
Appeal Decision

Site visit made on 9 July 2019

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/F1040/W/19/3227659

Cedar Road, Castle Gresley, Swadlincote DE11 9JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Sam Smith against the decision of South Derbyshire District Council.
 - The application Ref 9/2018/0977, dated 7 September 2018, was refused by notice dated 1 November 2018.
 - The development proposed is proposed single detached dwelling on land adjacent to No 7 Cedar Road, Castle Gresley.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The evidence before me indicates that this is an outline application with all matters reserved except access, appearance, layout and scale.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is a tapered area of open space situated behind the footway at the corner of Cedar Road and Oak Close. It appears to have no formal recreational function, and given its size, open aspect and relationship to the footway it has the appearance of an oversized highway verge. Nonetheless, it is located at the end of the building line on Cedar Road and gives the tight building pattern a notable openness at the road junction. It also contributes to longer views along Oak Close and through the opposing Cedar Road building line to a nearby recreation area.
5. It is apparent that similar areas of grass behind the footway, located on corners and at the end of building lines, are commonplace in the immediate area. I also noticed that the layout of these verges appears to switch from side to side and I agree with the Council that they were part of the original estate design, located to reduce and relieve the visual impact of the built environment. I conclude that the site makes an integral and highly positive contribution to the character and appearance of the area.

6. The development would be a modest detached house. It would continue the Cedar Road building line but would intrude in to the openness at the junction. It would also project beyond the established building line of Oak Close. This currently aligns with the flank wall of 7 Cedar Road's (No 7's) garage, ensuring that the building line turns the corner at a significant distance from the road, giving spaciousness to the underlying layout. The dwelling would therefore significantly intrude into and reduce openness at the junction. It would also be prominent in views from the terraced dwellings on the other side of Cedar Road, which currently look up Oak Close.
7. In the light of the above, I conclude that the development would appear squeezed into a peripheral space within the building pattern and in so doing would fail to respect or reflect its surroundings. It would be detrimental to the character and appearance of the area and fail to comply with Policy BNE1 which requires new development to relate to its context. It would also fail to comply with guidance in the SPD with regard to local character and visual attractiveness, and the requirements of Paragraph 127 of the National Planning Policy Framework (the Framework) which states that development should add to the overall quality of an area, and to be visually attractive as a result of good architecture and layout.
8. Policy INF9, also cited by the Council, is primarily concerned with open space, sport and recreation. There is nothing before me to suggest that the site has a recognised, informal or formal recreational function. Consequently, I conclude that Policy INF 9 weighs neither for nor against the appeal. Nonetheless, this does not alter my conclusion that to extend the building line of Cedar Road into this space would be inappropriate urbanisation.

Other matters

9. The appellant has suggested that a contribution could be made to local open space provision if the appeal was allowed. However, this would not provide mitigation for the proposed intrusion into the building pattern. There is nothing before me to outline how provision elsewhere could compensate for the loss of this particular site. In any case, even if I concluded that this approach would compensate for the loss of openness, there is no completed obligation before me.
10. The alleged lack of a functional relationship between No 7 and the site is not determinative, as my reasoning is concerned with the impact of the development on the wider appreciation of the street scene. In any case, I am unable to see any particular functional relationship between the wide verges and other dwellings on Oak Close. Nonetheless, these spaces contribute to spaciousness within the building pattern. Moreover, if the appeal was allowed, the remaining limited and irregularly shaped space around the dwelling's footprint would appear as unplanned and awkward leftover space.
11. The argument is made that this is the best design that can be offered given the site constraints. However, it remains that it is incongruous. I appreciate that a previous application has been amended in order to address the Council's concerns but this does not alter my reasoning.
12. It is also argued by the appellant that this would be family sized housing. It is unclear what is meant by family sized housing but my experience of national

space standards suggests that this development would not meet the current space standards for a two-storey 3-bedroomed dwelling.

13. With regard to the cost of site upkeep, presumably the owner was aware of the maintenance implications when the site was purchased. In any case, the site, comprising grass only, appears to have received maintenance similar to that of other nearby sites. It is also argued that the site is vulnerable but it is unclear what is meant by this. In any case, reducing the height of the hedge between No 7 and the site would improve connectivity.
14. The appellant has referred me to Paragraph 97 of the Framework. However, this seems to me to be concerned with open space used for formal or informal recreation and there is nothing before me to suggest that this site is used for such purposes. In any cases, as noted above, I am satisfied that this space is not surplus to requirements for non-recreational reasons.
15. With regard to other successful applications for infill development, the only example which appears to have any comparability with this appeal in terms of underlying building pattern and visibility in the street scene, is 2 Pine Walk. Here a dwelling has been granted permission on what appears to be a large grass verge beside a turning point, but that site is more contained and enclosed. That site could conceivably have been used for informal recreation and consequently its loss could be offset by a contribution to a local play area. However, this site is open to the road on three sides and it seems unlikely to make any more than a visual contribution to the area. The situations are not comparable. In any case, each appeal is determined on its merits.
16. An interested party has raised a concern in relation to highway issues and parking. However, as I have found harm in relation to the main issue it is not necessary for me to consider this further.

Planning balance

17. I appreciate that the Framework sets out the need for effective use of land and the importance of housing supply. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Although windfall sites are useful, there is nothing before me to suggest that the Council does not have land allocated for a five-year housing supply or that I should give the development plan policies anything other than full weight in my reasoning.
18. Even if the Council does not have a five-year housing land supply, one small dwelling would make a limited contribution to local housing. Moreover, the adverse effects of granting permission would in any case significantly and demonstrably outweigh the benefits.

Conclusion

19. The development would be contrary to the relevant policies of the local plan, the SPD and the Framework. The appeal should be dismissed.

A Blicq

INSPECTOR