
Appeal Decision

Site visit made on 16 June 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2020

Appeal Ref: APP/R1038/W/20/3245486
24 Caldey Road, Dronfield S18 1RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mrs Denise Greenhough against the decision of North East Derbyshire District Council.
 - The application Ref 19/00764/FL, dated 12 August 2019, was refused by notice dated 4 October 2019.
 - The development proposed is the construction of a single dwelling.
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Decision

1. I dismiss this appeal.

Procedural Matters

2. The planning application states that the proposed development would comprise 1 parking space and 4+ bedrooms. The initial drawings submitted in August 2019 showing 1 parking space and a fourth bedroom on the second floor were superseded by a revised site plan and floorplan dated 19 September 2019. The new site plan shows a parking area for two cars and the new floorplan shows the 4th bedroom as having been removed with the top floor now described as 'loft space'. It is the amended application that is subject to this planning appeal.
3. The Council's decision letter is dated 4 October 2017. It is assumed that this was a typographical error and, therefore, the date of decision shown in the heading of this Decision Letter is 4 October 2019.

Main Issues

4. The main issues are the effect of the proposed development upon:
 - the character and appearance of the neighbourhood; and
 - the living conditions of future occupants of the dwelling with regard to the provision of garden space.

Reasons

Character and Appearance

5. The appeal site is the portion of the garden lying to the side of 24 Caldey Road in Dronfield. No 24 occupies a corner plot adjacent to which is a short cul-de-sac which also forms part of Caldey Road. The site slopes upwards

- slightly from north to south. A tall hedge along the boundary of the site screens the garden from both the front and the side.
6. Caldey Road sits within a housing estate and comprises a mixture of detached, semi-detached and linked dwellings. No 24 is a 2-storey semi-detached property with a large garage attached to the side. To the front is a short driveway and to the rear is an area of lawn.
 7. The proposed development comprises a 2-storey 3-bedroom dwelling that would be very close to the garage of No 24. It would represent an extension of the established building line along Caldey Road and would be set in from the boundary with the cul-de-sac. It would have a pitched roof with a skylight to the front and would face onto the main part of Caldey Road.
 8. Off-street parking for 2 cars would be provided on a driveway located to the rear of the dwelling and accessed from the cul-de-sac. There would be an area of lawn provided to the front, side and rear. The hedging along the boundary with the cul-de-sac would be retained with the exception of the remnant adjacent to the proposed parking spaces.
 9. The ground floor of the proposed dwelling would sit noticeably below that of No 24. However, because the size of the roof would be appreciably greater than that of No 24 the appeal dwelling's ridge would barely be any lower than its neighbour's. Notwithstanding the screening provided by the hedging this larger roof would be quite evident when viewed from the front and would be discordant and incongruent with the neighbouring dwellings.
 10. Therefore, for the above stated reason, the proposed development would harm the character and appearance of the area. It would thus fail to accord with Policies GS5(a), BE2 and H12 of the North East Derbyshire Local Plan 2005 (LP) and with Paragraph 127c) of the National Planning Policy Framework ('the Framework') which seek to ensure that the scale, mass and height of new development protects the character and appearance of the local area.
 11. Furthermore, it would fail to accord with Policies SS7 and SDC12 of the North East Derbyshire Local Plan Publication Draft 2018 which also seek to ensure that the mass, scale and height of new development does not harm the character and appearance of the area. However, since this plan has not yet been adopted, I accord it little weight.

Living Conditions

12. The proposed development would incorporate a garden measuring, according to the Appellant and the Council, around 115 square metres. The Council's 'Successful Places: A Guide to Sustainable Housing Layout & Design' Supplementary Planning Document 2013 (SPD) advises that a new 3-bedroom dwelling should have a minimum single area of open space measuring at least 70 square metres.
13. There are no internal fences or walls shown in the plans and thus the area of garden might be said to be a 'single' area. However, the area to the side of the proposed dwelling linking the front to rear gardens would be very narrow when one allows for the hedge along the side boundary that is planned to be retained (but not shown in Drawing 2019/10-2-A). This would effectively sever the front from the rear garden, resulting in 2 or 3 separate discrete areas (front, side and rear garden).

14. The largest area of garden would constitute around 40% of the total area, equating to around 45-50 square metres. This would fall below the Council's threshold of 70 square metres for a single area. Although the proposal would provide a good standard of outlook and would not result in any loss of privacy for neighbouring occupants it would, nevertheless, fall well below the Council's single garden area size threshold and would therefore fail to provide a satisfactory level of enjoyment for a family dwelling.
15. I am not able to assess fully the size of the plot against others in the neighbourhood since I have not been provided with any detailed data. The Framework's support for the development of windfall sites is subject to the qualification that it meets the requirements concerning living conditions. From my inspection of the site and the plans I consider that the current proposal does not meet these requirements in respect of garden provision.
16. Therefore, for the above reason the development proposal would fail to provide for the satisfactory living conditions of future occupants. Thus, it would fail to accord with the advice set out in Policy H12(g) of the LP that new development should be of a density and design that respects the needs of sustainable development.
17. Furthermore, it would fail to accord with the SPD that all schemes should provide a level of outdoor amenity space that is proportionate to the type of accommodation and suitable to meet the occupants' likely requirements. Although not part of the Development Plan I attach considerable weight to this document since it seeks to give effect to the broad principles of good design incorporated within the LP.
18. Finally, it would also fail to accord with the advice set out at Paragraph 127f) of the Framework that new development should provide for a high level of living conditions for future occupants.

Other Matters

19. My attention was drawn to the extension to 38 Caldey Road, situated on the opposite side of the entrance to the cul-de-sac. I have had regard to it in formulating my assessment of the character and appearance of the neighbourhood under the first Main Issue, but I have no documentation before me relating to the circumstances of its approval. Furthermore, all planning appeals are dealt with upon the merits of the proposed development and thus a decision on a previous scheme is not binding upon my determination of the proposal before me now.
20. The proposed development would be in a highly accessible location that accords with the principles of sustainable development. It would deliver valuable short-term economic benefits in the form of construction jobs and would be well located to capitalise on employment and social opportunities within the area.
21. I am satisfied that the proposal accords with the Council's parking and highways standards. Furthermore, it is noted that the proposal would conform to building standards regarding disabled access.
22. I note that the proposed dwelling is intended for occupation by the Appellant's daughter and family. I can appreciate the benefits of being able to have immediate family living in close proximity and their ability to help provide any

future care needs for the Appellant. However, even if taken together, none of the considerations that I have identified outweigh my findings in regard to the effect that the development proposal would have on the character and appearance of the area and on the living conditions of future occupants bearing in mind the importance given to these matters in the Development Plan and the Framework.

Conclusion

23. For the reasons set out above the appeal should be dismissed.

William Walton

INSPECTOR