



Appeal Decision

Site visit made on 7 October 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/A1015/W/19/3234089

9 Bower Farm Road, Old Whittington S41 9PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Brian Taylor against Chesterfield Borough Council.
 - The application Ref CHE/19/00151/FUL, is dated 13 March 2019.
 - The development proposed is a proposed single-storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed single-storey side extension at 9 Bower Farm Road, Old Whittington S41 9PR in accordance with the terms of the application, Ref CHE/19/0151/FUL, dated 13 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plans Drawing No 01-00, Existing Plans Drawing No 03-00 Existing Elevations Drawing No 04-00, Proposed Plans Drawing No 11-00 and Proposed Elevations Drawing No 21-00.
 - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr Brian Taylor against Chesterfield Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

Main Issue

4. From the evidence I have before me, I consider the main issue to be the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal building is a semi-detached property within a residential area. The area is characterised by similar properties, many of which have been extended and altered in differing ways. Although there is no strict building line, properties are generally set back from the road creating a pleasant open environment.
6. The proposed garage would be positioned to the side of the host property and stepped back slightly from the front building line. Although it would be more than half of the width of the house, with a flat roof form it would appear subservient in scale to the main property. I recognise that the parapet detailing adds to the height of the garage, however it would still be a small-scale extension overall. Moreover, in my view, the parapet and concrete coping stone finish would add an element of architectural detailing and interest into the design. Whilst I recognise that a pitched or hipped roof could also be appropriate, I do not consider that the proposal before me would represent poor design.
7. Due to the orientation of the property, the proposed garage would project slightly at an angle towards the highway. As a result, the side elevation would be visible from Bower Farm Road, however this would be similar to the existing view of the appeal building from the street and would not appear intrusive. I therefore do not consider there to be any harm from this relationship to the street. Moreover, the proposal would only be visible in close views along Bower Farm Road and opposite the site.
8. Elsewhere in Bower Farm Road and the surrounding residential streets, I saw varying examples of garages, including those with flat roofs. I recognise that many of these may have been erected as permitted development and the Council advises that the structures do not appear to benefit from planning permission. Nonetheless, flat roofs are part of the character of the street scene and the proposed garage would therefore not appear out of context in that respect.
9. Consequently, I conclude that the proposed garage would not harm the character and appearance of the area and would accord with the requirements of policies CS2 and CS18 of the Chesterfield Borough Council Core Strategy 2011-2031 adopted 2013. These policies are, amongst other things, concerned with the character and appearance of developments.
10. I also find no conflict with paragraph 3.8.19 of the Council's Supplementary Planning Document titled Successful Places, A Guide to Sustainable Housing Layout and Design for: Bassetlaw District Council, Bolsover District Council, Chesterfield Borough Council, North East Derbyshire District Council 2013 (SPD). This SPD provides guidance on the design of new homes including, amongst other things, garages which the SPD says should not be visually intrusive.

11. I also find no conflict with section 12 of the National Planning Policy Framework and, in particular, paragraphs 124, 126, 128 and 130 which broadly seeks to secure high quality design.

Conditions

12. The Council has suggested several conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of them for consistency, clarity and omitted another. In addition to the standard implementation condition it is necessary in the interests of precision, to define the plans with which the scheme should accord. A condition concerning external materials is required in the interests of the character and appearance of the area. However, I do not consider that information regarding the eaves construction detail or parapet wall treatment is necessary in the interests of the character and appearance of the area and I have consequently omitted that condition.

Conclusion

13. For the above reasons the appeal is allowed subject to conditions.

Robert Walker

INSPECTOR