
Appeal Decision

Site visit made on 18 October 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 14 November 2016

Appeal Ref: APP/N1025/D/16/3157515

229 Victoria Avenue, Borrowash, Derbyshire DE72 3HG

- 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 Michael Mcelhatton against the decision of Erewash Borough Council.
 - The application Ref ERE/0616/0040, dated 1 February 2016, was refused by notice dated 19 August 2016.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are the effect of the proposed development on a) the living conditions of the occupiers of Number 227 Victoria Avenue with specific regard to outlook and b) the character and appearance of the building itself and the area.

Reasons

Living Conditions

3. The proposed development would comprise a single storey extension to the rear elevation of the appeal building. It would be elongated and rectangular in its shape with a pitched roof. It would be located close to the garden boundary which is shared with Number 227 Victoria Avenue.
4. Whilst I accept that there is a close boarded timber fence located on the shared garden boundary, the overall height of the extension including the roof would be noticeable above it. This, coupled with its length would create a sense of enclosure. As a result the extension would be overbearing to users of the private garden space at the immediate rear of No 227 and compromise the outlook from both the garden and ground floor rear windows closest to the extension to an unacceptable degree.
5. The extension would therefore have an unacceptable effect on the living conditions of the occupiers of No 227 Victoria Avenue. As such, and with regard to this particular issue, it would be contrary to saved Policy DC2 of the Local Plan¹, Policy 10 of the Core Strategy² and the relevant guidance set out

¹ Erewash Borough Council Local Plan 2005

by the EYH SPD³. These Policies and additional guidance, along with one of the core principles of the Framework⁴, seek to ensure that, amongst other things, new development (extensions to dwellings specifically) does not cause harm to the living conditions of existing or future occupiers of neighbouring land or buildings.

Character and Appearance

6. The appeal site comprises a detached bungalow at the end of a row of mainly two storey detached and semi-detached dwellings. Dwellings in the immediate area vary in their plan form but are generally set back from and facing south east towards the road with elongated rear gardens extending northwest. A grass verge separates the northern boundary of the rear garden of the appeal site from the dual carriageway of the A52.
7. I accept that the extension would project from the rear elevation by a significant degree, to an overall extent that could reasonably be argued as disproportionate. Particularly when considered in the context of the modest proportions of what is a modern bungalow of limited architectural merit.
8. The wider area is characterised by a variety of mainly two storey dwellings which have been altered in a number of different ways which include extensions at the rear. The extension would also be to the rear of the dwelling and as such well screened from public views. There would be views of it from the A52 but owing to the lack of a footway, such views would be transient, experienced by occupants of vehicles travelling at speed. The appeal site is well proportioned and could readily accommodate the scale of the extension.
9. It is within the above context that the extension would be read. As such, it is clear that its disproportionality would not cause harm to either the character or appearance of the building itself or the wider area, particularly as a similar roof design and suitable external materials are proposed.
10. For these reasons therefore, and with regard to this particular issue, the extension would not conflict with saved Policy DC2 of the Local Plan, Policy 10 of the Core Strategy and the relevant guidance set out by the EYH SPD. These Policies and additional guidance seek to ensure that, amongst other things and alongside section 7 of the Framework, new development is of a contextually appropriate design, scale and appearance.

Other Matters

11. I have regard to the appellant's personal circumstances and reasoning for seeking planning permission for a new bedroom at the rear of the property, away from the public highway. I accept that this would, for the reasons set out, improve personal living conditions. Whilst I afford it therefore some weight, it is not sufficient to outweigh the harm that would be caused to the living conditions of the occupiers of Number 227 Victoria Avenue. Particularly since the proposed development would remain long after such personal circumstances have ceased to be relevant.

² Erewash Borough Council Core Strategy 2014

³ Erewash Borough Council Extending Your Home Supplementary Planning Document 2006

⁴ The National Planning Policy Framework 2012

12. I note that an extension up to eight metres in length could be erected to the rear of the dwelling through the use of allowances under permitted development⁵. However, this would be subject to a prior approval process in itself where neighbours are consulted and this is not before me for consideration as part of this appeal.
13. Not only is it not known what the outcome of any consultation process would be, the total projection of the proposed extension is substantially longer than that allowed under permitted development. The allowances would not therefore justify allowing the appeal in this case.

Conclusion

14. Whilst I have found that harm would not arise out of the proposed development in respect of the character or appearance of the building or the area, this would not be sufficient to outweigh the harm that would be caused to the living conditions of the occupiers of Number 227 Victoria Avenue in the manner that I have determined above.
15. It is for this reason that the appeal fails

John Morrison

INSPECTOR

⁵ Schedule 2, Part 1, Class A Town and Country Planning (General Permitted Development) (England) Order 2015