

Appeal Decision

Site visit made on 9 February 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/B3410/D/16/3164147

54 Derby Street, Burton-on-Trent, Staffordshire DE14 2LD

- 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 Shabir Ratyal against the decision of East Staffordshire Borough Council.
 - The application Ref P/2016/01033, dated 20 July 2016, was refused by a notice dated 10 October 2016.
 - The development proposed is a first floor extension (rear).
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension (rear) at 54 Derby Street, Burton-on-Trent, Staffordshire DE14 2LD in accordance with the terms of the application, Ref P/2016/01033, dated 20 July 2016 and the plans submitted with it.

Procedural Matter

2. It was clear from my site visit that the first floor extension to the rear has been constructed and I have therefore determined the appeal on the basis that the development has already occurred.

Main Issue

3. The main issue in this case is the effect on the character and appearance of the host property and surrounding area.

Reasons

4. The appeal property forms part of a terrace which comprises a mix of both residential and commercial properties. Albeit the terrace is relatively consistent in its scale and general appearance when viewed from the Derby Street, the rear elevations of the properties display outriggers which vary considerably in their design, scale and form. The neighbouring properties at Nos. 53 and 52 have two-storey gabled outriggers, whilst other properties within the terrace display larger gable extensions or single storey and first floor outriggers with mono-pitch roofs.
 5. Consistent with one of the National Planning Policy Framework's (the Framework) Core Planning Principles of achieving high quality design, Strategic Policy 24 of the East Staffordshire Local Plan (LP) seeks to ensure that development proposals contribute positively to the area to reinforce character
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and identity through local distinctiveness. Detailed Policy 1 of the LP aims to ensure that new development complies with the East Staffordshire Design Guide (Design Guide), and amongst other things, the massing of the development, shape, volume and arrangement of the building should be appropriate to its context. The Design Guide advises that the visual integrity of the original building should not be compromised by an extension.

6. The appeal property has previously been extended to the rear at ground floor level. The extension the subject of this appeal has increased the depth of the existing outrigger at first floor level, and replaced its original mono-pitch roof with a flat roof to encompass the resultant development. Whilst I accept that the introduction of a flat roof at first floor level does not make a positive contribution to the intrinsic character of this terraced property, for the reasons set out below I am not convinced that the extension in its context is materially harmful to the existing character of the host property or surrounding area.
7. The rear elevations of individual properties within the terrace vary considerably both in terms of their original design and form, but also by reason of the later additions and alterations that have been made to them. I noted on my site visit that a property on Princess Street has a flat roof first floor extension which is clearly visible from within the appeal site. Although there are views of the appeal proposal from the garden areas of neighbouring properties, the extension at No 54 is not visually dominant.
8. The resultant extension is no deeper than the neighbouring outriggers and its flat roof sits just below the eaves height of the original terrace. Consequently, the extension is subservient to the host property and the overall visual integrity of the appeal property remains discernible. When viewed in the context of development that has taken place to the rear of the surrounding properties on both Derby Street and Princess Street, the extension is not materially uncharacteristic. Moreover, the extension is not visible from Derby Street, nor open to public views from the wider locality. The overall character or appearance of the area would not therefore be harmed.
9. I recognise that the Council is concerned that the proposal would set an undesirable precedent for neighbouring properties to undertake similar development. However, I noted on my visit that the original roof forms of the two-storey outriggers on the neighbouring properties within the terrace differ from this case, and consequently it is unlikely that the appeal proposal would be replicated in the immediate vicinity of the site. In any event each case must be considered on its own merits.
10. I conclude that the first floor extension to the rear does not have a harmful effect on the character and appearance of the host property or surrounding area. It therefore complies with the Framework and the development plan as a whole. In particular, I find no conflict with the overall aims of Strategic Policy 24 or Detailed Policies 1 and 3 of the LP and the Design Guide, which seek to ensure, amongst other things, that new development is appropriate to its context and does not harm the character or appearance of the area.
11. As the extension is already in place and finished in render to match the existing property, I do not need to impose any planning conditions.

Conclusion

12. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR