



Appeal Decision

Site visit made on 24 June 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2020

Appeal Ref: APP/F1040/D/20/3250551

17 Springfield Road, Repton, Derby DE56 6GN

- 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 & Mrs Karamucki against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2019/1321, dated 15 November 2019, was refused by notice dated 20 March 2020.
 - The development proposed is a two storey side extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and single storey rear extension, at 17 Springfield Road, Repton, Derby DE56 6GN, in accordance with the terms of the application Ref DMPA/2019/1321, dated 15 November 2019, and 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: J2908-01; J2908-02 Revision B; J2908-03 Revision A; J2908-04 Revision D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. I have based my decision on the amended plans received during the application which were consulted upon and which the Council based its decision on.

Main Issue

3. The main issue is the effect of the proposed rear extension on the living conditions of occupants of 19 Springfield Road, with respect to outlook.

Reasons

4. Nos 17 and 19 form a semi-detached pair of dwellings which stand in angled positions within their plots relative to the road and rear gardens. As a result, the rear boundary line between the dwellings is not perpendicular, but stands at an angle towards No 19, meaning the side fence comes across the view out

- from the rear patio doors of No 19. Both the appellant and the neighbour at No 19 give a height of 2.3 metres for the fence on the No 19 side.
5. The side wall of the proposed extension would replace the boundary fence to a similar height and to a depth of some 4 metres, with a shallow pitched roof above. Therefore, whilst visible from the neighbours' patio doors, the height of the boundary treatment would be effectively the same as at present, whilst the roof would pitch away from the wall and would add only modestly to the overall impression of massing seen from the neighbouring property.
 6. I saw that No 19 has a large rear garden which opens out to the opposite side and has a total of four window and door openings across the rear ground floor elevation. Therefore, whilst visible from the adjacent patio door, the extension would not be prominent from the other windows and an expansive outlook would still be enjoyed from within the neighbouring dwelling toward its garden. No 19 also stands to the south of the appeal site. Given this, and the spaciousness of its rear garden, the extension would not result in a harmful loss of sunlight or daylight, nor significant increases in overshadowing or sense of enclosure to the neighbouring property.
 7. For these reasons, I conclude that the proposed rear extension would not cause harm to the living conditions of neighbouring occupants, and so would accord with Policies SD1 and BNE1 of the South Derbyshire Local Plan Part 1 (13 June 2016), Policy H27 of the South Derbyshire Local Plan Part 2 (2 November 2017) and the guidance of the South Derbyshire Design Guide Design Supplementary Planning Document (November 2017) (the SPD) which together support well designed new development that does not lead to adverse impacts on the amenity of existing and future occupiers.

Other Matters

8. The Council's reason for refusal does not explicitly cite harm to the character and appearance of the area; however, the delegated report refers to the rear extension element not complying with the requirements of the SPD and Policy BNE1 due to a lack of symmetry. The angle of the proposed extension is unusual, but the particular layout of the site means that a symmetrical arrangement between the two dwellings would be difficult to achieve at the rear. From my observations, the extension would not be discordant in scale or form, and its location to the rear would limit its visibility from the public realm and other properties. Therefore, I find that the extension would not be harmful to the character and appearance of the area.
9. The Council did not oppose the proposed side extension, which I note would effectively mirror an extension already constructed at No 19. On the evidence before me, I have no reason to reach a different view.

Conclusion

10. For these reasons, the appeal is allowed. To provide certainty, a condition is required specifying the relevant drawings. It is also necessary to impose a condition requiring external surface materials to match the existing dwelling to secure a satisfactory appearance.

K Savage INSPECTOR