



Appeal Decision

Site visit made on 25 June 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/F1040/W/19/3223909

Heathers, Repton Road, Newton Solney, Burton on Trent DE15 0SG

- 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 & Mrs Poxon, Celcius Investments Ltd against the decision of South Derbyshire District Council.
 - The application Ref 9/2018/1132, dated 17 September 2018, was refused by notice dated 14 January 2019.
 - The development proposed is described as 'revised application to the previously approved application 9/2018/0361'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement dwelling along with detached garage and altered access to Repton Road (amended scheme to that previously approved under permission ref 9/2018/0361) at Heathers, Repton Road, Newton Solney, Burton upon Trent, Staffs DE15 0TQ in accordance with the terms of the application, ref 9/2018/1132, dated 17 September 2018, subject to the conditions set out in the schedule attached.

Procedural Matters

2. The address of the appeal site is stated on the application form as being Heathers, Repton Road, Newton Solney, Burton on Trent DE15 0SG. It has been confirmed in writing by the agent that it is Heathers, Repton Road, Newton Solney, Burton upon Trent, Staffs DE15 0TQ. I have taken this to be the correct address.
3. The Local Planning Authority (LPA) altered the description of proposed works to 'The erection of a replacement dwelling along with detached garage and altered access to Repton Road (amended scheme to that previously approved under permission ref 9/2018/0361).' This is also the description used by the appellant on the planning appeal form. I consider this to be a more accurate description of the proposed development and have therefore considered the appeal on this basis.

Main Issue

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

Reasons

5. The appeal site is located on the south side of Repton Road on the outskirts of Newton Solney within the defined Newton Solney Village Settlement Boundary. The properties along this ribbon development are predominantly single storey bungalows of differing sizes, forms and designs. However, there are some large two storey houses present on both sides of the road which are visible in views when entering and leaving the Village.
6. The appeal site has an extant permission for the erection of a contemporary replacement dwelling along with detached garage and altered access to Repton Road (ref 9/2018/0361). In this respect, the principle of the proposed development has been accepted by the LPA, and I have no reason to disagree. I observed on my site visit that the existing bungalow had been demolished and the site cleared.
7. The appeal proposal is the same as the extant permission in terms of the position of the building within the plot, footprint, layout, form, height, size, scale and massing. In these respects, the proposed development has been accepted by the LPA. I have no reason to disagree with this as, when viewed in context (illustrated on Drawing 05B), the new building would not appear to be out of keeping with the adjacent buildings along the road and would not harm the character and appearance of the area.
8. The main difference between the proposed development and the extant permission is the inclusion of windows at first floor level within the two front projecting gables. Other minor alterations comprise the reduction in the number of rooflights in the main front pitch of the roof from five to three and changes to proposed facing materials.
9. I acknowledge that two storey buildings are the exception along this road into the Village and note the LPA's concerns about the two storey nature of the proposed building being apparent on the streetscene. However, there is evidence of first floor accommodation in properties along the road in the wider context of the site, and the accepted form and height of the new building would mean that it would be read as a dormer bungalow and not a full two storey property. In these respects, I consider that the inclusion of windows at first floor level within the two front projecting gables would not be so dominant on the building and discordant on the streetscene that it would harm the intrinsic character and appearance of the area.
10. Accordingly, I conclude that the proposed development would not harm the character and appearance of the area. As such, it would not conflict with policy BNE1 in the South Derbyshire Local Plan Part 1 (2016) which encourages design excellence and states that all new development will be expected to adhere to certain design principles, including local character and pride and visual attractiveness. It would also not conflict with the *South Derbyshire Design Guide – Design Supplementary Planning Document (SPD)* (2017) which aims to improve the design quality of development in South Derbyshire and further explain the Design Principles set out in the Local Plan Part 1 (Policy BNE1).

Other Matters

11. I have had regard to representations made by neighbours and note their concerns about overlooking and loss of privacy. The proposed development would meet the minimum separation distances required under the *South Derbyshire Design Guide SPD* (2017). On this basis, I consider that it would not cause an unacceptable level of overlooking and thus loss of privacy and would not constitute a breach of Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998.

Conditions

12. The appeal being allowed I attach a schedule of conditions below. In the interests of precision and clarity I have amended some of the wording proposed by the LPA.
13. Planning permission is granted subject to the standard three year time limit condition. I have imposed a condition specifying the relevant drawings as this provides certainty.
14. In the interests of the health of the public and the environment, a condition is attached relating to the prevention of ground gas ingress. In the interests of the character and appearance of the area, a condition is attached relating to the colour of gutters and downpipes. To ensure the adequate provision of parking, a condition is attached relating to parking facilities.
15. In the interests of existing trees and hedgerows and the appearance of the area, conditions are attached relating to boundary treatments and landscaping.
16. In the interests of preserving the setting of the building and the character of the area, a condition is attached removing permitted development rights relating to the insertion of windows in the roof. I have focused the condition only on those elements that I consider necessary to achieve this aim rather than the removal of wider permitted development rights suggested by the LPA.
17. To ensure that future water resource needs waste water treatment and drainage infrastructure are managed effectively, a condition is attached relating to water consumption.

Conclusion

18. For the reasons above and having considered all matters raised, I conclude that the appeal should be allowed.

F Cullen

INSPECTOR

Schedule of 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, drawing numbers 6 dated July 2018 and 11 dated October 2018.

- 3) The scheme for the prevention of ground gas ingress, as shown on drawing GX-01, shall be carried out in accordance with site construction sequencing as assessed and recommended by Visqueen GX Geomembrane (hc) System or in accordance with an alternative methodology which has been first submitted to and approved in writing by the Local Planning Authority. Upon completion, verification of the correct installation of gas prevention measures shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted.
- 4) Gutters and downpipes shall be finished to colour RAL 7016 prior to the dwelling being first occupied.
- 5) No dwelling shall be occupied until space has been laid out within the site for a minimum of two cars to be parked and that space shall thereafter be kept available at all times for those purposes.
- 6) The boundary treatments shall be completed in accordance with the approved drawings prior to the dwelling being first occupied or in accordance with a timetable which shall have been submitted to and approved in writing by the Local Planning Authority prior to the dwelling being first occupied.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed on the roof.
- 9) Each dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The developer must inform the building control body that this optional requirement applies when Building Regulations approval is sought.