



Appeal Decision

Site visit made on 1 June 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2020

Appeal Ref: APP/F1040/W/20/3246024

Thorn Chase, Walnut Croft, Main Street, Burnaston, Derby DE65 6LG

- 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 and Mrs Bottomley against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2019/1272, dated 1 November 2019, was refused by notice dated 23 December 2019.
 - The development proposed is change of use and associated alterations for the conversion of an existing garage to a one bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and associated alterations for the conversion of an existing garage to a one bedroom dwelling at Thorn Chase, Walnut Croft, Main Street, Burnaston, Derby DE65 6LG in accordance with the terms of the application, Ref DMPA/2019/1272, dated 1 November 2019, subject to the attached schedule of conditions:

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 description of development in the heading above has been taken from the planning application form which slightly differs from that on the Council's decision notice. In part E of the appeal form it is stated that the description of development has not changed and neither of the main parties have provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the application form.

Background and Main Issues

4. The planning application follows two recent refusals¹. These applications were refused due to the Council's concerns relating to the impact upon the character and appearance of the area and overlooking into a neighbouring property. The current application sought to overcome those concerns. The Council is satisfied that the issues relating to overlooking have been addressed and I see no

¹ 9/2019/0364 and 9/2018/0757

reason to disagree, given the position of the proposed windows. However, it maintains an objection on grounds of the effect on the character and appearance of the area and has introduced another reason for refusal relating to highway safety.

5. Consequently, the main issues for this appeal are the effect of the proposal upon:
 - i. The character and appearance of the surrounding area; and
 - ii. Highway safety.

Reasons for the Recommendation

Character and appearance

6. Main Street is an attractive highway with a grass verge to either side. The area is rural in character and properties along Main Street differ in scale, form and design. Walnut Croft consists of three, detached properties which are set back from Main Street.
7. Thorn Chase currently has a relatively new detached garage located to the front of the dwelling. The garage is domestic in character and currently has two rooflights, two windows and a door on the principal, and most prominent, elevation. The boundary hedge and wall, adjacent to Main Street, partially screen the site.
8. Whilst Main Street is predominately laid out in a ribbon form, there are a range of buildings which do not follow this pattern. The appellant has drawn my attention to Walnut Close and Manor Farm Mews which include dwellings set back from the highway and do not follow the linear form of Main Street. In addition, there are buildings directly adjacent to Main Street, including former agricultural buildings. These buildings have been converted to either ancillary buildings or dwellings. All three properties within Walnut Croft also have ancillary buildings abutting Main Street.
9. The character and appearance of the existing building would be maintained. This is because the scheme does not seek to extend the building and only minor external alterations are proposed. The development would include larger and additional windows, but these would not result in the character and appearance of the building fundamentally altering. The revised windows, on the north west elevation, would not be significantly larger. Similarly, the extent of new openings would be limited.
10. The proposed parking space would alter the appearance of the site. Nevertheless, this would not look wholly out of place within the context of the surrounding area. The Walnuts, directly adjacent to the site, currently has parking within a similar position. Additionally, the parking area would be to some extent screened by the existing boundary treatment.
11. Due to the scale of the building, and because limited alterations are proposed, the dwelling would still read as a subordinate building within Walnut Croft, and Main Street. The scheme would therefore not look out of place within the mixed streetscene and would maintain the character and appearance of the area.
12. For those reasons, the proposed development would not have a significant adverse visual effect upon the character and appearance of the surrounding

area. Accordingly, the proposal would comply with Policies BNE1, BNE4 and H20 of the South Derbyshire Local Plan: Part 1 (2016) (LP) and the National Planning Policy Framework (the 'Framework'). These Policies seek, amongst other matters, to promote good design and to ensure that new development respects the character and appearance of the area.

Highway Safety

13. The submitted drawings show one parking space for the proposed dwelling. The Council consider that there would be sufficient parking for Thorn Chase and the proposed property. Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
14. The County Highway Authority provided a consultation response and commented on the location plan's red and blue line boundaries. They raised no objection to the proposal provided that the Council are satisfied that a right of access exists between the site and the public highway, and that the proposed parking space can be conditioned.
15. The appellant has confirmed that they currently own all of the land within the red and blue line boundaries. They have also stated that the area between the appeal site and Thorn Chase is used for circulation purposes by both Thorn Chase and The Lanterns, as permitted by access rights. Thus, future occupiers would have a right of way to use the shared driveway to access the parking space.
16. There would be adequate space for future occupiers to manoeuvre and access the parking space using the shared highway. No substantive evidence has been submitted which demonstrates that the scheme would compromise highway safety and therefore the access and parking arrangements would be satisfactory.
17. For the reasons above, the proposal would not have an unacceptable impact upon highway safety. Consequently, it would accord with Policies BNE1 and INF2 of the LP, the South Derbyshire Design Guide: Design Supplementary Planning Document (2017) and the Framework. These Policies seek, amongst other matters, to ensure that new development provides suitable provision for access, manoeuvring and parking.

Conditions

18. The Council has not suggested any conditions which they consider should be imposed. However, the County Highway Authority have suggested a condition, relating to the parking space. The appellant has confirmed that they agree to such a condition and have also suggested a number of other conditions. I have assessed these conditions in light of guidance found in the Planning Practice Guidance and where necessary have been amended for clarity and precision.
19. In addition to the statutory commencement condition a condition is necessary in the interests of certainty to ensure that the development is carried out in accordance with the approved plans. In the interest of visual amenity, a condition relating to materials is necessary. I also consider a condition relating to parking provision is necessary in the interests of highway safety.

20. The appellant has suggested a condition relating to the removal of permitted development rights. Minimal alterations are proposed within the scheme put forward. In the interest of safeguarding the character and appearance of the area, this condition is necessary as future alterations under permitted development could detrimentally alter the character of the area.
21. As referred to above, the existing hedge partially screens the building. To help screen the development from public view, it is necessary to impose a condition which ensures that the existing boundary hedge is retained. The removal of the hedge would be visually harmful to the character and appearance of the area as boundary hedges are a common feature.
22. The elevation drawing shows that the bathroom window would be obscure-glazed and therefore condition 2 would ensure that the new window is fitted with obscure glazing. I am also satisfied that the obscure glazing would be retained as the window serves a bathroom. It is unlikely that any future occupiers would want to remove the obscure glazing in the future. Condition 2 would also ensure that the new windows and doors are carried out in accordance with the approved drawings.

Conclusion and Recommendation

23. For the reasons given above I recommend that the appeal should be allowed, subject to the imposition of all necessary conditions.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be allowed subject to the conditions attached.

Chris Preston

INSPECTOR

Schedule of 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: 2401-001, 2401-004 and 2401-005.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing no. 2401-005.
- 4) The dwelling hereby approved shall not be occupied until the car parking space has been laid out within the site in accordance with drawing no. 2401-004 and that space shall thereafter be kept available at all times for the parking of a vehicle.
- 5) 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 development shall take place under Classes A, B, D or E of Schedule 2, Part 1 unless expressly authorised by this planning permission.
- 6) The existing boundary hedge along the boundary fronting onto Main Street, as shown on drawing 2401-004, shall be retained. Should any plants within the hedge die or become seriously diseased they shall be replaced in the first available planting season with plants of the same species.