
Appeal Decision

Site visit made on 3 August 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/M1005/D/20/3253665

18 Jessop Street, Waingroves, Ripley DE5 9TL

- 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 Daniel Smith against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2020/0129, dated 6 February 2020, was refused by notice dated 2 April 2020.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two storey rear extension at 18 Jessop Street, Waingroves, Ripley DE5 9TL in accordance with the terms of the application Ref, AVA/2020/0129 dated 6 February 2020 subject to the conditions set out below.
 - 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 912-01, 912-02, 912-03.
 - 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.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 20 Jessop Street with particular regard to outlook.

Reasons

3. No 20 Jessop Street is a two storey end terrace property sited to the west, and a significant distance forward, of house at the appeal site. Its rear elevation has a door and large clear glazed window at ground floor together with two clear glazed windows at first floor. Immediately adjacent to the rear elevation is a paved sitting out area extending to a grassed area at the rear of the plot. It is separated from 18 Jessop Street by a driveway and a high, mainly timber, boundary fence.
4. The Councils Residential Development Supplementary Planning Document 2007 (SPD) states that consideration should be given to the appearance of a

proposal when viewed from neighbouring properties and if it will appear overbearing.

5. The proposed two storey extension at No 18 would extend about 3.85 m from its rear elevation. This would lengthen the existing blank two storey side elevation of No 18, creating a relatively large expanse of brick wall visible from the garden and rear elevation of no 20. However, it would be sited about 4 metres away at an oblique angle. These two factors would be sufficient to ensure that the proposed extension would not appear unduly overbearing, over and above the existing side elevation of No 18, when viewed from the garden and windows of No 20. Furthermore, both the windows and garden would retain an open outlook in all other directions so that there would be no significant tunnelling effect caused.
6. For the reasons above, I conclude that the proposal would not be materially harmful to the living conditions of the occupiers of 20 Jessop Street with particular regard to outlook. There would therefore be no conflict with Policy H12 of the Amber Valley Borough Local Plan 2006 and the SPD. These require that development does not unduly affect the amenities of adjoining or adjacent properties.

Conclusion

7. For the reasons given above I conclude that the appeal should be allowed.

Conditions

8. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents.
9. In the interests of certainty, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
10. A condition regarding materials is necessary to protect the character and appearance of the area.

Zoe Raygen

INSPECTOR