



Appeal Decision

Site visit made on 23 June 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/C1055/W/19/3243663

104 Swarkestone Road, Derby DE73 5UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Colin Glynn against the decision of Derby City Council.
 - The application Ref 19/00883/FUL, dated 15 August 2019, was approved on 10 October 2019 and planning permission was granted subject to conditions.
 - The development permitted is a two-storey and single storey side extension to dwelling house (study/office, shower room, utility and bedroom) and erection of an outbuilding (garage).
 - The condition in dispute is No 2 which states that: 'This permission does not imply approval for the two-storey extension as shown on plan No.19022.06, submitted in support of the application'.
 - The reason given for the condition is: 'In the opinion of the Local Planning Authority the proposed two storey side extension would create, by virtue of the form and design of the gable end roofline, be an unacceptable form of development that would visually unbalance and disrupt the character and symmetry of the pair of semi-detached dwellings and given the prominent position of the site within the local streetscene, the proposal would be detrimental to the visual amenities and prevailing character of this part of Swarkestone Road. For these reasons, the proposal is contrary to saved policy H16 of the adopted City of Derby Local Plan Review and Policies CP3 and CP4 of the Derby City Local Plan – Part 1(Core Strategy) and the overarching guidance in the National Planning Policy Framework which promotes good design at all levels of the planning process in order to achieve well designed places'.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellants applied for planning permission for a side and rear extension and a detached garage. Planning permission was granted, but a condition specified that the extension element was not permitted. The appellants wish to remove Condition 2 so as to be able to build the side extension.
3. The main issue is therefore whether the disputed condition is necessary having regard to the proposal's effects on the character and appearance of the area.

Reasons

4. The appeal property is a two-storey, semi-detached dwelling. It has a two-storey front bay window and a hipped pitched roof, and is set in a generous plot with a long front garden. In appearance it is typical of this part of Swarkestone Road where, although there are sometimes variations in age, size

or detailing between dwellings or pairs of dwellings, for the most part the houses fit into this general pattern of spacious and pleasant suburbia. The broad conformity in style gives the wider area a neat and orderly character, while the more subtle variations ensure that it does not feel monotonous.

5. The removal of the disputed condition would allow the erection of a two-storey side and rear extension, to be built almost to the edge of the property's boundary with No 102, to include a gable end rather than a hipped roof. The gable would disrupt the symmetry and unbalance the appearance of the semi-detached pair of Nos 104 and 106. This would be detrimental to their appearance and at odds with the orderly character of the surrounding area.
6. The neighbouring house at No 102, unusually in the immediate vicinity, has a gable end rather than a hipped roof facing the appeal property. I understand this to have been implemented as part of a loft conversion/extension under permitted development rights. It has introduced an imbalance into the street scene which jars both within the pair of Nos 100/102, and with the wider area. In this context therefore the proposed roof would reinstate some symmetry between the two pairs of Nos 100/102 and 104/106. However, the two pairs of houses are not on the same building line, with the front elevation of No 104 set some 5m or so behind that of No 102. From the south, the gable end and loft conversion at No 102 would therefore remain visible and prominent in the street scene almost regardless of how a side extension at No 104 might be developed. From the north, on the other hand, much of the proposed extension would be hidden behind No 102, and such restored symmetry as its roof would offer would largely be obscured. Because of the site layout the balancing effect of the proposed gable roof alongside No 102 would really only be appreciated from immediately in front of the appeal site or when approaching from Glenwood Road, and this would limit its positive impact.
7. The gap between Nos 104 and 102 already appears narrow when seen from the north, and there is therefore already a small visual terracing effect. Continuing south along Swarkestone Road the alignment of the properties opens up a visual gap, and views between the dwellings become possible. Although the existing terracing effect would be slightly increased by the proposed extension, because of the distance the dwellings are set back from the road, and because of the staggered arrangement of Nos 102 and Nos 104, this would have a limited impact. The proposed side extension would be set back behind the main front elevation, would step back again at first floor level, and its roof ridge would be set lower than that of the host dwelling. Given all of this, in my view the issue of whether the roof would be hipped or gabled would actually make very little difference to the extent of any increased terracing effect, and so I do not consider the proposal would lead to significant harm in this regard.
8. The appellants have drawn my attention to the dwelling at No 124 Swarkestone Road, where a two-storey side extension with a gabled roof was granted planning permission in 2015 ((Derby City Council reference 01/15/00089). I do not know the full circumstances of that proposal, or the policies which applied at the time of it being approved. However, from what I saw at the time of my site visit the bulk and roofline of that extension has reduced the visual gap between the two in a way which has not enhanced the character or appearance of the area. In my view, its presence does not add weight to the appellants' argument in this appeal, which I have determined on its own merits.

9. The removal of the disputed condition would allow the erection of a side extension, but its gable roof would unbalance the semi-detached pair including the appeal property and so would be harmful to the character and appearance of the area. The reinstatement of a degree of symmetry between the appeal property pair and its neighbour at Nos 100/102 weighs in favour of the proposal, although as the site layout limits the benefit arising I consider this does not outweigh the harm which would arise. I have found that there would be no harmful increase in any terracing effect as a result of the proposal, and the proposed materials and detailing would match the host property. However, a lack of harm in these matters is a neutral factor in my decision.
10. I therefore conclude that the disputed condition is necessary to ensure that the proposed development complies with saved Policy H16 of the 2006 City of Derby Local Plan Review, and with Policies CP3 and CP4 of the 2017 Derby City Local Plan. Among other things, these policies seek to ensure that new development makes a positive contribution towards and is well-integrated into its surroundings, and that domestic extensions do not have a significant adverse affect on the character and appearance of the host dwelling or surrounding area. For the same reasons, it is necessary to ensure conformity with the National Planning Policy Framework in respect of well-designed places.

Other Matters

11. The Council considered that the proposed extension would be acceptable in principle. Although the extension would be likely to cause some increase in overshadowing of the rear kitchen at No 102 Swarkestone Road, the Council concluded that this would not cause significant harm to living conditions of the occupier of that property. None of the evidence before me or my observations on my site visit leads me to a different conclusion on either of these matters.
12. Brief representations were also made to me in respect of effect of the garage element of the proposal. In an appeal made under section 78(1)(a) of the Town and Country Planning Act 1990, section 79(1) of the same Act allows an Inspector to "reverse or vary any part of the decision of the LPA (whether the appeal relates to that part or not) and may deal with the application as if it had been made to him in the first instance". Consequently, and contrary to the appellants' suggestion that it does not form part of this appeal, the original permission is at risk. In this case, the proposed garage would be modest in scale, in keeping with the existing dwelling, and both well set back and partially screened from the highway. I consider that it would be acceptable in its effects on the character and appearance of the area, and I therefore do not diverge from the original decision in this regard. A restrictive covenant which may affect the appellants' ability to construct the proposed garage is a private matter to be resolved between the relevant parties. This sits outside of my role which is to determine the appeal in accordance with planning law.

Conclusion

13. For the reasons given above the appeal is dismissed.

M Cryan

Inspector