
Appeal Decision

Site visit made on 17 January 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/F1040/W/16/3159958

Garden to side of dwelling, 16 Nettlefold Crescent, Melbourne, Derby DE73 8DA

- 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 Ms Alison Lomas against the decision of South Derbyshire District Council.
 - The application Ref 9/2016/0776, dated 26 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is erection of one detached three bedroomed dwelling and a double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The proposal consists of erecting a detached dwelling in the garden to the side of an existing semi-detached dwelling. Although there is a mix of dwelling designs in the wider area, Nettlefold Crescent and Smith Avenue are characterised by semi-detached properties of a consistent design and regular spacing which gives the street scene a pleasant suburban character. Whilst there is some variation in the use of materials and some properties have been altered through the addition of extensions, porches or canopies etc., this does not detract from the rhythm and character of the street scene.
 4. The site is adjacent to the junction with Smith Avenue and is in a prominent position at the end of the street. A relatively strong building line is established by the existing dwelling on the appeal site and 122 Pack Horse Road. Although a 2-storey extension to 37 Nettlefold Crescent projects beyond this building line, I saw on my site visit that this is viewed as a backdrop to the street scene and is not as prominent when entering the area from Pack Horse Road.
 5. The proposal would introduce a detached 2-storey dwelling at the end of the row of semi-detached properties on Nettlefold Crescent. This would be visually prominent in views along Nettlefold Crescent and when entering the area along Smith Avenue. Due to the difference in the design of the proposal from other
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dwelling in the immediate area and its prominent location, the proposal would appear as an obtrusive feature projecting into the street scene. The use of a gable to the front of the dwelling would exacerbate this incongruous appearance, as this is not a feature of dwellings on Nettlefold Crescent or Smith Avenue.

6. In support of the appeal, the appellant has referred to 2-storey extensions to the side of 35 and 37 Nettlefold Crescent. However, I saw on my site visit that both of these extensions are subsidiary to the host dwelling in that they are set back from the main front elevation and have a lower ridge line and therefore do not unduly detract from the character of the area. I acknowledge that the extension to the side of No 37 is relatively large and projects beyond the building line along Smith Avenue. However, as stated previously, this extension is viewed as a backdrop in views of the area and is not in as prominent a position as the appeal site. I do not consider that this existing extension should justify the further erosion in the character of the street scene which would arise from the appeal proposal.
7. I have also been referred to a detached dwelling which has been granted planning permission on land between 11 and 19 Nettlefold Crescent. However, this dwelling would be materially different from the appeal proposal in that it would be viewed within the context of residential properties on either side as well as to the rear and would also be of a design which complements the immediately adjacent dwelling.
8. I am mindful that the site is in a sustainable location within convenient reach of services in a 'key service village' as identified in the South Derbyshire Local Plan Part 1 2016 (LP1). I also acknowledge that the proposal would add to the supply and mix of housing in the area, albeit to a very limited degree. However, this does not outweigh the identified harm arising from the proposal.
9. I have had regard to the appeal decision¹ provided by the appellant and the comments therein in relation to housing land supply. However, even if I were to conclude there is a shortfall in 5 year housing land supply and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits.
10. The proposal would result in the loss of two trees consisting of a conifer and a cherry tree to the side of the property. However, I note that these trees are not protected and I consider that they are not of such significance within the street scene to justify the refusal of the proposal on this issue. Although the dwelling would be located in close proximity to a hedge on the site boundary, no evidence has been provided to me that the proposal would result in the loss of this hedge. Therefore, the proposal would not conflict with Policy BNE7 of the emerging South Derbyshire Pre-Submission Local Plan Part 2 2016 which seeks to protect trees and hedgerows of high value.
11. I have taken into account the local objections relating to the effects of the proposed development on privacy, highway safety, precedent, overdevelopment, noise, overshadowing, wildlife and the capacity of infrastructure in the area. However, consideration of these matters has not led me to a different conclusion on this appeal.

¹ Ref: APP/F1040/W/16/3147682

12. I conclude that the proposal would be harmful to the character and appearance of the area due to the siting and design of the proposed dwelling. The proposal would therefore conflict with Policy H5 of the South Derbyshire Local Plan 1998 which requires development to be in keeping with the character of the settlement. This policy is broadly consistent with the principles of the National Planning Policy Framework which seeks to secure high quality design. The proposal would also be contrary to Policy BNE1 of the LP1 which states, amongst other things, that new development should be visually attractive, appropriate and achieve continuity within the street scene. I consider that Policy BNE4 of the LP1 is not relevant to this proposal as this relates to wider landscape issues, and in any case I have not been provided with a copy of the Melbourne Parklands Character Area referred to by the Council.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

David Cross

INSPECTOR