
Appeal Decision

Site visit made on 8 November 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 14th November 2016

Appeal Ref: APP/C1055/D/16/3157309

30 Carsington Crescent, Allestree, Derby DE22 2QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bobby Kumar against the decision of Derby City Council.
 - The application Ref DER/02/16/00252, dated 18 February 2016, was refused by notice dated 12 May 2016.
 - The development proposed is a two storey and single storey front and rear extensions to dwellinghouse (garage, hall, study, utility room, play room, lounge, two bedrooms and en-suite).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form in the interest of clarity. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are (i) the effect of the development on the character and appearance of the host property and the area and (ii) the living conditions of the occupiers of Nos. 28 and 32 Carsington Crescent with particular regard to overshadowing and a sense of enclosure.

Reasons

Character and appearance of the host property and area

4. The appeal property is a detached two storey dwelling with an existing garage and conservatory at the side set back from the road behind a driveway with a spacious garden to the rear. The property is located in a mature well-established residential area, typically characterised by large detached properties set in relatively spacious plots. A number of dwellings have existing front extensions, although these generally appear as clearly subordinate to the main house.
 5. The proposal would entail the construction of a double gabled two storey front extension linked by gabled roof and a single storey entrance hall extension at
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the front. The front elevation of the house would be extended forward by approximately 4m in line with the front of the original garage, with the single storey entrance hall extension slightly recessed behind the double gabled extensions either side. A side extension would be constructed at first floor level above the existing garage with a gabled end roof to match the height of the existing house. The proposed work to the rear would result in a single storey extension across the full width of the house.

6. The appeal property is in a relatively large plot with a particularly wide frontage. The extensions would therefore not appear overlarge, relative to the overall plot size. The front extensions, however, would still be significant additions relative to the main house and, combined with the three gable features at the front and the proposed two storey side extension would result in substantial bulk to the dwelling, which would significantly detract from the form of the house.
7. As such, the proposed extensions to the front of the house, by virtue of their scale, massing and design, would be out of character with the generally more modest front extensions and the staggered design of the properties with double front gables in the area. These shortcomings are exacerbated by the extensions prominent position, which would be visible from a number of public vantage points along Carsington Crescent. As such I consider that the proposed extensions would result in incongruous and out-of-keeping additions to the street scene.
8. I have considered the appellant's comments regarding the proposed front extensions being in keeping with other properties in the area and not contributing to the terracing effect. However, whilst I do not consider the front extensions would contribute significantly to the terracing effect in this instance, the properties at Nos. 10 and 22 Carsington Crescent drawn to my attention by the appellant are not directly comparable and have different development characteristics to the appeal proposal. I have therefore accorded them limited weight as precedents in this case.
9. I note the appellant's willingness to carry out further amendments and the reduced scheme proposed for the front of the property following discussions with the Council. However, I note that this reduced scheme is not referred to in the Council's reasons for refusal nor submissions and do not form part of this appeal. In this instance, I can only judge this case based on the evidence provided and my observations from my site visit. I also note the issues raised by the appellant regarding the way in which the application was processed by the Council. Whilst I appreciate the appellant's concerns, these are not a material consideration to which I can attach significant weight in making this decision.
10. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the host property and surrounding area. It would conflict with policies GD4, H16 and E23 of the adopted City of Derby Local Plan Review (LP). These policies, amongst other things, seek to ensure that development is of a high standard of design that has no significant adverse effect on the character and appearance of the dwelling or streetscene in terms of design, massing, visual prominence or proportions and makes a positive contribution to the surrounding area.

11. In addition, it would not accord with the National Planning Policy Framework (the Framework) that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

Living conditions of the occupiers of the neighbouring properties

12. The proposed extensions would be set back from the common side boundaries with Nos. 28 and 32 Carsington Crescent (Nos. 28 and 32) and be separated from the adjacent properties by a fence of about 2m high. The proposed single storey rear extension would have a staggered footprint projecting out to maximum depth of approximately 7m from the rear elevation of the property. The flat roofed section and the dual pitched roof section of the rear extension would have an eaves height of about 2.4m.
13. Evidence provided by the Council shows that the proposed extensions would breach the 45 degree line from the mid-point of the nearest windows of the habitable rooms at Nos. 28 and 32. However, whilst I accept that there would be some impact from the proposal, given the modest overall height and the design of the proposed rear extension, the separation distance between the properties and the orientation of the buildings, I consider the proposed extensions would not result in significant loss of light or overshadowing of the adjacent properties nor dominate the views to cause an unacceptable sense of enclosure from the windows or the rear gardens of Nos. 28 and 32.
14. Consequently, I conclude that the proposal would not result in significant harm to the living conditions of the occupiers of Nos. 28 and 32 with particular regard to overshadowing and a sense of enclosure. Despite a technical breach of the 45 degree line, given the site specific circumstances, I conclude that the development would accord with the overall amenity aims of Policies GD5 and H16 of the LP. These policies seek to only permit development where it provides a satisfactory level of amenity and would not cause unacceptable harm to the amenity of the nearby properties. In addition, it would accord with the Framework that seeks to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Conclusion

15. Notwithstanding my findings on the lack of harm to the living conditions of the occupiers of the neighbouring properties this does not outweigh the harm found to the character and appearance of the host property and the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR