

Appeal Decision

Site visit made on 20 June 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/C1055/W/17/3171421

Land adjacent to 23-35 Courtyard Place, Moor Street, Spondon, Derby, DE21 7BJ

- 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 Bridgefoot Developments Ltd against the decision of Derby City Council.
 - The application Ref DER/06/16/00727, dated 9 June 2016, was refused by notice dated 14 September 2016.
 - The development proposed is the erection of a single detached 3-bedroomed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal application was determined under Policies GD4 and GD5 of the adopted City of Derby Local Plan Review (CDLPR). Since then the Derby City Local Plan Part 1 Core Strategy 2017 (CS) has been adopted. As a result, Policy GD4 of the CDLPR has been replaced by CS Policies CP3 and CP4. Both CDLPR Policy GD4 and CS Policies CP3 and CP4 relate to character and appearance and it is clear from the appellant's statement that the appellant is aware of these changes. Therefore, there has been no prejudice to the appellant by the adoption of the CS. CDLPR Policy GD5 remains extant.

Main Issue

3. The main issue is the effect of the proposed dwelling upon the character and appearance of the area.

Reasons

4. Courtyard Place is a gated residential development. The dwellings are three stories high and arranged in two rows facing a central courtyard. The courtyard is enclosed on the two other sides by a high wall and fence to one end and a fence and vegetation to the other. The appeal dwelling is proposed at the end where the vegetation is. There is an expanse of hard surfacing between the dwellings, which, together with the enclosed nature of the development, results in a somewhat oppressive appearance. The appeal site provides the only small amount of greenery and space to be seen within the development. The appeal site also allows views of trees beyond its boundaries, and these trees provide a positive visual benefit to the existing development.
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5. The construction of a two-storey dwelling would remove this space, hinder views of the trees, and exacerbate the existing sense of enclosure. This would result in the development having a claustrophobic character and a barren appearance. I note the intention to place a small amount of planting at the front of the proposed house but this would not compensate for the overall loss of space.
6. Both parties have referred to a tree that once existed on the site. However, I am more concerned with current circumstances rather than what happened in the past. I note the appellant's intention to erect a fence around the site if the appeal is dismissed but a fence, being a lower and less substantial structure than a house, would not have the same impact on the appearance of the development as a house would.
7. I therefore conclude that the proposed dwelling would harm the character and appearance of the area. Consequently, it would conflict with CS Policies CP3 and CP4 which seek to encourage high quality design and layout and to protect the character of the area. It would also conflict with Paragraph 56 of the National Planning Policy Framework which says that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Other Matters

8. The residents of the development are currently using the land as amenity space and for growing plants. The appellant says that it owns the land, that it is not part of the original development, and that the residents' use of it is unauthorised. Given that I find I am dismissing the appeal for another reason, the use of the land is not a determinative factor.
9. I understand from the parties that two other appeals have been dismissed on the site but I have based my decision on the particular details of the case before me.
10. The appellant has referred to the Government's White Paper, *Fixing our Broken Housing Market*. I acknowledge the Paper's points about the need to boost the supply of housing, of optimising density, and the importance of small sites towards the provision of housing. However, the White Paper also advocates for well-designed and attractive places to live and this proposal would not provide for that.
11. I acknowledge that the Framework does not place an upper limit on the numbers of houses that can be granted permission, as confirmed in the appeal decisions referred to by the appellant¹. I also accept that the site is in a sustainable location and that the 3 bedroom dwelling would add to the mix and supply of homes. However, these matters do not outweigh the harm I have found.
12. I have considered all other matters raised, including the representations from interested parties, but none outweigh the conclusions I have reached.

¹ APP/D0840/A/13/2209757 & APP/T3535/A/14/2218439

Conclusion

13. For the above reasons, I dismiss the appeal.

Siobhan Watson

INSPECTOR