source heat pumps. It is concluded that the potential implications of the normally permitted development right will not adversely affect the special character and appearance of the Conservation Area. Class D, therefore, will not be removed from residential properties.

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### Class E

Permitted  
development

E. The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or a block of flats.

Development  
not permitted

E.1 Development is not permitted by Class E if—

- (a) the height of the flue would exceed the highest part of the roof by one metre or more; or
- (b) in the case of land within a conservation area, or which is a World Heritage Site, the flue would be installed on a wall or roof slope which fronts a highway.

#### Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of Class E. It is concluded that the potential implications of the normally permitted development right and that such permitted development rights as restricted under E.1 (b) are deemed adequate to control such development within the Conservation Area. Class E, therefore, will not be removed from residential properties.

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## Class F

<b>Permitted development</b>	<b>F. The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse or a block of flats.</b>
Development not permitted	<b>F.1</b> Development is not permitted by Class F if—  (a) the height of the flue would exceed the highest part of the roof by one metre or more; or (b) <b>in the case of land within a conservation area, or which is a World Heritage Site, the flue would be installed on a wall or roof slope which fronts a highway.</b>

### Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of Class F. It is concluded that the potential implications of the normally permitted development right and that such permitted development rights as restricted under F.1 (b) are deemed adequate to control such development within the Conservation Area. Class B, therefore, will not be removed from residential properties.

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## Class G

<b>Permitted development</b>	<b>G. The installation, alteration or replacement of an air source heat pump— (a) on a dwellinghouse or a block of flats; or (b) within the curtilage of a dwellinghouse or a block of flats, including on a building within that curtilage.</b>
Development not permitted	<b>G.1</b> Development is not permitted by Class G unless the air source heat pump complies with the MCS Planning Standards or equivalent standards. <b>G.2.</b> Development is not permitted by Class G if— (a) in the case of the installation of an air source heat pump, the development would result in the presence of more than one air source heat pump on the same building or within the curtilage of the building or block of flats; (b) in the case of the installation of an air source heat pump, a wind turbine is installed on the same building or within the curtilage of the dwellinghouse or block of flats; (c) in the case of the installation of an air source heat pump, a stand alone turbine is installed within the curtilage of the dwellinghouse or block of flats; (d) the volume of the air source heat pump's outdoor compressor unit (including any housing) would exceed 0.6 cubic metres; (e) any part of the air source heat pump would be installed within one metre of the boundary of the curtilage of the dwellinghouse or block of flats; (f) the air source heat pump would be installed on a pitched roof; (g) the air source heat pump would be installed on a flat roof where it would be within one metre of the external edge of that roof; (h) the air source heat pump would be installed on a site designated as a scheduled monument; (i) the air source heat pump would be installed on a building or on land within the curtilage of the dwellinghouse or the block of flats if the dwellinghouse or the block of flats is a listed building; (j) <b>in the case of land within a conservation area or which is a World Heritage Site the air source heat pump— (i) would be installed on a wall or a roof which fronts a highway; or (ii) would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or</b> (k) in the case of land, other than land within a conservation area or which is a World Heritage Site, the air source heat pump would be installed on a wall of a dwellinghouse or block of flats if— (i) that wall fronts a highway; and (ii) the air source heat pump would be installed on any part of that wall which is above the level of the ground storey.

### Conditions

G.3. Development is permitted by Class G subject to the following conditions—

- (e) the air source heat pump shall be used solely for heating purposes;
- (f) the air source heat pump shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
- (g) the air source heat pump shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (h) the air source heat pump when no longer needed for microgeneration shall be removed as soon as reasonably practicable.

### Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of Class G. It is concluded that the potential implications of the normally permitted development right and that such permitted development rights as restricted under G.2 (j) (i) & (ii) are deemed adequate to control such development within the Conservation Area. Class G, therefore, will not be removed from residential properties.

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## Class H

### Permitted development

**H. The installation, alteration or replacement of a wind turbine on—**  
**(a) a detached dwellinghouse; or**  
**(b) a detached building situated within the curtilage of a dwellinghouse or a block of flats.**

### Development not permitted

- H.1.** Development is not permitted by Class H unless the wind turbine complies with the MCS Planning Standards or equivalent standards.
- H.2** Development is not permitted by Class H if—
- (a) in the case of the installation of a wind turbine the development would result in the presence of more than one wind turbine on the same building or within the curtilage;
  - (b) in the case of the installation of a wind turbine, a stand alone wind turbine is installed within the curtilage of the dwellinghouse or the block of flats;
  - (c) in the case of the installation of a wind turbine, an air source heat pump is installed on the same building or within its curtilage;
  - (d) the highest part of the wind turbine (including blades) would either—
    - (i) protrude more than three metres above the highest part of the roof (excluding the chimney); or
    - (ii) exceed more than 15 metres in height, whichever is the lesser;
  - (e) the distance between ground level and the lowest part of any blade of the wind turbine would be less than five metres;
  - (f) any part of the wind turbine (including blades) would be positioned so that it would be within five metres of any boundary of the curtilage of the dwellinghouse or the block of flats;
  - (g) the swept area of any blade of the wind turbine would exceed 3.8 square metres;
  - (h) the wind turbine would be installed on safeguarded land;
  - (i) the wind turbine would be installed on a site designated as a scheduled monument;
  - (j) the wind turbine would be installed within the curtilage of a building which is a listed building;
  - (k) **in the case of land within a conservation area, the wind turbine would be installed on a wall or roof slope of—**
    - (i) the detached dwellinghouse; or**
    - (ii) a building within the curtilage of the dwellinghouse or block of flats, which fronts a highway; or**
  - (l) the wind turbine would be installed on article 1(5) land other than land within a conservation area.

### Conditions

H.3. Development is permitted by Class H subject to the following conditions—

- (a) the blades of the wind turbine shall be made of non reflective materials;
- (b) the wind turbine shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;

- (c) the wind turbine shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (d) the wind turbine when no longer needed for microgeneration shall be removed as soon as reasonably practicable.

## Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of Class H. It is concluded that the potential implications of the normally permitted development right and that such permitted development rights as restricted under H.2 (k) (i) & (ii) are deemed adequate to control such development within the Conservation Area. Class H, therefore, will not be removed from residential properties.

## Class I

### Permitted development

Development not permitted

### I. The installation, alteration or replacement of a stand alone wind turbine within the curtilage of a dwellinghouse or a block of flats.

**I.1.** Development is not permitted by Class I unless the stand alone wind turbine complies with the MCS Planning Standards or equivalent standards.

**I.2** Development is not permitted by Class I if—

- (a) in the case of the installation of a stand alone wind turbine, the development would result in the presence of more than one stand alone wind turbine within the curtilage of the dwellinghouse or block of flats;
- (b) in the case of the installation of a stand alone wind turbine, a wind turbine is installed on the dwellinghouse or on a building within the curtilage of the dwellinghouse or the block of flats;
- (c) in the case of the installation of a stand alone wind turbine, an air source heat pump is installed on the dwellinghouse or block of flats or within the curtilage of the dwellinghouse or block of flats;
- (d) the highest part of the stand alone wind turbine would exceed 11.1 metres in height;
- (e) the distance between ground level and the lowest part of any blade of the stand alone wind turbine would be less than five metres;
- (f) any part of the stand alone wind turbine (including blades) would be located in a position which is less than a distance equivalent to the overall height (including blades) of the stand alone wind turbine plus 10 % of its height when measured from any point along the boundary of the curtilage;
- (g) the swept area of any blade of the stand alone wind turbine exceeds 3.8 square metres;
- (h) the stand alone wind turbine would be installed on safeguarded land;
- (i) the stand alone wind turbine would be installed on a site designated as a scheduled monument;
- (j) the stand alone wind turbine would be installed within the curtilage of a building which is a listed building;
- (k) **in the case of land within a conservation area, the stand alone wind turbine would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway;** or
- (l) the stand alone wind turbine would be installed on article 1(5) land other than land within a conservation area.

### Conditions

**I.3.** Development is permitted by Class I subject to the following conditions—

- (a) the blades of the stand alone wind turbine shall be made of non reflective materials;
- (b) the stand alone wind turbine shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (c) the stand alone wind turbine when no longer needed for microgeneration shall be removed as soon as reasonably practicable.

## Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of Class I. It is



concluded that the potential implications of the normally permitted development right and that such permitted development rights as restricted under 1.2 (k) are deemed adequate to control such development within the Conservation Area. Class I, therefore, will not be removed from residential properties.

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## **COMMERCIAL PROPERTIES**

### **TCPA (GPDO) (AMENDMENT) (ENGLAND) 2011 SCHEDULE 2, PART 43**

#### **INSTALLATION OF NON-DOMESTIC MICROGENERATION EQUIPMENT**

##### **Class A**

**Permitted  
development**

Development  
not permitted

**A. The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or a block of flats.**

**A.1.** Development is not permitted by Class A if—

- (a) the solar PV or solar thermal equipment would be installed on a wall or pitched roof and would protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;
- (b) the solar PV or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV or solar thermal equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);
- (c) the solar PV or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;
- (d) the solar PV or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building;
- (e) **in the case of a building on article 1(5) land, the solar PV or solar thermal equipment would be installed on a wall or roof slope which fronts a highway;**
- (f) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (g) the solar PV or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

##### **Conditions**

**A.2.** Development is permitted by Class A subject to the following conditions—

- (a) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (c) solar PV or thermal equipment no longer needed for microgeneration must be removed as soon as reasonably practicable.

##### **Discussion:**

Recent government objectives in relation to renewable energy has led to a number of statutory instruments relating to permitted development rights on microgeneration. The current instrument (cited above) allows the installation of solar PV or solar thermal equipment on non-domestic buildings, but in the case of such properties being on land within a Conservation Area, such works are not permitted if the solar equipment is to be located on a “wall or roof slope which fronts a highway”.

The above order, therefore, restricts the siting of solar equipment on a wall or roof slope of a property (which fronts a highway) within a Conservation Area. Whilst the Local Planning Authority accepts the principle of renewable energy

equipment for non-domestic properties it has a number of concerns relating to their introduction within the historic environment. These concerns relate to: the potential visual (and sometimes physical) impact that solar equipment could have on a particular property and, cumulatively on a group of properties and the wider Conservation Area.

The topography of Wirksworth allows views & vistas of its roofscape to a significant degree. Historically, roofs were generally uninterrupted by any element, apart from chimneystacks, and therefore form an important part of the distinctive special character and appearance of an area. Under Schedule 2, Part 1, Class C, alterations to a roof that may diminish its character, such as rooflights, have been restricted since 1992 on all the properties covered by the Article 4 Direction. As stated in the 'discussion' relating to that particular Class, the Local Planning Authority considers that the inclusion of rooflights (as an example) could diminish the special character and appearance of the roofscape of the Conservation Area. In following that concern through to solar equipment (i.e. solar panels) on roofs, and indeed on the walls of a property, the Local Planning Authority considers that such equipment could present a harmful, visual, impact on the special character and appearance of the Conservation Area. That 'visual' impact can be defined in a number of ways –

- the glass/reflective nature of the solar equipment
- the number and extent of panels required/proposed on a roof plane(s)
- the pattern of the array over the roof plane(s)
- the quality (of construction/detailing) of the solar equipment
- the loss of view of the roofing material
- the cumulative impact of solar equipment on the roofscape of the Conservation Area (or parts thereof)

Some, or all, of the above can contribute to the visual inappropriateness of installing such equipment on a particular building, and the cumulative effect of a number of adjacent properties having such equipment on their roofs. Similar concerns would also relate to the installation of such equipment on the walls of a property, however, this is currently not permitted on properties within a Conservation Area where that equipment is sited on an elevation which "fronts a highway". The Local Planning Authority has a concern that such equipment could, however, be sited on a side, or rear wall of a property. Whilst such locations may not technically be fronting a highway such equipment may be overtly on-view as a consequence of the form, position and orientation of the property.

Solar equipment can also take the form of solar tiles. These do not sit on top of an existing roof covering but require the existing roof covering to be removed and replaced with solar tiles (laid in a similar way to roofing tiles or slates). This particular solar equipment has a glass/reflective finish and does require the loss of the existing roof covering material. Whilst their visual impact is considered to be less than solar panels they can still constitute a significant change to character and appearance which could be deemed harmful to the Conservation Area, or that part of it.

On the basis of the above, the Local Planning Authority considers that the potential individual, and cumulative, impact and effect on the special character and appearance of the Conservation Area relating to the siting/installation of

solar equipment on any part of the roof, or on any walls, visible from the public realm should be restricted to safeguard the future character and appearance of the Conservation Area.

Advice and Guidance:

1. The Local Planning Authority will consider and assess each proposal for solar equipment (panels) on a roof, or wall, of a non-domestic property on a case-by-case basis. This will allow the potential impact (both physical and visual) of the proposed equipment to be carefully considered in this regard. Where the Local Planning Authority deems a proposed installation would not be detrimental to the special character and appearance of the Conservation Area, approval would be granted.
2. Where deemed acceptable, on a particular property, careful consideration will need to be given with regard to the type of panels to be used and their arrangement on the roof slope(s) or wall(s). The Local Planning Authority considers that the solar panels which have black edging strips (and black-finished fixing brackets) are currently the most appropriate type of panel in terms of their visual impact. Furthermore, where such panels are butted closely together to form a logical/unified block of panels this can also reduce their visual impact.
3. Solar panels generally have a black colouring. Where these are intended to be located on the wall of a building it is likely that a block of black coloured panels will be visually uncomfortable on/against a stone, brick or rendered wall. The Local Planning Authority will consider such, potential, visual impact and visual discomfort as part of their assessment for any proposal for locating solar panels on the walls of a property.
4. The proposed installation of solar tiles will inevitably mean the removal of the current roof covering. This roof covering (stone slates, Welsh slates, clay tiles etc.) may form an important part of the character and appearance of the property, and contribute to the character and appearance of a group of buildings and the wider Conservation Area. The potential loss of character and appearance will be considered and assessed by the Local Planning Authority on a case-by-case basis.

Where the existing roof covering is a modern material (concrete tiles or fibre-cement tiles, for example) its visual loss may not be deemed significant, in terms of character and appearance, to replace them with solar tiles. However, in terms of the character and appearance of the property, its grouping and the wider Conservation Area, the Local Planning Authority will consider such proposals on a case-by-case basis.

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## Class B

### Permitted development

### B. The installation, alteration or replacement of stand alone solar within the curtilage of a building other than a dwellinghouse or a block of flats.

### Development not permitted

#### B.1. Development is not permitted by Class B if—

- (a) in the case of the installation of stand alone solar, the development would result in the presence within the curtilage of more than one stand alone solar;
- (b) any part of the stand alone solar—
  - (i) would exceed four metres in height;
  - (ii) would, if installed on any article 1(5) land, be installed so that it is nearer to any highway which bounds the curtilage than the part of the building which is nearest to that highway;
  - (iii) would be installed within five metres of the boundary of the curtilage;
  - (iv) would be installed within the curtilage of a listed building; or
  - (v) would be installed on a site designated as a scheduled monument; or
- (c) the surface area of the solar panels forming part of the stand alone solar would exceed nine square metres or any dimension of its array (including any housing) would exceed three metres.

#### Conditions

#### B.2. Development is permitted by Class B subject to the following conditions—

- (a) stand alone solar must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (b) stand alone solar which is no longer needed for microgeneration must be removed as soon as reasonably practicable.

## Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of Class B. It is concluded that the potential implications of the normally permitted development right and that such permitted development rights as restricted under B.1 (b) (ii) are deemed adequate to control such development within the Conservation Area. Class B, therefore, will not be removed from commercial properties.

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## Class C

### Permitted development

### C. The installation, alteration or replacement of a ground source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.

#### Conditions

#### C.1. Development is permitted by Class C subject to the following conditions—

- (a) the total area of excavation must not exceed 0.5 hectares;
- (b) the development must not result in the presence within the curtilage of more than one ground source heat pump; and
- (c) a pump which is no longer needed for microgeneration must be removed as soon as reasonably practicable and the land shall, as far as reasonably practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

## Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of Class C. It is concluded that the potential implications of the normally permitted development right will not adversely affect the special character and

appearance of the Conservation Area. Class C, therefore, will not be removed from commercial properties.

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## Class D

**Permitted development**

**D. The installation, alteration or replacement of a water source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.**

**Conditions**

**D.1.** Development is permitted by Class D subject to the condition that the total surface area covered by the water source heat pump (including any pipes) must not exceed 0.5 hectares.

### Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of Class D. It is concluded that the potential implications of the normally permitted development right will not adversely affect the special character and appearance of the Conservation Area. Class D, therefore, will not be removed from commercial properties.

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## Class E

**Permitted development**

**E. The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a building other than—  
(a) a dwellinghouse or a block of flats; or  
(b) a building situated within the curtilage of a dwellinghouse or a block of flats.**

Development not permitted

**E.1.** Development is not permitted by Class E if—  
(a) the capacity of the system that the flue would serve exceeds 45 kilowatts thermal;  
(b) the height of the flue would exceed either—  
(i) the highest part of the roof by one metre or more, or  
(ii) the height of an existing flue which is being replaced, whichever is the highest;  
(c) the installation of the flue would result in the installation on the same building of more than one flue forming part of either a biomass heating system or a combined heat and power system;  
(d) the flue would be installed on a listed building, within the curtilage of a listed building or on a site designated as a scheduled monument; or  
(e) **in the case of a building on article 1(5) land, the flue would be installed on a wall or roof slope which fronts a highway.**

### Discussion:

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of Class E. It is concluded that the potential implications of the normally permitted development right and that such permitted development rights as restricted under E.1 (e) are deemed adequate to control such development within the Conservation Area. Class E, therefore, will not be removed from commercial properties.

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## Class F

**Permitted development**

**F. The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a building other than—  
(a) a dwellinghouse or a block of flats; or  
(b) a building situated within the curtilage of a dwellinghouse or a block of flats.**

**F.1.** Development is not permitted by Class F if—

- (a) the capacity of the system that the flue would serve exceeds 45 kilowatts thermal;
- (b) the height of the flue would exceed either—
  - (i) the highest part of the roof by one metre or more, or
  - (ii) the height of an existing flue which is being replaced, whichever is the highest;
- (c) the installation of the flue would result in the installation on the same building of more than one flue forming part of either a biomass heating system or a combined heat and power system;
- (d) the flue would be installed on a listed building, within the curtilage of a listed building, or on a site designated as a scheduled monument; or
- (e) **in the case of a building on article 1(5) land, the flue would be installed on a wall or roof slope which fronts a highway.**

**Discussion:**

The Local Planning Authority has carefully assessed the potential threat(s) to historic properties within the Conservation Area in respect of Class F. It is concluded that the potential implications of the normally permitted development right and that such permitted development rights as restricted under F.1 (e) are deemed adequate to control such development within the Conservation Area. Class F, therefore, will not be removed from commercial properties.

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**5). Future Amendments to the Direction & Reviewing:**

This Direction is based on the up-to-date (as of July 2014) amendments, and new classes, to the 1995 GPDO via a number of Statutory Instruments & Circulars issued by government.

With regard to future amendments/inclusions to the GPDO, the District Council will operate the following procedure in respect of the Wirksworth Article 4 Direction:

(a). ***Amendments made to existing Classes (via Statutory Instruments or Circulars):***

Where government makes an amendment to an existing Class (which has been removed as part of the Wirksworth Article 4 Direction) the Council will, where it considers that that amendment(s) is relevant & pertinent, absorb those amendments into the existing Direction.

(b). ***New Classes introduced into the GPDO (via Statutory Instruments or Circulars):***

Where government introduces a new Class the Council will consider if that Class should be removed from properties included within the Wirksworth Article 4 Direction. If it considers that the new Class (or part(s) of that new class) should be removed then it will undertake a public consultation exercise (6 weeks), in accordance with the governments approved procedure, specifically relating to the removal of the new Class.

The outcome of that public consultation, and any representations received in writing, will be considered by the Council who will make a decision as to whether to remove that particular Class under the

Wirksworth Article 4 Direction. If the Class (or part(s) thereof) is to be removed, all property owners will be informed by letter of the change to the Direction and the implications of the removal of the Class.

*Reviewing the Direction:*

The Wirksworth Article 4 Direction will be reviewed/up-dated periodically to correspond with the time period currently allowed whereby works which would need Planning Permission, and have been undertaken without such permission, would be exempt from enforcement/prosecution if they had been in place for over 4 years. The burden of providing proof of such a work being in place for over 4 years lies with the building owner/occupier.

Periodically the Local Planning Authority will check for potential un-authorised works to the properties covered by the Direction and where any un-authorised works are discovered these will be investigated, by the Council, with the building owner/occupier. Whilst it is anticipated that there are likely to be few instances, the Local Planning Authority will also check building addresses/numbers to ensure that the 'Schedule of Properties' is kept up to date.

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**6). Planning Policies**

The Article 4 Direction for Wirksworth Conservation Area will enable the District Council to be more effective in implementing the overall policies, which it has adopted (and aims to adopt in the emerging Local Plan) to promote, preserve, protect and enhance the traditional built environment within the Derbyshire Dales Area which is an important and distinctive characteristic & quality of the area.

This will enable the District Council to support the local community in protecting & enhancing the built heritage within the locality so preserving & protecting a valuable cultural asset for future generations.

**National Planning Policy Framework & National Planning Policy Guidance**

The National Planning Policy Framework (NPPF) came in to force on **27 March 2012**. Policy 200 states that "*the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area*".

The heritage value and significance of the historic environment is deemed to be a local amenity and its protection is, therefore, recognised by the NPPF. On that basis, it is considered that the removal of certain permitted development rights to protect and safeguard that local amenity of the area warrants the imposition of an Article 4 Direction as justified in this 'Case for the Direction'.

The National Planning Policy Guidance (NPPG) came into force in August 2013 with amendments made, and published, on 6 March 2014.

### **Emerging Derbyshire Dales Local Plan (2013/14)**

The District Council has prepared its new Local Plan which is currently pending consideration. The emerging plan contains both 'Strategic' and 'Development Management' policies.

The emerging (draft) policies relating to the historic environment are:

- **Strategic Policy 3 (SP3) – Protecting & Enhancing the Natural and Historic Environment** and
- **Development Management Policy 8 (DM8) – The Historic Environment**

and in terms of the design & appearance of development:

- **Development Management Policy 9 (DM9) – Design & Appearance of Development**

The above draft policies enshrine the District Council's commitment to the protection and enhancement of its historic environment. These three policies will allow the District Council to make sound decisions on proposals affecting the historic environment and their intent absorbs the following policies of the current Local Plan – namely NBE21, NBE22, S1 and S6.

The District Council's adopted supplementary planning document – **Shop Fronts and Commercial Properties** (approved 2006, modified 2012) remains in force.

### **Current Derbyshire Dales Local Plan (2005)**

The current Derbyshire Dales Local Plan was adopted on **24 November 2005**. It has already been established that Derbyshire Dales District Council is committed to the protection and enhancement of conservation assets in Wirksworth. The Council currently has policies for protecting its Conservation Areas in the:

#### **Policy NBE 21: Development Affecting a Conservation Area**

Criteria in this policy indicates that where it appears to the Council that there is a particular threat to the character or appearance of a conservation area, from inappropriate alterations to residential properties that would not normally require planning permission, consideration will be given to the making of an Article 4 Direction, the effect of which is to bring these works under planning control. Once in force, planning permission will only be given to works that would not have a detrimental impact on the character or appearance of the Conservation Area. Other Article 4 (1) Directions are in place in Osmaston, Matlock Bridge and Matlock Bath Conservation Areas. Planning Permission for development proposals within or adjacent to a Conservation Area will be granted provided that they preserve or enhance the character or appearance of the Area.



## **Policy NBE 22: Shop Fronts in Conservation Areas**

This policy indicates that wherever shop fronts of merit survive they should be retained. The removal of traditional shop fronts within conservation areas will therefore be resisted if they are of architectural and/or historic value and contribute to the special character of the area. The Council will seek the restoration and repair of such features in preference to replacement. Where proposals for new shop fronts within conservation areas are considered acceptable they should respect the architectural elements of the building within which they are sited.

Planning Permission for the replacement of a shop front within a Conservation Area will only be granted where:

- (a) the existing shop front has little or no architectural and/or historic value or does not make a contribution to the character of the Conservation Area  
*or:*
- (b) it can be demonstrated that a shop front of architectural and/or historic value or that makes a contribution to the character of the Conservation Area is wholly beyond repair and restoration  
*and:*
- (c) the design and appearance of the new shop front preserves or enhances the character or appearance of the Conservation Area.

## **Policy S1: Retail Development in the Town Centres**

Planning Permission for retail development and other uses appropriate within a town centre (as defined on the Proposals Map) will be granted if it:

- (a) is in scale and character with the town centre; and
- (b) is well related or capable of being well related to the public transport network; and
- (c) does not have an adverse impact upon the character and appearance of the town centre.

## **Policy S6: The Design & Appearance of Shops and Commercial Properties**

Planning Permission for development affecting the external appearance of retail and commercial premises, will only be granted where the design and appearance does not have an adverse impact upon the character and appearance of the building and the surrounding area.

There are over 300 shops in the Derbyshire Dales. The District Council has prepared and adopted (approved May 2006, modified June 2012) a Supplementary Planning Document entitled '**Shop Fronts & Commercial Properties**'. This document is supplementary to Local Plan policies SF5,

NBE21, NBE22, S6 and S7. The objectives of the SPD are:

- to achieve high quality shop front and advertisement design that is appropriate to the building and local context
- to preserve and enhance the character and appearance of the District's environment
- to reduce the number of unauthorised and unsuitable shop fronts and advertisements
- to ensure new shop fronts are accessible to all through inclusive design
- to provide design guidance for shop fronts and advertisements in Conservation Areas and/or adjacent to a listed building.

The SPD also includes a comprehensive Sustainability Checklist.

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## **Appendix A:**

### **Properties proposed to be included in the Direction:**

11 Bowling Green Lane

12 Bowling Green Lane - 'New Road Cottage'

13 Bowling Green Lane

Baptist Chapel, Coldwell Street

1 Cavendish Cottages, Cromford Road

2 Cavendish Cottages, Cromford Road

4 Cromford Road

28 The Dale - 'Dale Cottage'

The Barn, Greenhill

2a North End - 'Mays Bakery and Tea Room'

30 North End – (3 Units)

44 North End

45 North End

Methodist Church, St John St.

44 St John Street - 'Warmbrook House'

16 St. Mary's Gate

17 St. Mary's Gate

20 St. Mary's Gate

7A 'Cooks Yard', West End

30 West End

'Snuffless Dip' West End

53 West End

Yokecliffe Cottage, West End

**Properties proposed to be excluded from the Direction:**

14 The Causeway

15 The Causeway

15a The Causeway

33 Coldwell Street

35 Coldwell Street

37 Coldwell Street

Wirksworth County Infant School, Cromford Road

Crown Yard - Palins Wholesale and Brewhouse to rear of No.7 Market Place

Crown Yard - Former abattoir & buildings to rear of Joinery Workshop

Outbuilding to rear of No. 22 The Dale

9 Greenhill

14 Market Place

42 North End - 'Durham House' & attached shop

Workshop to rear of Slaley House, North End

Baptist Cemetery Chapel, North End

7 St. John Street

Derelict building in Cribbins Court (to rear of 15 St. John Street)

57-59 St. John Street

Cottages to the rear of No. 35 St John Street

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