
Appeal Decision

Site visit made on 29 November 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 09 December 2016

Appeal Ref: APP/C1055/W/16/3158097

21 Monyash Close, Chaddesden, Derby DE21 4NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Alan Piggott against the decision of Derby City Council.
 - The application Ref DER/07/16/00838, dated 1 July 2016.
 - The development proposed is a detached new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council submission outlines that had it been in a position to determine the application, it would have refused planning permission for reasons relating to the effect of the development on (i) the character and appearance of the area, (ii) the living conditions of the occupiers of the proposed dwelling and Nos. 93 and 95 Wood Road with particular regard to inadequate garden/amenity space and overlooking and (iii) Highway safety.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area, (ii) the living conditions of the occupiers of the proposed dwelling and Nos. 93 and 95 Wood Road with particular regard to inadequate garden/amenity space and overlooking and (iii) Highway safety.

Reasons

Character and appearance of the area

4. The appeal site forms part of the garden area at the side of No. 21 Monyash Close (No. 21), a semi-detached two storey dwelling on an end plot on a cul-de-sac. The proposal would involve the construction of a one bedroomed, two storey detached dwelling and a new car hardstanding to provide car parking.
 5. Monyash Close is a mature well-established residential cul-de-sac, typically characterised by a mixture of two storey semi-detached dwellings behind front gardens/driveways. The properties are relatively evenly spaced, of comparable scale and form, with uniform separation distances between them. Where garages and other structures exist between dwellings, these are very low, clearly subsidiary, and have little impact upon the sense of separation.
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- No. 21 being situated on an end plot has more expansive grounds, which add to the open character and appearance of the street scene.
6. The proposed dwelling would be situated in the characteristic open gap between No. 21 and the adjacent garage courtyard. Such positioning, on what would be an atypically narrow plot, would compromise the sense of space and openness between the dwelling and the courtyard and interrupt the established rhythm of development in the area. These shortcomings would be exacerbated by the hard edged appearance of the new car hardstanding area at the front of the appeal site and the proposed dwelling's prominent position, which would be visible from a number of public vantage points along Monyash Close. As such I consider that the proposed dwelling would appear as an incongruous and cramped addition to the street scene.
 7. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. It would conflict with policies GD4, H13 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 makes a positive contribution to the surrounding area and respects the urban grain of the area in terms of overall scale, layout, massing, architectural style and building types. 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

8. The density of the proposed development would be higher than those of the semi-detached properties in the surrounding area. The Council has not referred me to any specific requirements for the amount of amenity space, but in my view the garden area would provide sufficient outdoor amenity space for the type of dwelling proposed in this location.
9. The rear elevation of the proposed dwelling would be located between about 2.2m and 9m from the common boundaries with Nos. 93 and 95 Wood Road (Nos. 93 and 95). A large bedroom window with Juliet balcony would be located at first floor level on the rear elevation of the proposed dwelling. The proposal would be separated from Nos. 93 and 95 by a fence measuring about 2m in height and a mature hedge. The ground levels of the appeal site slope towards the existing properties at Nos. 93 and 95 and the windows on the rear elevation of the adjacent properties would face the appeal site.
10. I note the appellant considers that the proposal would have a comparable relationship to the existing dwellings. However, whilst the boundary treatment would reduce the impact of the proposal to some degree, given the siting and design of the proposal, the separation distance between the properties and the ground levels, I consider the proposal would give rise to an unacceptable level of overlooking to the rear garden and rooms at the rear of Nos. 93 and 95.
11. Consequently, I conclude that the proposal would result in harm to the living conditions of the occupiers of Nos. 93 and 95 with particular regard to overlooking. The development would not accord with the overall amenity aims of Policies GD5 and H13 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 not 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).

Highway safety

12. The proposal would involve the construction of a new car hardstanding for two parking spaces at the front of the proposed dwelling and the loss of the existing parking area at the side of No. 21.
13. The Local Highway Authority (LHA) require one parking space for the new dwelling and one parking space for the existing dwelling at the front of the proposal with the removal of the unauthorised access and parking area at the front of No. 21. The LHA state that the minimum parking space size should be 2.4m (width) by 5.5m (depth). The Council outlines that the front elevation of the proposed dwelling and No. 21 would be located about 4.8m from the road boundary and as such have objected to the development stating it does not have satisfactory parking provision for the proposed and the existing dwelling.
14. Paragraph 32 of the Framework states that decisions should only be prevented or refused on transport grounds where the residual impacts of development are severe. In view of the scale of development, it is evident that the impact of the development on highway efficiency would not be severe. However, paragraphs 32 and 35 of the Framework go on to state that decisions should also take into account whether safe and suitable access to the site can be achieved for all people.
15. From the evidence provided and from my observations on site, I consider that the proposed parking arrangements are neither safe nor suitable to safely cater for the traffic movements from the proposal, due to the proposed design of the parking area. The users would be severely restricted by the overall depth of the parking area at the front of the proposed dwelling. This would significantly reduce the ability of drivers to use the proposed parking area safely and as such would result in potential additional displaced parking from the existing dwelling and the proposed dwelling on the road at the front of the property.
16. Consequently, I conclude that the proposal would have a detrimental effect on highway safety. It would conflict with policies GD4, H13, E23 and T4 of the LP. These policies seek to only permit development where it makes safe and appropriate provision for parking as well as vehicle servicing and access arrangements clear of the highway. In addition, it would not accord with paragraphs 32 and 35 of the Framework, which seeks to ensure that a safe and suitable access to the site can be achieved for all people and that a safe and secure layout can be achieved which minimises the conflicts between traffic and cyclists or pedestrians.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR