The Planning Inspectorate

Appeal Decision

Site visit made on 18 July 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 10 August 2017

Appeal Ref: APP/C1055/W/17/3174355
39 Shirley Road, Chaddesden, Derby DE21 4LA

- 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 Ian Shipman against the decision of Derby City Council.
- The application Ref DER/11/16/01423, dated 25 November 2016, was refused by notice dated 14 March 2017.
- The development proposed is the erection of two new dwellings to the side of No.39 Shirley Road.

Decision

1. The appeal is allowed and planning permission is granted for the erection of two dwelling houses (use class C3) at 39 Shirley Road, Chaddesden, Derby DE21 4LA in accordance with the terms of the application, Ref DER/11/16/01423, dated 25 November 2016, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises part of the side and rear garden of No 39 Shirley Road and is located at the junction of Shirley Road with Youlgreave Close. In comparison to other properties on this part of the street No 39 has a larger side garden. Although properties on Shirley Road comprise predominantly of two storey semi-detached dwellings, Youlgreave Close comprises a block of ten two storey flats with a substantial parking area between the block and the garden with No 39. Consequently, there is a distinct change in the character of this part of the street with the side garden of No 39 leading into a transition between the traditional brick and hipped roof properties on Shirley Road and the more recent flatted development at Youlgreave Close.

4. The proposed development would involve the construction of a pair of hipped roof, two storey semi-detached dwellings which would be positioned close to the side elevation of No 39 and the property boundary with the parking area at Youlgreave Court. Fenestration and materials would be similar to those of other properties on Shirley Road. Four car parking spaces would be provided at the front of the dwellings.

5. The space between the flank walls of the proposed dwellings and the host property would be smaller than exists between other properties on Shirley Road. However, given the position of the appeal site in a transitional area between traditional and more modern development, the size of the existing side and rear garden and the presence of a wide grassed verge located between the southern property boundary of No 39 and the junction with Youlgreave Close, means that the proposed development can be absorbed into its surroundings without resulting in a cramped, incongruous or overdeveloped appearance.

6. The spacious nature of the entrance to Youlgreave Close would be retained and the proposed dwellings and the host property would be provided with relatively large rear gardens. These factors also contribute to my findings that the proposed development would not appear as cramped or contrived.

7. The design of the proposed front elevation of the dwellings would be reflective of other properties on Shirley Road and would have similar eaves and roof heights and roof pitch angle. The front elevation would be set slightly back form that of the host property. As such, in views to the south along Shirley Road the proposed development would not appear as an intrusive or dominant feature. In views to the north it would be seen in the context of the change in the character of this part of the estate in the vicinity of the junction.

8. I noted at my site visit that more recent flatted development on the adjacent street at Nos 17 and 18 Tideswell Road has been positioned close to the property boundary with No 6. This similarly has a small gap between the respective side elevations of these properties. Although the gap between the flank of the host property and proposed development would be closer than that which exits between other properties on the street, given the locational factors in this case I do not consider that this would result in the proposed development appearing at odds with the form of other development in the area of an extent that would cause demonstrable harm to the character or appearance of the locality.

9. A considerable part of the front garden would be occupied by parking bays. However, I noted at my site visit that several properties in the vicinity have also provided significant off street parking areas in the front and side gardens. Whilst I recognise that Council's concerns that the proposed parking bays would create a 'hard edged' appearance, this can be mitigated to some extent by both hard and soft landscaping which can be secured by a planning condition.

10. Given the presence of the grassed verge forming the entrance to Youlgreave Close, which provides a degree of softening to the south side of the appeal site, and the existence of other front and side parking areas in the vicinity, the proposed parking bays would not appear as alien features in the locality. As such, the proposed parking arrangements would not cause harm to the character and appearance of an extent that would warrant the dismissal of this appeal.

11. Taking the above factors into account, the proposed development would not cause any significant harm to the character and appearance of the surrounding area. As such, there would be no conflict with Policies CP3 and CP4 of the Derby City Local Plan – Part 1 Core Strategy (2017) or Saved Policy H13 of the City of Derby Local Plan Review. These policies, amongst other things, require

that development should be well integrated into its setting, respond positively to existing buildings and contribute to the character of the neighbourhood with particular regard to urban grain, layout, scale and massing.

Conditions

12. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Government's Planning Practice Guidance. As a result, I have amended some of them for clarity and to minimise the use of pre-commencement conditions.

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area conditions are necessary relating to the external finishes of the development, boundary treatment, landscaping and the replacement of the tree that is proposed to be felled.

14. In the interests of highway safety, conditions are necessary relating to the surfacing of parking areas, prevention of surface water from the parking areas being discharged on to the highway and the provision of a dropped vehicular footway crossing.

Conclusion

15. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16-185-1 – Location Plan; 16-185-2 - Proposed Site Plan; 16-185-3 - Proposed Plans and Elevations; 16-185-4 - Existing Elevations.

3) No development above foundation level shall occur until details of the materials and finishes to be used on the external surfaces of the development shall have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.

4) No development above foundation level shall occur until detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be thereafter carried out in accordance with the approved detailed plans.

5) No development above foundation level shall occur until a landscaping scheme indicating the types and position of trees and shrubs and treatment of paved and other areas has been submitted to and approved in writing by the Local Planning Authority.

6) The landscaping scheme submitted pursuant to Condition No 5 above shall be carried out within 12 months of the completion of the development or the first planting season whichever is the sooner, and any trees or plants which, within a period of five years from the date of such landscaping works, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

7) No part of the development hereby permitted shall be occupied until all parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced parking or turning areas shall then be maintained in such hard bound material for the life of the development and shall not be used for any purpose other than parking of vehicles.

8) No part of the development hereby permitted shall be occupied until the parking areas are constructed with provision to prevent the discharge of surface water from the parking areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

9) No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossing has been provided and is made available for use in accordance with design details which shall have been submitted to, and approved in writing by, the Local Planning Authority.

The dropped crossing shall thereafter be retained for the life of the development.

10) The tree to be felled shall be replaced in accordance with details which shall have been submitted to, for the approval in writing by, the Local Planning Authority within 3 months of the felling of the tree. The date of the felling shall be notified to the Local Planning Authority and the replacement tree shall be planted in accordance with the approved details during the first planting season or within 12 months, whichever is the sooner, following the felling of the tree.

11) The replacement tree which, during a period of 5 years, should die, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season or within 12 months, whichever is the sooner, with a tree of similar size and species.