



Appeal Decision

Site visit made on 24 September 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2019

Appeal Ref: APP/R1038/W/19/3233012

84 Main Road, Renishaw S21 3UT

- 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 L Plawecki against the decision of North East Derbyshire District Council.
 - The application Ref 19/00121/FL, dated 30 January 2019, was refused by notice dated 27 March 2019.
 - The development proposed is described as '1 no. new detached dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has referred to 'Standard 28 of the Mayor's Housing Supplementary Planning Guidance (2016)'. This relates to supplementary planning guidance issued by the Mayor of London. As the appeal site is within the administrative area of North East Derbyshire, the guidance is of no relevance to this appeal.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area; and,
 - Whether the proposal would provide suitable living conditions for future occupants of the proposed dwelling, with particular regard to private amenity space.

Reasons

Character and Appearance

4. The appeal site is an area of domestic garden to the front of a row of four terraced dwellings. The surrounding area comprises a mix of housing types, however, the site and its immediate surroundings are characterised by a row of terraced properties with a significant set back from the highway. This is reinforced by the adjacent row of properties to the east which share an equivalent building line. The positioning of these properties and their large front gardens provide a spacious feel and contribute some attractive mature landscaping to the area.

5. The proposal would introduce a detached bungalow within the garden area to the front of the terrace at 78 to 84 Main Road. It's positioning, forward of the building line, would result in a conspicuous and incongruous addition to the street. It would be an obvious and harmful departure from the established surrounding pattern of development.
6. The removal of the garden area and its substitution with built form would harmfully diminish the spacious characteristics of the site and its surroundings. I appreciate that the church to the west of the site is set in close proximity to the highway, but I do not consider this to set a building line that would justify developing the land to the front of the terrace. Furthermore, I could see that the bungalows to the far east of the site are positioned slightly forward of the terrace, however, they also enjoy a generous set back from the highway. The proposal would sit forward of these nearby dwellings, and in doing so would further accentuate its prominent and incongruous positioning in the street.
7. Consequently, the proposal would significantly harm the character and appearance of the area. This is contrary to Policies GS5 and H12 of the North East Derbyshire Local Plan 2005 (the NEDLP) and the National Planning Policy Framework (the Framework) which together seek to achieve high quality sustainable design that respects the character of the site and its surroundings.
8. The Council have also cited Policy H2 of the NEDLP in their reason for refusal. This policy sets out a general presumption in favour of housing on other sites within the settlement development limits provided that the site is not identified, required or protected for other purposes. I have no evidence that would suggest a conflict with this general policy requirement and therefore consider that the proposal would comply in this regard due to its location within the settlement development limits for Renishaw.

Living Conditions

9. The proposal would provide garden space to the sides and rear of the proposed dwelling, with the bulk of this being beyond its rear and south facing elevations. The front facing windows of 84 Main Road would closely overlook the proposed side and rear garden areas. Therefore, the future occupiers of the proposed dwelling would not have sufficient privacy.
10. I am not persuaded by the appellant's argument that the principal amenity space to the rear of the proposed dwelling would be of sufficient distance to alleviate any possible overlooking. Instead, I am mindful that No 84 is situated on higher ground than the appeal site and therefore this would exacerbate the feeling of overlooking and lack of privacy.
11. Accordingly, the proposal has not demonstrated adequate levels of private amenity space and therefore would not provide suitable living conditions for future occupants. This is contrary to the expectations set out in the Framework which seek to secure high standards of amenity for existing and future users.

Conclusion

12. For the reasons I have set out, the appeal should be dismissed.

Jeff Tweddle

INSPECTOR