



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: 14 July 2020

Appeal Ref: APP/P1045/W/20/3248454

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 19/01429/FUL, dated 30 December 2019, was refused by notice dated 26 February 2020.
 - The development proposed is demolition of existing garage and erection of detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the area; and ii) the living conditions of neighbouring occupants, with respect to light.

Reasons

Character and appearance

3. The appeal site occupies a gap in the townscape on Water Lane between a terrace of traditional two storey, red brick dwellings and a more recent development of three storey, red brick dwellings, and contains a single storey garage building, to be replaced by a two storey, detached dwelling. The proposal is similar to one dismissed at appeal in November 2019¹, and I have had regard to the previous Inspector's findings as a material consideration.
4. The surrounding development exhibits differences in scale and siting. The older terrace stands immediately at the back of the pavement, whilst the newer dwellings are set back with small front gardens and on-street parking areas. However, there is also consistency in terms of massing and materials across both terraces and the gap between them provides legibility of the respective developments, factors which together contribute positively to the street scene.
5. The site's physical constraints have influenced the form of development proposed. The dwelling would be narrow in width, but would still sit close to both side boundaries. As a result, it would appear squeezed into the site and between the terraces in a cramped and awkward arrangement. Though seeking

¹ Appeal Ref: APP/P1045/W/19/3233148

to emulate the scale and traditional form of the adjacent terraced properties, its narrower footprint and recessed position means it would not form a continuation of either terrace, but would appear as an isolated and conspicuous addition to the street scene, its detached form in particular contrasting markedly with the prevailing pattern of terraces along Water Lane, and interfering with the legibility of the respective terraces. In these respects, my findings generally accord with those of the Inspector in the previous appeal.

6. I understand that the design has been amended from the previous scheme, including the addition of a front entrance door and alteration of the roof form to closely resemble the form of adjacent dwellings. I also recognise that sympathetic materials would be used. However, these design details would not be sufficient to mitigate the harmful effects of the dwelling's overall form and position on the pattern of development and appearance of the street scene.
7. I recognise that the proposal would replace the existing garage and make use of a slightly unkempt brownfield site, though given the modest scale of the garage and its unassuming presence in the street scene, the benefit of its removal would be limited, and would not justify the proposal in light of the harm identified.
8. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the surrounding area. Consequently, there would be conflict with Policies S1, S3 and PD1 of the adopted Derbyshire Dales Local Plan 2017 (the DDLP) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan 2015-2028 (WNDP), which together seek to secure high quality design that improves upon the defining settlement qualities and characteristics of Wirksworth.

Living Conditions

9. The proposed dwelling would stand to the south of 12 Water Lane, and its massing would extend beyond the rear elevation of the neighbouring dwelling. However, changes to the height and massing at the rear, following dismissal of the previous scheme, appear to have overcome the Council's concerns that the proposal would be overbearing and reference to loss of outlook does not form part of the reasons for refusal. However, I have had regard to concerns raised in these respects from the occupant of No 12.
10. I have had regard to the findings of the previous Inspector that the proposal, due to its orientation in relation to the rear garden of No 12, would lead to loss of sunlight from morning through to mid-afternoon, a situation exacerbated during winter months when the sun follows its lowest trajectory in the sky.
11. The extent of sunlight received to the rear of No 12 is influenced largely by the massing of No 14 which casts shadow over No 12 during the late morning and middle portion of the day, particularly in winter. As such, the rear garden of No 12 receives direct sunlight only in the early morning through the gap between the terraces and in the afternoon when the sun passes beyond No 14, and thus any further loss of sunlight would be noticeable to occupants of No 12.
12. I recognise that the proposed dwelling would be some 1 metre lower in height than the previous scheme, but it would still be of a height and massing which would substantially enclose the gap between the terraces and would restrict direct morning sunlight from reaching the rear garden of No 12, whilst due to

its massing standing closer to No 12 than No 14 does, the extent of shadowing to the rear garden would increase as a result of the proposal. Moreover, it was evident to me on site that the proposed dwelling would stand in front of, and to the south of, the second floor side window of No 12, and immediately next to the ground floor window and would block sunlight and increase shadowing to these windows during the day.

13. For these reasons, I find that the proposal would result in a detrimental loss of sunlight and increased overshadowing which would significantly harm the living conditions of occupants of 12 Water Lane, contrary to 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, and contrary to the aims for high quality development generally, as expressed in Policies NP1 and NP2 of the WNDP.

Other Matters

14. I recognise that the proposal would add to the housing supply, and would be located within a defined settlement where occupants would be able to access and contribute to local services and facilities by means other than the private car. As the proposal is for a single dwelling, these benefits would, however, be limited in scale and would not outweigh the harms identified.

Conclusion

15. For the reasons given, the appeal is dismissed.

K Savage

INSPECTOR