



Appeal Decision

Site visit made on 16 September 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Ahsan U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/P1045/W/19/3225995

1 Park Avenue, Ashbourne, DE6 1GA

- 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 Chris Hainsworth against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00031/OUT dated 3 January 2019, was refused by notice dated 13 March 2019.
 - The development proposed is the erection of a one and a half storey dwelling and private parking and amenity space.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application submitted was for outline planning permission with all matters except for access reserved for future consideration. However, a drawing showing the site layout and the scale of the proposed development were submitted with the application. Regard has been had to this plan in this recommendation, which is considered as being indicative only.

Main Issues

4. These are as follows: (1) the effect of the proposed development on the character and appearance of the surrounding area, and (2) the effect of the proposal upon the living conditions of the occupants of the neighbouring dwellings regarding privacy and the potential for noise and disturbance.

Reasons for the Recommendation - *Character and Appearance*

5. The appeal site is situated in a residential area and comprises the rear garden to the semi-detached dwelling at 1 Park Avenue. To one side the property is neighboured by a complex of two and three storey apartment buildings. Travelling along Park Avenue in the other direction, the street is characterised by a long, linear stretch of primarily semi-detached dwellings which vary in style and character but retain a consistency in terms of settlement pattern. The

- rear of the appeal site provides access to public green space surrounding Henmore Brook.
6. The proposal relates to the installation of a 1.5 storey dwelling with amenity space and parking. It is proposed that access would be created by extending the current driveway of 1 Park Avenue, and demolishing the garage that current adjoins the house. A 1.8m high fence would abut this extended driveway.
 7. The proposal would increase the amount of development present at 1 Park Avenue. While the site is bounded at one side by the relatively high density development of the apartment complex, the appeal property marks the beginning of the less densely developed plots which continue along Park Avenue for some distance. The proposal would therefore represent an incongruous addition in the immediate context.
 8. Views of the proposed dwelling would be limited from Park Avenue due to the distance of the property from the street frontage. Similarly, views from the public right of way to the rear of the appeal site would be reduced due to the screening present. However, the proposal nonetheless would upset the rhythm of the settlement pattern present along the street and as such would represent a change in the character of the immediate surroundings.
 9. The demolition of the garage adjoining 1 Park Avenue in order to extend the current driveway would also be inconsistent with the wider character of the area. The majority of dwellings along Park Avenue adjoin either a garage or porch on the side elevation and driveways running adjacent to the properties is not a common feature of the immediate section of the street. Furthermore, a driveway of the length proposed would be a particularly alien feature in the surrounds.
 10. For the reasons given above I find that the proposed development would have a materially harmful impact on the character and appearance of the surrounding area. It would therefore be contrary to Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

Living conditions

11. As evidenced by the submitted plans, various elements of the proposal would be located in proximity to residential dwellings, to include the neighbouring apartment complex, 1 Park Avenue, and 3 Park Avenue.
12. With regards to the apartment complex, the buildings therein would be located directly adjacent to the boundary of the proposed access, turning circle and parking spaces. Furthermore, although set back from the boundary with the appeal site, one apartment building would also be in line with the dwelling.
13. These apartment buildings are a range of two and three storey dwellings which tower above the hedge running along the boundary with the rear garden of 1 Park Avenue. They benefit from various large windows on the rear and side elevations which offer views of the appeal site. While the proposed dwelling would, at 1.5 storeys, be smaller in height than these neighbouring buildings, it would nonetheless impact on the privacy of occupiers.
14. The presence of a driveway, parking spaces and residential dwelling at the appeal site will lead to increased use of the space when compared with its

- current function as a rear garden. Due to its positioning, residents of the proposed dwelling would be offered clear views into the large windows of the adjoining apartments running along the boundary between the properties, from both the dwelling itself and along the length of the proposed driveway.
15. With regards to the 1 Park Avenue, the proposal will be located directly behind the current dwelling. However, due to the proposed distance between the two properties and the installation of a 1.8 metre high boarded fence along the boundary, it is not considered that the proposal would have any impact on the privacy of the occupiers of 1 Park Avenue.
 16. Similarly it is not considered that the proposal would have an impact on the privacy of the residents of 3 Park Avenue due to the positioning of the proposal, its distance from the property and the screening currently present along the boundary. Furthermore, the 1.8 metre high fence to be installed along the boundary between the proposed dwelling and 1 Park Avenue would offer additional screening to the residents of 3 Park Avenue.
 17. With regards to the possibility for noise and disturbance as a result of the proposal, the position of the dwelling, driveway, turning circle and parking spaces has the potential to impact on the living conditions of occupants of the neighbouring dwellings identified above. This is particularly the case for occupants of the apartment complex buildings due to the proximity of these buildings to the vehicular elements of the proposal.
 18. However, while there will certainly be an increase in noise levels as a result of the proposal, I do not consider that the extent of the noise and disturbance based on one dwelling and its associated likely traffic movements would be sufficiently high to cause harm to the living conditions of neighbouring occupants.
 19. For the reasons given above I find that the proposed development would have a materially harmful effect upon the living conditions of the occupants of the neighbouring apartment complex with regards to privacy. The proposal would therefore be contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Other considerations

20. The appellant has referred to the fact that an outbuilding of similar dimensions to the proposed dwelling could be erected under permitted development rights. However, no evidence has been submitted as to the likelihood of such an outbuilding being built, such that there is no greater than a theoretical possibility that the development might take place. Limited weight is therefore attached to this fallback position.
21. Reference has been made by the appellant to other properties within the vicinity as having similar features to the proposal. However, limited information has been provided on the nature of these developments or their comparability to the current proposal. In any event, this proposal should be assessed on its own site-specific circumstances.
22. The appellant has also stated that the proposal represents the optimum use of the land, in a sustainable location. While this is acknowledged, the identification of these benefits does not outweigh the harm identified above.

23. The personal circumstances of the appellant are also acknowledged, whereby the garden associated with the current property is becoming increasingly hard to maintain and is too large for the family's needs. However, such circumstances can be afforded little weight in planning terms, and do not override the other considerations identified in this recommendation.

Conclusion and Recommendation

24. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR