

Appeal Decision

Site visit made on 21 February 2017

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 3rd March 2017

Appeal Ref: APP/C1055/D/17/3168314

13 St Pauls Road, Derby DE1 3RS

- 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 and Mrs J Thorne-Stewart against the decision of Derby City Council.
 - The application ref DER/06/16/00833, dated 29 June 2016, was refused by notice dated 22 November 2016.
 - The development proposed is demolition of existing store, single-storey rear extension, replacement of rear facing windows, and insertion of roof light to existing loft space (rear facing).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since planning permission was refused, the Derby City Local Plan Part 1 Core Strategy (2017) has been adopted by the Council and this contains policies that are relevant to the proposal. I am advised that policy E18 of the Derby Local Plan Review (2006) referred to on the decision notice has not been superseded. I have, therefore, determined the appeal having regard to that policy as well as those in the core strategy to which I have been referred.

Main Issue

3. The main issue is the effect that the proposal would have on the character and appearance of the Little Chester conservation area.

Reasons

4. Having regard to relevant legislation and national policy¹, in determining this appeal I shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Little Chester has origins dating back to Roman times, but the conservation area comprises mostly 19th and early 20th century two-storey red brick terraced houses, and some larger industrial buildings, around a landscaped central Green.
5. The appeal site is a two-storey end of terrace house in the conservation area. Beyond a narrow passageway lies another terrace of similar red brick properties. The row of houses along St Pauls Road was built in the early 20th century and

¹ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 132 of the National Planning Policy Framework ("NPPF").

the design of the principal elevation, which fronts the Green, was inspired by the arts and craft movement. The dwellings have modest-sized rear gardens that back onto John Lombe Drive. Each property has an original two-storey rear gable projection across approximately half its width, with a small single-storey section attached to this over which is a lean-to roof.

6. Some of the properties have been rendered and/or extended at the rear, and there are a number of sheds and other outbuildings in the back gardens. However, all such developments, including the existing timber shed at the appeal property, are modest in scale. Overall, the row of houses retains much of its original character and makes a positive contribution to the conservation area, both in terms of its principal elevation providing an attractive frame to one side of the Green, and also the repetitive profile and roof form at the rear which is a significant element of the street scene along John Lombe Drive.
7. The proposal would involve the removal of the original lean-to roof and the erection of a substantial single-storey extension that would wrap around the original two-storey gable projection. The new structure would extend virtually across the full width of the property, and project some distance beyond the two-storey gable and further than the original single-storey section. The low-pitched roof would create a wide, single-storey gable facing John Lombe Drive.
8. The existing timber shed is of limited size and appears as a modest subservient attachment to the original house meaning that its removal would have little material effect on the character or appearance of the property. In contrast, the width and depth of the proposed structure; the form and pitch of the roof; and the roof lights on both sides would mean that the development would be quite out of keeping with the original design of the rear of the building. Furthermore, the loss of the lean-to roof and the erection of an extension of the form proposed would disrupt the rhythm of the terrace along John Lombe Drive. Thus, whilst the facing bricks and architectural detailing, white window and door frames, eaves, soldier coursing and gutter would match the existing, the proposal would detract from the appearance of the rear of the appeal property and the street scene along John Lombe Drive.
9. I conclude that the proposal would materially harm the character and appearance of the Little Chester conservation area meaning that it would be contrary to national policy², local plan policy E18, and core strategy policies CP3, CP4 and CP20. These policies collectively seek to achieve high quality design that makes a positive contribution towards the character, distinctiveness and identity of neighbourhoods, and prevent development that would be detrimental to the special character of conservation areas.
10. The appellant has had discussions with the Council's planning and conservation officers, and clearly attempted to design the proposal in a manner that would comply with relevant policies. However, for the reasons set out above, I have found that it would not be in accordance with certain policies relating to design and conservation areas. Whilst an area of outdoor amenity space would be retained, and the proposal would not materially harm the living conditions in neighbouring properties, these are neutral factors that do not weigh in favour of the proposal.

² NPPF paragraphs 131 to 134.

Conclusion

11. By virtue of the conflict with the local plan and core strategy policies that I have referred to, the proposal would not be in accordance with the development plan meaning that planning permission should not be granted unless material considerations indicate otherwise³. Whilst the harm to the significance of the conservation area would be less than substantial, it would not be outweighed by the limited public benefits that the proposal would bring by providing better quality residential accommodation.
12. I therefore conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

³ NPPF paragraph 11.