



Appeal Decision

Site visit made on 13 November 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 28th November 2017

Appeal Ref: APP/M1005/D/17/3179371

1 Shirley Road, Swanwick, Alfreton, Derbyshire, DE55 1AZ

- 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 Graham Underwood against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2017/0463, dated 12 April 2017, was refused by notice dated 22 June 2017.
 - The development proposed is alterations to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to dwelling at 1 Shirley Road, Swanwick, Alfreton, Derbyshire, DE55 1AZ in accordance with the terms of the application, Ref AVA/2017/0463, dated 12 April 2017, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: proposed upstairs layout (12/4/17); proposed roof and window plan (12/4/17); proposed front of bungalow (20/4/17); proposed floor layout (15/2/17); cut section (12/4/17); proposed side plan from Broadway (20/4/17); proposed view from no 3 (20/4/17); proposed rear view (20/4/17).
 - 3) The materials to be used in the construction of the external surfaces of the front and rear elevations of the development hereby permitted shall match those used in the existing building.

Main issue

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

Reasons

3. The development plan includes the Amber Valley Local Plan 2006 in which policies H12 and LS3 require that proposals respect the scale and character of their surroundings. The Council's adopted Supplementary Planning Document for Residential Development 2007 (SPD) has a similar objective. The policies and SPD accord with the National Planning Policy Framework ('the Framework')

- which seeks to ensure that development is visually attractive and adds to the overall quality of the area.
4. The appeal dwelling is a small, modern bungalow on a suburban, residential estate. It has an extant planning permission approved earlier this year for extensions and alterations which appeared to be under construction at the time of my visit. The dwelling now has a pitched roof which matches the height of the projecting front gable. The proposed development would have the same layout as the approved scheme but would have a hipped roof instead of the pitched roof. The plans show that the approved ridge height is some 4.3m and the proposed ridge height would be some 5.4m.
 5. In general, the ridge heights of dwellings in the street follow the slope of the land away from the junction down towards the head of the cul-de-sac. However, the adjacent bungalow to the north on the corner of Shirley Road and Broadway is of a very different design from most of the bungalows in Shirley Road and has a similar ridge height to the approved scheme. Consequently, the appeal dwelling already has the highest ridge height in the row of similar dwellings on this side of the road. The proposed scheme would not materially alter this and given the small additional increase in height it would not, therefore, appear visually dominant.
 6. The change from a pitched to a hipped roof would increase the space at roof level between the appeal dwelling and its neighbour at no 3. This, together with the improved balance and proportions resulting from the new roof form would enhance the character and appearance of the dwelling and the area.
 7. Other than the standard commencement and accordance with the plans conditions which are necessary to provide certainty, a condition for matching external materials is necessary in the interests of the character and appearance of the area. However, given the satisfactory relationship between the proposed scheme and surrounding properties, I am not persuaded that a condition to restrict permitted development rights for windows in the dwelling is necessary to safeguard the privacy and amenities of neighbouring occupiers. A condition restricting the use of the garage to domestic purposes only is also unnecessary as planning permission would be required for a material change of use in any event. A condition requiring details of a scheme for the driveway would be unreasonable as planning permission would be needed for any impermeable surface of more than 5 sq m anyhow.
 8. For these reasons, I conclude that the proposed development would accord with the development plan as a whole and the Council's SPD and there are no material considerations that would warrant determining the appeal otherwise. The appeal should be allowed.

Sarah Colebourne

Inspector