



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: 11th November 2019

Appeal Ref: APP/P1045/W/19/3233148

Land adjacent to 12 Water Lane, Wirksworth DE4 4DZ

- 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 A Mart against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00318/FUL, dated 14 March 2019, was refused by notice dated 10 May 2019.
 - The development proposed is the demolition of existing garage and erection of a detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for consideration are:
 - The effect of the proposal on the character and appearance of the surrounding area; and,
 - The effect of the proposal on the living conditions of the occupants of 12 Water Lane, with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site is located along the northern section of Water Lane where properties are characterised by terraced red brick housing. The site comprises a prefabricated single storey garage building set back from the highway and adjacent to the south of 12 Water Lane. The site marks a transition point on the street from traditional two storey terrace houses to the north and more recent three storey terrace houses to the south.
4. With some variety in their design, which reflect their respective periods of development, the adjacent neat rows of terraced houses provide a positive frontage to the street scene with primary windows and main front doors addressing the street. While not totally uniform, this provides a degree of cohesion and legibility in their design which in turn makes a positive contribution to the street scene.
5. The proposal would see the current garage building demolished and replaced by a two storey detached house with two bedrooms. Owing to the spatial

constraints of the site, the property would have a width of approximately 4.4 metres. When viewed against the two neighbouring rows of terrace properties it would have an uncomfortably cramped appearance within the street. Its ridge and eaves levels would markedly differ to that of its neighbours resulting in a discordant addition to the street. Moreover, its asymmetric roof design would result in a large and disproportionate roof slope to its principal elevation, resulting in a top-heavy design that would further emphasise its discordant presence within the street scene.

6. Being absent of a main entrance door, the proposal's street facing elevation would lack any discernible architectural features that could offer a positive frontage to the street. In combination with its cramped and discordant form, this would result in an illegible and incongruous looking dwelling that would have a significant adverse effect on the character and appearance of the area.
7. The private amenity space would be somewhat limited in size, further highlighting the limited capacity of the site, however, given its lack of visual prominence, I do not consider this would have an adverse effect on the character and appearance of the area. I note that the size of the property would not significantly differ to that of the size of individual properties in each terrace row. However, this does not mitigate the cramped and discordant appearance of the building, regardless of the separation to either side.
8. Accordingly, I conclude that the proposal would significantly harm the character and appearance of the surrounding area. As a consequence, it would be contrary to Policies S1, S3 and PD1 of the adopted Derbyshire Dales Local Plan 2017 (DDLDP) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan 2015-2028 (WNDP). Together these policies seek to secure high quality design that improves upon the defining settlement qualities and characteristics of Wirksworth.

Living conditions

9. The proposal would introduce a large two storey blank elevation in close proximity to the shared boundary with 12 Water Lane and projecting beyond the rear elevation of this neighbouring property. The proposed dwelling would be situated to the immediate south of No 12.
10. The depth of the proposal's projection beyond the rear of No 12 along with its height and proximity to the shared boundary is such that it would have a dominant and overbearing effect on the outlook from the rear facing windows of this property and its rear private garden area. These adverse effects would result in an oppressive form of development that would harmfully restrict the current outlook and result in significant overshadowing. I am also mindful that the rear of the appeal site is situated on higher ground than the rear of No 12 and therefore this would exacerbate these harmful effects. Together, these effects would significantly diminish the neighbouring occupiers' living conditions.
11. Given the orientation of the proposal in relation to the rear of No 12, I accept that the loss of direct sunlight would not extend into the late afternoon or summer evenings. However, it would be prevalent from morning through to mid-afternoon which is a significant portion of the day and would be particularly acute during winter months when the sun is on its lowest trajectory in the sky.

12. As a result of the proposed set back from the street, the proposal would not result in any loss of outlook or light to the windows on the south facing elevation of No 12. Nevertheless, this does not outweigh the harm I have identified above.
13. Consequently, the proposed development would significantly harm the living conditions of the neighbouring occupiers at 12 Water Lane, with regard to outlook and light. This is contrary to the requirements of Policies S1, S3 and PD1 of the DDLP which require a high standard of amenity for all existing and future occupants of land and buildings.
14. With regard to this main issue, the Council has also cited a conflict with Policies NP1 and NP2 of the WNDP. These policies are concerned with the setting and shape of the settlement along with ensuring the appropriate quality and character of new development. These policies set no criteria or guiding principles for residential amenity. Accordingly, with regard to this main issue, I find no conflict with these policies.

Other Matters

15. The proposal would be located within the defined settlement boundary of Wirksworth and would therefore enjoy good access to a range of local services. It would also make use of an area of previously developed land, removing a somewhat unappealing building and making a limited contribution to local housing supply. Whilst I am mindful of these benefits, they would not sufficiently outweigh the harm I have found.

Conclusion

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

Jeff Tweddle

INSPECTOR