The Planning Inspectorate

Appeal Decision

Site visit made on 11 December 2018

by Kate Mansell BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2019

Appeal Ref: APP/C1055/W/18/3211292
23 Wimbledon Road, Derby DE22 4EB

- 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 Mrs Dawn Goodwin against the decision of Derby City Council.
- The application Ref DER/05/18/00782, dated 23 May 2018, was refused by notice dated 16 July 2018.
- The development proposed is erection of a detached dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. In reaching my decision, I have had regard to the revised National Planning Policy Framework, 24 July 2018 (the Revised Framework). I do not find that the provisions of the revised Framework raise any new relevant matters in relation to the over-arching guidance promoting high standards of design and good standards of amenity set out within the previous version, as cited in the Council's reason for refusal. Therefore, no parties have been prejudiced by my having regard to the revised Framework.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of future and adjoining occupiers.

Reasons

Character and appearance

4. Forming part of a large 1950s housing estate, Wimbledon Road runs along the edge of an area of open space onto which the appeal property faces. The houses along Wimbledon Road are a mix of terraced and semi-detached dwellings. The properties and the corner plots in particular are spaciously laid out, being set back from the road with generous front and rear gardens. Boundary treatments include fences with hedges also evident on a number of corner plots. Car parking for the semi-detached dwellings is typically to the side of the house.

5. The appeal site lies at the southern end of a terrace of four two-storey dwellings fronting Wimbledon Road on the corner with Willesden Avenue; the house at the northern end (No 17) is also on a corner, with Harlesden Avenue. Architecturally, these end properties mirror each other with a hipped roof and

curved front bay detail. Being corner properties, these end terraces sit within a triangular plot with a wide garden to the front and side of the house that tapers towards the rear boundary. Within the side garden of the appeal property is a single storey garage, the front of which is aligned with the front elevation of the house. The front boundary mostly comprises a circa 1.5 metre hedge.

6. The appeal proposal would result in the demolition of the garage and the construction of a two-bedroom two-storey hipped roof detached dwelling next to the flank elevation of No 23. The existing vehicular access to No 23 would be widened by removing part of the front boundary hedge to provide two off-street parking spaces for the new house. The front garden and hedge to No 23 would be partly removed to provide two parking spaces for the existing house.

7. Comparable with many corner properties within the vicinity, including those at 17 and 25 Wimbledon Road, the appeal site's generous triangular plot and wide side garden permits a spacious setting between houses. This arrangement contributes to the character of the street. In contrast, the proposed dwelling would be positioned close to No 23 and less than 1 metre at the nearest point from the boundary of 44 Willesden Avenue. It would therefore significantly minimise the garden of the existing house and erode the generous gap to the side, which I find contrary to the established layout of corner properties within the estate.

8. Furthermore, there is symmetry to the terrace, created in part, by its set back from the road and the reflected design of each end dwelling noted above. I acknowledge that the proposal would be constructed in traditional brick and tile with a hipped roof, which are design elements common with properties in the locality. I also do not find the size of the appeal proposal to be unduly disproportionate to surrounding buildings in itself, being only 5-8 square metres smaller and with a similar eaves height. However, the cumulative effect of the introduction of a detached form where there are none in the immediate vicinity, its proximity to No 23 and its position forward of the building line, combine to make the appeal proposal an incongruous and discordant feature that would detract from the character of the street scene.

9. The loss of the front garden to No 23 and the introduction of hard surfaced car parking within the frontage of the proposed dwelling would also, in my view, further undermine the established pattern of development. The landscaped front gardens and hedgerows, particularly to corner properties such as the appeal site, contribute significantly to the character of the area. Furthermore, along Wimbledon Road, I could see no other example where front gardens had been lost. In this context, the removal of part of the hedge and the hard surfaced parking area to both the appeal site and No 23 would be visually detrimental.

10. The appellant has drawn my attention to five previously approved developments within the locality. I note, in particular, that the dwelling at Westbourne Park[1] bears a strong resemblance to the size, form and appearance of the appeal proposal. However, in that case, and in three of the other examples[2], the sites do not occupy a corner position at the junction of two roads but rather adjoin a road and either a footway or garage access. This

[1] Council Ref: DER/18/01/18/00054
[2] Council Refs: DER/10/16/01255, DER/08/09/00990, DER/05/12/00612

siting, in my view, makes them less prominent in comparison to the appeal proposal. Furthermore, the approved dwellings at Westbourne Park, Birdcage Walk and Isleworth Drive do not step forward of the established building line. In the case of the approval at Isleworth Drive, it significantly pre-dates the Revised Framework and the Derby City Local Plan Core Strategy (2017) (DCLPCS). Accordingly, I do not find them directly comparable, and in any event, each case must be considered on its individual merits.

11. For these reasons, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the area. It would therefore be contrary to Policies CP3 and CP4 of the DCLPCS and saved Policy H13 of the City of Derby Local Plan Review (CDLPR). These policies seek to achieve high quality well designed development that contributes positively to the distinctiveness of the neighbourhood and relates appropriately to nearby properties.

Living Conditions

12. Whilst the majority of the private garden to the proposed dwelling would be to the front of the house, with only a small triangular plot to the rear, the plans note the retention of the 1.5 metre high hedge to the front boundary. On my site visit, I saw that Wimbledon Road is wider than some roads within the estate and it was quiet in terms of both pedestrians walking along the pavement adjoining the site and vehicular traffic. I therefore concur with the appellant that the front garden would be of a suitable size and screened that it could be sufficiently private for future occupiers.

13. However, the position of the proposal within the site and the tapered boundary would bring it close to the garden of the adjacent dwelling at 44 Willesden Avenue. Whilst there are outbuildings within this garden, they are single storey and the proximity of the proposed two-storey dwelling is such that it would, in my view, have an overbearing presence by creating a sense of enclosure. This would make the garden of No 44 a much less pleasant place to be.

14. For this reason, I conclude that the appeal proposal would unacceptably harm the living conditions of the occupants of No 44, contrary to saved Policy H13 and Policy GD5 of the CDLPR. These policies seek to ensure that developments are not detrimental to the amenity of neighbouring areas and can achieve a satisfactory relationship to nearby properties.

Conclusion

15. The appeal site lies within an established residential area where the principle of the development is acceptable. Additionally, the Government seeks to boost significantly the supply of housing. However, having considered all matters, I consider that the harm the proposal would cause to the character and appearance of the area and the living conditions of the adjoining occupiers, as set out above, outweighs the benefits of providing one new dwelling. For this reason, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR