

# **DERBYSHIRE DALES DISTRICT COUNCIL**

## **MATLOCK BATH 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**

In accordance with the Government guidelines given in Planning Policy Guidance Note 15 : Planning and the Historic Environment and The Town & Country Planning (General Permitted Development) Order 1995 this statement provides:

1. Description of the Area
2. The Special Need for an Article 4 (1) Direction in this Area
3. Consultation & The Revised Article 4 (1) Direction
4. Permitted Development Rights to be Removed
5. Planning Policies

## **1) 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 32 Conservation Areas and around 1330 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.

### **Matlock**

The largest settlement within the Derbyshire Dales District is Matlock with a population of 9,700. It is comprised of a string of smaller settlements running along the River Derwent. Typical of this region are steep sided gorges, underground caves and large caverns. The larger limestone Dales generally come down to lower levels and have been traditionally well wooded with sheer cliffs or crags of white and grey rock rising abruptly above the trees. Old Matlock (or Matlock Town) was the original settlement and its offshoots Matlock Green, Matlock Bridge, Matlock Bank, Matlock Dale and Matlock Bath, are all now recognised for their contribution to the character and appearance of the area by their Conservation Area designations.

### **Matlock Bath**

Matlock Bath lies between Matlock Dale to the north and Cromford to the south, within the confines of a deep limestone gorge. Lying within this deep valley it is a securely sheltered area and the villas, mansions, hotels and gardens either perch on craggy heights or nestle comfortably into the hillside, following the contours down to the river. Described as 'The Switzerland of England', Matlock Bath was part of the parish of Matlock until 1843. The waters were first applied for medicinal purposes around the latter end of the 17<sup>th</sup> century, but its development as a spa town during the Regency period was as a result of the exploitation of its thermal springs, caverns, dramatic natural scenery and climate, which attracted visitors and residents to it as a health and pleasure resort. The village became an extremely fashionable and

prosperous spa in the 18<sup>th</sup> century, and still attracts many visitors today.

Matlock Bath Conservation Area was designated in 1972 and extended in 1978, thus recognising it as an area of “*special architectural and historic interest, the character and appearance of which it is desirable to preserve or enhance.*” It has a contiguous boundary with both Matlock Dale and Cromford Conservation Areas. The Matlock Bath Conservation Area includes 63 grade II listed buildings. There are also three Registered Historic Parks and Gardens included within the Conservation Area. Matlock Bath also lies within the buffer zone of the Derwent Valley Mills World Heritage Site.

The Matlock Bath Article 4 (1) Direction covers the retail/commercial centre of the town, including the buildings of North and South Parades and two properties on Dale Road. Most of the buildings along the Parades are shops, cafes and some hotel establishments. The predominant building material is stone, with examples of ashlar, tooled and pitch faced stonework and rendered stonework/brickwork. Roofing is mostly of Welsh slate, with a few examples of clay tiles and some modern, inappropriate concrete tiles. Many buildings still retain original cast iron rainwater goods, and a number of properties feature decorative rise and fall brackets. Chimneystacks are of stone or brick and in general the rooflines along the Parades vary considerably in form and pitch giving a distinctively haphazard impression, reflecting the piecemeal development of the area. In general most of the original timber windows remain intact through the Parades, and many original timber panelled doors have been retained. These generally provide access to residential accommodation above the retail units, and are separate from the shop front entrances. Several examples of decorative ironwork also survive.

Architecturally, the buildings in the area reflect the characteristics of the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> centuries. Buildings dating from the 18<sup>th</sup> century and the first quarter of the 19<sup>th</sup> century (probably up to about 1820-30) are predominantly rendered and painted. Those buildings constructed between 1830 and 1850-60 are constructed of coursed tooled stonework and those built during the last 30-40 years of the 19<sup>th</sup> century and the first part of the 20<sup>th</sup> century are generally constructed from pitched face stonework.

The early rendered buildings (18<sup>th</sup> century) are generally constructed from uncoursed rubble limestone or brickwork with gritstone detailing. They are mostly 3-storeys high with vertical rectangular window openings with stone heads, jambs and cills, multi-paned sash windows and classically proportioned elevations. Renders of this period were always smooth and were probably lime-washed. There appears to be a historical precedent for the use of delicate whites and creams for the rendered buildings of the Parades: the earliest watercolour of Matlock Bath (circa. 1835) indicates that the predominant colouring used in South Parade and the southern end of North Parade was off-white, light cream and light buff; this is confirmed in a guidebook written in the 1850s by James Croston (*On Foot Through The Peak*) where he notes the “delicate white and cream-coloured” rendered buildings of Matlock Bath. Croston’s “delicate white” would be described today as off-white or a very light cream. Slightly different colours would have

given properties a sense of individuality, but this difference would have been subtle, giving a general sense of unity to the rows of buildings.

Most of the remaining buildings on the Parades date from the mid-late 19<sup>th</sup> century. They form groups with architecturally distinctive characteristics, including: painted timber canted bay windows; unusual margin panes to sash windows; 'Regency' style with French windows and decorative cast-iron balconies; elaborate painted timber eaves cornice with over-sized painted timber console brackets to each end of the block, and blocked pilasters terminating the end corners; decorative fret-work to the eaves, and so on.

A few individual buildings on North Parade add variety to the built form, including Fernie Bank (circa. 1880), an imposing and prominent detached residential property of red brick with stone dressings and a slate roof set back from the road and raised above the road level and the former Methodist Chapel, constructed in 1865, designed in an Italianate or Florentine style, its stone steeple acting as a prominent element on the Parade. Rose Cottage (now known as Riva), originally built as a simple late 18<sup>th</sup> century rendered double-fronted cottage with quoins and stone heads, jambs and cills, has since had the render removed leaving the rubble stonework exposed, which has been pointed with inappropriate raised and cut mortar.

As a predominantly commercial resort, the Parades are lined with shopfronts. Most of those, on the late 18<sup>th</sup> and early 19<sup>th</sup> century buildings, are later additions as these buildings would not originally have included a shop front. The mid-late 19<sup>th</sup> century shopfronts have relatively shallow and flat fascia boards, decorative carved or shaped console brackets, plain, panelled or fluted pilasters, slender circular colonettes to the glazing, a low stall riser (generally stone) and a recessed doorway with fanlight over. Although many of these details have been lost or replaced over the last 50 years or so, a few incomplete examples remain. Shop-fronts being predominantly from the later 19<sup>th</sup> century, they were traditionally painted using a dark palette such as black, dark green, dark blue, or a rich red, although Matlock Bath does have examples of two-tone painted shop-fronts.

## **2) The Special Need for an Article 4 (1) Direction in Matlock Bath Conservation Area**

An Article 4 (1) Direction was introduced in Matlock Bath in December 1991. This covered properties on North and South Parades and two commercial properties on Dale Road. Permitted development rights were withdrawn for:

- the painting and re-painting of the exterior of any building covered by the Direction
- the erection, construction, maintenance and improvement or alteration of any gate, fence, wall or other means of enclosure.

At the time of the Direction a list of suitable paint colours, linked to the properties covered by the Article 4 (1), was included with the Schedule (copy attached).

Derbyshire Dales District Council is committed to the protection and enhancement of the Matlock Bath Conservation Area. The special historic and architectural interest of the buildings and spaces in this area was recently recognised and identified by the undertaking of a **Conservation Area Character Appraisal** in 2006. This document was a comprehensive appraisal following the principles established in the English Heritage Policy Document 'Conservation Area Appraisals' (March 1997) and following public consultation was approved by the Council in July 2006.

It is generally recommended that any Article 4 (1) Direction should be reviewed every five years. The Matlock Bath Article 4 (1) Direction came into force in 1991, but has not been reviewed since then. The District Council has therefore undertaken a comprehensive review of the Article 4 (1) Direction and a revised Matlock Bath Article 4 (1) Direction has now been drawn up, as indicated on the attached Schedule and Plan. This seeks to prevent the loss of historic character and allows the Council to continue working alongside building owners to preserve and enhance this historically important village. The long-term sustainable economic future for Matlock Bath also depends upon the careful and consistent monitoring of development within the area and it will need to be ensured that all future work aims for the preservation and enhancement of the existing fabric.

One commercial building (190, South Parade) has been added to the Schedule. Although this property was not included in the original Matlock Bath Article 4 (1) Direction, it is in a prominent position on South Parade and it is considered that it should be included in the revised Schedule.

The area of Matlock Bath covered by the Article 4 (1) Direction is primarily commercial, with only one *residential* property included ('Fernie Bank', 104 North Parade). As commercial properties do not benefit from permitted development rights, work comprising potential development to these properties would have to be determined as to whether or not it constituted a 'material alteration'. However, certain sections of Schedule 2 Part 2 of the GPDO 1995 relating to 'Minor Operations' are relevant to these properties. The District Council seeks to control the use of appropriate period colours to renders and stucco, painted stonework/brickwork, all joinery work to both

original and new shop fronts and for picking-out, window/door joinery and ironwork. The Conservation Area Character Appraisal provided a detailed analysis of the appropriate colour schemes along the Parades based on historical evidence (as described in Section 1) and a revised and updated Table detailing appropriate colours for use on different elements of the buildings is included as part of the attached Schedule. Where minor works such as walls, fences, gates etc. are proposed within the curtilage of properties included in the Schedule, particularly where these works would be highly visible within the townscape, restrictions are also introduced under Schedule 2 Part 2 of the GPDO 1995. The same classes of permitted development are also restricted on the non-commercial property ('Ferne Bank', 104 North Parade). In the case of this property it is recommended that additional classes of development under Schedule 2 Part 1 are also removed, where development within those particular classes would result in a particular detriment to the overall townscape.

The attached Schedule and Plan indicates each address, the type of property, the permitted development rights to be removed and the relevant Schedule, Part and Class of the GPDO 1995. The Direction has been established to remove as few rights as possible and the updated Schedule specifically includes only those elevations of a building that are visible from the public domain and those which are considered to make a contribution as part of the built fabric of the Conservation Area.

The previous (1991) Matlock Bath Article 4 (1) Direction Schedule removed permitted development rights for all Grade II listed commercial properties on the Parades under Schedule 2 Part 2 Class A (*The erection, construction, maintenance, improvement or alteration of a gate, fence or wall or other means of enclosure*) and Schedule 2 Part 2 Class C (*The painting of the exterior of any building or work*).

Development is not permitted by Class A, however, if '*it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building*', and therefore it is not necessary to have this restriction imposed on the listed buildings in this area.

Works which affect the special character and appearance of a listed building require Listed Building Consent. Works of painting and / or repainting would be considered under this premise. Therefore the removal of permitted development rights under Schedule 2 Part 2 Class C is also unnecessary to be imposed on listed buildings. The paint colours suggested in the revised Table are to be used as a guide for the listed buildings in the area as well as for use on the Article 4 properties..

The revised Schedule, therefore, no longer includes the removal of permitted development under Schedule 2 Part 2 Class A, or Class C for the Grade II listed buildings in this area.

The District Council considers it a high priority to maintain and improve the built and natural environment. As such it closely monitors applications for

planning and listed building consent and will enforce where necessary to ensure that development is of a high standard and is in compliance with both approvals and conditions imposed. Similarly it will take action where unauthorised works are carried out in order to protect the quality of the area.

PPG15 (clause 4.23) and Circular 9/95 (4 -1087) specifically ask Local Planning Authorities to include in their application to the Secretary of State the measures taken to inform those with an interest about the proposed Direction and any representations received. The Local Planning Authority's Matlock Bath Conservation Area Character Appraisal of 2006 was made available to owners, tenants and residents of Matlock Bath for comment during a six-week public consultation period prior to publication. This document included advice that the Local Planning Authority intended carrying out a comprehensive review of the existing Matlock Bath Article 4 (1) Direction. The Appraisal was approved by the Partnership and Regeneration Committee of the District Council in July 2006, which includes elected members for the area.

It is considered that if the revised Matlock Bath Article 4 (1) Direction is approved, it should be monitored every five years to take account of possible changes in the Conservation Area and to the individual properties.

In April 2007 the District Council's Partnership and Regeneration Committee approved the proposals to revise the Matlock Bath Article 4 (1) Direction and that the revision would be the subject of a 6-week public consultation period.

### **3) Consultation & The Revised Article 4 (1) Direction**

A 6-week public consultation period took place between 31<sup>st</sup> May 2007 and 12<sup>th</sup> July 2007. A public advisory session with Council officers was held in Matlock Bath on 12<sup>th</sup> June 2007. Letters notifying all residents and owners of the 6-week consultation period and the venue, date and time of the advisory session were sent out on 24<sup>th</sup> May 2007 to all properties affected by the Direction (78 properties in total). The same information was also sent to the Matlock & District Business Group, elected ward members and Matlock Bath Parish Council. A more detailed letter, explaining the revision was sent to the owner of the new property to be included – No. 190 South Parade and also to the owner of 'Fernie Bank' to outline and explain the proposed, extended, restrictions to that property. In terms of publicity, posters containing all details of the consultation period and advisory session were placed in and around Matlock Bath and a Public Notice was contained in the local press on 31<sup>st</sup> May 2007. Paper copies of the DRAFT Direction were deposited in Matlock Bath and the document was made available on the Council's web-site. On 11<sup>th</sup> July Council Officers attended a meeting of the Matlock Bath Parish Council to give a resume of the revised Direction.

In response to the above consultation process, two residents visited the public advisory session on 12<sup>th</sup> June and discussed the Direction. No written representations were received from the two residents who visited the advisory session. Within the 6-week consultation period only one letter of representation was received from 'Fernie Bank', 104 North Parade.

On 20 September 2007 a report on the review of the Matlock Bath Article 4 (1) Direction was taken before the Council's Partnership & Regeneration Committee (copy attached). The concerns raised in the representation received were presented to this committee and the guidance notes have been slightly amended in recognition of the comments received.

The recommendations to the Partnership & Regeneration Committee were:

- that following public consultation, the amended Review of the Article 4 (1) Direction, be approved, and
- that the amended Direction document be forwarded to the Government Office for the East Midlands for final approval.

Both recommendations were unanimously approved by the Committee

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

The Article 4 (1) Direction removes permitted development rights in accordance with The Town and Country Planning (General Permitted Development) Order 1995. Individual Permitted Development Rights are only removed from certain buildings (see attached **Schedule and Plan**) where the execution of those works would be considered to have a detrimental impact on the character and appearance of the Conservation Area.

#### **RESIDENTIAL PROPERTY ONLY – No. 104 North Parade – ‘Fernie Bank’**

##### **TCPA (GPDO) 1995 SCHEDULE 2 PART 1**

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

##### **CLASS A.**

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

##### **A.1 Development is not permitted by Class A if –**

- a) *the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse –*
  - I. *in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land, by more than 50 cubic metres or 10% whichever is the greater,*
  - II. *in any other case, by more than 70 cubic metres or 15%, whichever is the greater,*
  - III. *in any other case, by more than 115 cubic metres;*
- b) *the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwellinghouse;*
- c) *the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than*
  - I. *the part of the original dwellinghouse nearest to that highway, or*
  - II. *any point 20 metres from that highway, whichever is nearer to the highway;*
- d) *in the case of development other than the insertion, enlargement, improvement or other alteration of a window in an existing wall of a dwellinghouse, the part of the building enlarged, improved or altered would be within two metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;*
- e) *the total area of ground covered by buildings 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);*
- f) *it would consist of or include the installation, alteration or replacement of satellite antenna;*

- g) it would consist of or include the erection of a building within the curtilage of a listed building; or*
- h) it would consist of or include an alteration to any part of the roof.*

The doors and windows of any building are very often the most obvious instant indication of the style and period of a building and when altered can have a most damaging impact on the character and appearance of the individual building or the group value within an area. There is a serious threat to the character of the area by the removal of original sash windows and their replacement with inappropriate designs and materials. The insertion of modern Upvc double glazed units require significantly thicker frames to be inserted which appear bulky and out of character to the building and often alter the size and pattern of the actual glass panes, disrupting the original proportions of the window.

The addition of an extension or conservatory can change the entire appearance and affect the proportions of the elevation of the building on which it is placed. Such alterations to buildings within a Conservation Area can independently and cumulatively alter the appearance and characteristics of the area and the quality of materials can have a substantial impact on the perceived quality of the area. It is considered that these additions do not enhance or preserve the character and appearance of the Conservation Area. The Article 4 (1) Direction enables the District Council to have control over the siting, design and materials of extensions to properties, regardless of their size.

#### Advice and Guidance

1. Wherever possible the Council will promote the use of windows and doors which are of a design appropriate to the age of the property and which are of a traditional material and finish.
2. The Council would not, **generally**, support any application to install double glazed windows in historic properties, as these are not considered to be traditional elements of historic fenestration.
3. The Council will not support any application for development which is not considered to be sympathetic in design or materials to the original building and / or the Conservation Area as a whole.

## **CLASS C.**

***Any other alteration to the roof of a dwellinghouse.***

***C.1 Development is not permitted by Class C if it would result in a material alteration to the shape of the dwellinghouse.***

With the exception of a few examples of clay tiles, the predominant roof covering material within the area is natural slate (Welsh), with this applied to almost all properties providing uniformity to the appearance of the roof-scape throughout the area. There are a few examples of concrete roof tiles; this is not a traditional roof covering and is unsightly and detrimental to the character and appearance of the Conservation Area.

The Direction seeks to control any alteration to the roof covering of the **residential property** within the area covered by the Article 4 (1) Direction, as this would have a detrimental impact on the character and appearance of the area. The Direction also seeks to prevent any loss of the traditional chimneystacks and original chimneypots that still remain.

### Advice and Guidance

1. The District Council will resist alterations that are considered to have a detrimental impact on the character and appearance of a roof or roof-scape.
2. The District Council will support and encourage the use of appropriate materials in terms of colour, texture and appearance and materials should respect the original/traditional roofing materials in use within the Conservation Area.
3. Proposals to reduce or remove any chimneystack within the area covered by the Matlock Bath Article 4 (1) Direction will be strongly resisted.
4. The removal of traditional chimney pots will not be supported.
5. The District Council will encourage the reinstatement of traditional chimneystacks and chimneypots wherever possible.

**CLASS D.**

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

***D1. 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 any boundary of the curtilage of the dwellinghouse with a highway.***

Where a porch was not an original traditional element incorporated within the design of a residential property in the Conservation Area, the erection of a porch to the frontage of the property would alter the appearance of the elevation on which it is placed. Therefore the appearance of the Conservation Area could potentially be damaged and some of the intrinsic character lost if such an addition were to be allowed.

The Direction seeks to prevent the addition of a porch to any residential building within the area covered by the Article 4 (1) Direction, where this is not an original feature of the building.

**Advice and Guidance**

1. The Council will not support proposals to add a porch to a prominent elevation of any dwelling in the area covered by the Matlock Bath Article 4 (1) Direction, where there is no historic justification.

## **CLASS H.**

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

**Guidance has now been reviewed by ODPM Circular 10/2005**

### **Dwelling houses –**

#### **Permitted development**

- Up to 2 antennas are permitted
- Single antenna are permitted to be up to 100cm in length
- For 2 antennas one is permitted to be up to 100cm in length, any second antenna is limited to 60 cm in length.
- Chimney mounted antennas are limited to 60cm in length
- All antennas should be no greater than 35 cubic litre capacity.

#### **Location restrictions**

- In dwelling-houses which have a chimneystack: antennas should not protrude above the highest part of the roof by more than 60cm, or the highest part of the chimney, whichever is the lower.
- In dwelling-houses without a chimneystack: antennas should not protrude above the highest part of the roof.
- Antennas should not protrude above the highest point of the chimney.

#### **Development not permitted**

In conservation area antennas are not permitted on a chimney, wall or roof slope which both faces onto and is visible from a road or a Broads waterway

The Direction seeks to control the placing of satellite antenna to prevent the locating of equipment in prominent positions on the buildings, therefore reducing the impact of such equipment on the overall appearance of the Conservation Area.

#### **Advice and Guidance**

1. Building owners wishing to install satellite antenna and any associated equipment should seek guidance from the District Council as to the most appropriate and discrete location for a satellite dish and its associated equipment.

## RESIDENTIAL AND COMMERCIAL PROPERTY

### TCPA (GPDO) 1995 SCHEDULE 2 PART 2

#### MINOR OPERATIONS

##### **CLASS A.**

***The erection, construction, maintenance, improvement or alteration of a gate, fence or wall or other means of enclosure.***

***A 1. 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 development, exceed 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 means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height referred to in subparagraph (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.***

The quality of the walls and fences surrounding buildings has a huge impact on the perceived quality of an area. Where inappropriate materials or poor quality walls and fencing are in place an area can appear unattractive despite the obvious quality of the buildings.

Planning legislation allows for the control of alteration to walls and fencing of certain heights. However there is a danger that where walls and fences are proposed below the height requiring planning permission, these could be installed of inappropriate material and design. In some cases both the front, side and rear boundaries to properties in the Conservation Area are highly visible within the public domain.

The Direction removes permitted development rights with regard to all types of enclosure in the area covered by the Matlock Bath Article 4 (1) Direction, therefore ensuring that the Council can control the design and materials used for any walls, fences or other types of enclosure.

#### Advice and Guidance

1. The District Council will support proposals for walls, fences and all other types of enclosure where there is an obvious need for such enclosure and the materials proposed are in keeping with the area.

2. All types of enclosure must be of a sufficient quality of design, proportion, height and appearance so as to add to the preservation or enhancement of the Conservation Area and not detract from the quality of the existing historic buildings or spaces.

## **CLASS C.**

***The painting of the exterior of any building or work.***

***C 1. Development is not permitted by Class C where painting is for the purpose of advertisement, announcement or direction.***

***C 2. In Class C painting includes any application of colour.***

The painting of render is a traditional feature of the Matlock Bath Parades. The Matlock Bath Conservation Area Appraisal provided historical evidence of the original colouring used for render on the buildings of North and South Parade (see Section 1). The Direction seeks to ensure the use of appropriate colours for the re-painting of existing render and for the painting of any new external render in the area, based on this historical evidence.

The painting of stonework dressings such as window cills, lintels and jambs, quoins and cornice details, is unlikely to have been carried out historically. However, a number of properties on the Parades now have painted stonework elements. In these cases the Direction seeks to control the colours used in any repainting, recommending the use of either the same colour as the render or a colour which is of a slightly darker but complementary hue, providing a subtle contrast. The painting of previously unpainted stonework will not be permitted.

The Council is recommending the use of appropriate historic colours for joinery to shop fronts in the area, including where new shop fronts are proposed [The District Council has produced and approved a supplementary Planning Document entitled: *Shop Fronts & Commercial Properties Design Guidance*]. It is generally accepted that the majority of traditional Victorian shop fronts would have been of a dark colour for both practical and financial reasons (richer and brighter colours being more expensive to produce and their pigments unstable to the elements). Black and white photographs of the area dating from the early 1900s appear to support this presumption; although these obviously provide no indication as to the actual colours used on buildings, they show predominantly dark hues. The Council therefore recommends the use of dark colours as available in the British Standard 4800 Range, which are considered appropriate for use on Victorian shop fronts.

A number of shop fronts have mouldings and details that have, historically, been picked-out with a different colour. Such elements are mouldings to doors and pilasters, console brackets and fascia details. Traditionally, picked-out colours were chosen to harmonise and complement the principal shop front colour rather than make a harsh visual contrast to it. Historically 'brilliant' white and chemically enhanced bright colours would not have been available and window frames would most likely have been painted an 'off-white' or light cream colour. Decorative ironwork within the area would have been traditionally painted a dark colour.

The choice of colours (and in some instances their combination) can have a huge impact on the perceived quality of an area and as such it is essential

that the Council is able to restrict the paint colours to be used in this part of the Conservation Area to those from a traditional historic colour palette.

The Matlock Bath Colour Table specifies the colours considered appropriate for use on render, painted stonework, shop front joinery, picking-out, window joinery and ironwork.

The Direction would seek to encourage the use of appropriate colours, as identified in the accompanying Table, to all painted render, stonework, picked-out details, shop front and window joinery and ironwork.

#### Advice and Guidance

1. The Council would recommend the use of specific colours for different elements of historic properties as specified in the Colour Table.
2. The Council will not support proposals to paint stonework that has not previously been painted.
3. The Council will support proposals to remove existing paint from stonework, revealing the natural stone colour, dependent on the method of paint removal.

## **4. Planning Policies**

### **National Planning Policy Guidance Note 15 : Planning and the Historic Environment (PPG15) - 1994**

PPG15 states that *“Many conservation areas include the commercial centres of towns and villages of which they form part. While conservation (whether by preservation or enhancement) of their character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will need to be on controlled and positive management of change. Policies will need to be designed which allow the area to remain alive and prosperous, and to avoid unnecessarily detailed controls over business and householders, but at the same time to ensure that any new development accords with the area’s special architectural or historic interest.”*

The approval and implementation of the revised Article 4 (1) Direction in the Matlock Bath Conservation Area as set out in this document will allow Derbyshire Dales District Council to continue to comply effectively with the recommendations made in PPG15, by enabling the ‘controlled and positive management of change’ within the Conservation Area whilst encouraging and allowing the area to ‘remain alive and prosperous’. At the same time the Article 4 (1) Direction will continue to ensure that development which does not ‘accord with the special architectural and historic interest’ of the Matlock Bath Conservation Area is prevented.

### **National Planning Policy Guidance Note 19: Outdoor Advertisement Control (PPG19) - 1992**

PPG19 sets out the criteria for the assessment of the design of outdoor advertisement. Under sections 22 & 24 the guidance makes reference to advertisements in Conservation Areas and advertisements on listed buildings. With regard to the former it states that *“it is reasonable to expect that more exacting standards of advertisement control will prevail in conservation areas”*. It further states that Local Planning Authorities should use *“advertisement controls flexibly in such areas, so as to conserve or enhance particular features of architectural or historic interest”*. With regard to listed buildings the guidance states that *“special care is essential to ensure that any advertisement displayed on, or close to, a listed building does not detract from the integrity of the building’s design, historical character or structure, and does not spoil or compromise its setting”*.

### **Regional Planning Guidance for the East Midlands to 2021 (RPG8)**

RPG8 includes guidance on the “cultural assets” of the region that *“incorporate a wealth of buildings and sites. They encompass listed buildings, conservation areas, historic parks and gardens, registered battlefields, Scheduled Ancient Monuments and archaeological sites of regional or local importance. There is a World Heritage Site at Derwent Valley Mills in Derbyshire and The Wash is a candidate site.”*

Policy 35, Cultural Assets and their Settings specifies that local authorities should adopt policies which should “protect them from unintended harm arising from visitor impact or other changes or exploitation.”

Whilst the Conservation Area status of Matlock Bath makes it a “cultural asset” in its own right, the presence of 63 listed buildings and the fact that the Matlock Bath Conservation Area sits on the edge of the Derwent Valley Mills World Heritage Site further enforces its importance as a “cultural asset”. The revised Article 4 (1) Direction for Matlock Bath will continue to support the Council in protecting the area from “unintended harm” caused by the carrying out of inappropriate works through permitted development rights.

### **Derby and Derbyshire Joint Structure Plan (January 2001)**

#### **Town Centre & Shopping Policy 2: New Development in Existing Centres**

6.11 New development within existing centres should be of a high quality design which is sympathetic to its surroundings in terms of scale, design and materials.

#### **Environment Policy 9: Conservation Areas**

Within a designated Conservation Area, development will have regard to the desirability of preserving or enhancing the special character or appearance of the Conservation Area and for encouraging its physical and economic revitalisation.

Planning permission will not be granted for development proposals that would be detrimental to the character, appearance or setting of a designated Conservation Area.

#### **Environment Policy 17: Design Quality**

Development should be of a high quality design. Attention will be given to the appropriateness and sensitivity of proposals in relation to the character of the locality. Planning permission will not be granted for proposals for new development that would be detrimental to the local distinctiveness of the area.

A design statement may be required for development proposals. The design statement should explain the relationship between the design principles adopted and the surrounding environment. It should seek to identify the local distinctiveness of the area and show how the development proposal has been influenced by this investigation.

**ADDENDUM The above Derbyshire County Council policies are no longer applicable as they expired on 27<sup>th</sup> September 2007.**

## **Derbyshire Dales Local Plan**

It has already been established that Derbyshire Dales District Council is committed to the protection and enhancement of conservation assets in Matlock Bath. The Council currently has policies for protecting its Conservation Areas in the **Derbyshire Dales Local Plan – adopted 24<sup>th</sup> November 2005**.

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

Criteria in this policy indicate 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. In addition to Matlock Bath, Article 4 (1) Directions are also in place in Osmaston, Wirksworth and Matlock Bridge 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 (May 2006) a Supplementary Planning Document entitled **Shop Fronts & Commercial Properties**. This document is supplementary to Local Plan policies SF5, NBE 22, S6 & 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.

The Article 4 (1) Direction in the Matlock Bath Conservation Area will enable the Council to be more effective in implementing the overall policies, which it has adopted to promote, preserve and enhance the traditional built environment within the Derbyshire Dales Area. Thus this will enable the Council to support the local community in protecting the built heritage within the locality so preserving a valuable cultural asset for future generations.

**Also:**

### **NBE 16: Development affecting a listed building**

**NBE 17: Alterations and extensions to a listed building**

**NBE 18: Conversion and changes of use to a listed building**

**Documents:**

Matlock Bath Conservation Area Character Appraisal

Town & Country Planning (General Development Order) 1995

Planning (Listed Buildings & Conservation Areas) Act 1990

Planning Policy Guidance Note 15: Planning & The Historic Environment

Regional Planning Guidance for the East Midlands

Derby & Derbyshire Joint Structure Plan

Derbyshire Dales Local Plan (adopted Nov 2005)

Derbyshire Dales District Council – Supplementary Planning Document -  
Shop Fronts & Commercial Properties (adopted May 2006)

Various paint colour ranges, including British Standard Colour Range (4800)

**ARTICLE 4(1) DIRECTION REQUIRING THE  
SECRETARY OF STATE'S APPROVAL**

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED  
DEVELOPMENT) ORDER 1995**

**DIRECTION MADE UNDER ARTICLE 4(1)**

WHEREAS the Council of the District of the Derbyshire Dales being the appropriate Local Planning Authority within the meaning of Article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995 are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged / coloured on the attached plans, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990.

NOW, THEREFORE, the said Council in pursuance of the power conferred on them by Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

**SCHEDULE:**

*(see following pages)*

Given under the Common Seal of **DERBYSHIRE DALES DISTRICT COUNCIL**

this ..... day of ..... 20...

The Common Seal of the Council was affixed to this Direction in the presence of:

.....  
*Head of Corporate Services*