
Appeal Decision

Site visit made on 5 August 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/F1040/D/20/3251033

1 Derwent Close, Castle Gresley, Swadlincote, Derbyshire DE11 9LN

- 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 S Clarke against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2019/1066, dated 2 September 2019, was refused by notice dated 31 January 2020.
 - The development proposed is erection of a single storey attached annex extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey attached annex extension, at 1 Derwent Close, Castle Gresley, Swadlincote, Derbyshire DE11 9LN, in accordance with the terms of the application Ref DMPA/2019/1066, dated 2 September 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: Location Plan; Site Plan; Existing Plans and Elevations and Proposed Plans and Elevations (all numbered 07112016/4792).
 - 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 Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the effect on future occupants' living conditions in terms or provision of private outdoor space.

Reasons

Character and appearance

3. The appeal property is a semi-detached dwelling standing on the corner of Derwent Close and Ashbourne Drive. The dwelling has garden areas to the front and side, and has a single storey, flat roofed extension to the rear and a conservatory to the side elevation. A single storey, flat roofed garage stands at the rear of the site, in common with the other properties on Derwent Close and

Darley Close behind. Between the garage and rear extension is a paved patio area enclosed by fencing. A separate fenced area with a garden shed encloses space between the rear extension and the conservatory. There is off-street parking for two vehicles in front of the garage at the rear.

4. The proposed annex would replace the existing flat roofed garage and would extend over the patio and join onto the rear extension. Both the annex and the existing rear extension would have a hipped roof added with several rooflights. The annex would be connected to the existing dwelling internally via double doors to the kitchen.
5. The Council's delegated report indicated the proposal would be harmful due to the combination of the size of the extension, its bulk and massing, lack of design relationship to the existing dwelling, namely the inclusion of a hipped roof, and lack of provision of adequate private amenity space. However, I am provided with the officer's report and decision notice for planning permission granted in January 2017¹ for what appears to be the same proposal, as evidenced by the approved plans bearing the same date and reference number to those now before me. The time limit for implementation of this permission has expired, and I note that this proposal was considered against the now superseded Policy H13 of the 1998 Local Plan, though the now adopted Policy H27 of the South Derbyshire Local Plan Part 2 (2 November 2017) (the LP2) was considered relevant despite being a draft policy at that stage. Therefore, whilst the permission has lapsed, the policy context is not dissimilar and the proposal is the same. Having regard to the importance of consistency in planning decisions, I have taken this decision into account as a material consideration.
6. The annex would extend development to the full depth of the site; though given the presence of the garage and screening provided by fencing, this would not significantly alter the overall appearance of the site when viewed from Ashbourne Drive. The hipped roof would add to the height of the annex compared to the existing flat roofed garage and rear extension, but the hipped form would reduce the bulk to all sides compared to a pitched roof with gable ends. I note that whilst the Council now opposes a hipped roof, the 2017 proposal was actually amended to incorporate a hipped roof instead of a gable to increase its subservience. The Council's volte-face in this respect is not explained. However, from my observations, the additional height of the roof would not be significant and the extension would be set in very slightly from the boundary with No 3. Given the appeal site stands at a lower level compared to neighbouring dwellings on Derwent Close, the extension would not appear excessive in height or massing when viewed from neighbouring dwellings or from the street.
7. The proposal would result in the loss of most of the existing patio. However, there would still be ample external space to the front and side and the proposal would not appear as an overly intensive development of the plot.
8. For these reasons, I conclude that the proposal would not harm the character and appearance of the area, and would not conflict with Policy H27 of the South Derbyshire Local Plan Part 2 (2 November 2017) or with the guidance of the South Derbyshire Design Guide - Design Supplementary Planning Document (November 2017) (the Design SPD).

¹ Council Ref 9/2016/1186

Living conditions

9. The existing patio area provides the most private outside space for the present occupants, being screened by fencing whereas the side and front gardens are open to public view. The loss of the patio would limit the amount of private space available, although I can find no reference within the Council's Design SPD to a particular amount of space which must be provided, the only guidance being to encourage developers to provide an outdoor space which is at least partially private. The site includes a separate fenced off area containing a garden shed and other land within the curtilage of the dwelling and depending on the arrangement of the fencing, it does not seem impossible that an area of usable private outdoor space could still be provided for occupants to complement the more public space to the front and side gardens.
10. Accordingly, I conclude that the living conditions of future occupants would not be harmed by the proposal, and there would be no conflict with Policy BNE1 of LP1 which requires that new development should not have an undue adverse effect on the privacy and amenity of existing nearby occupiers, nor would there be conflict with the guidance of the Design SPD, or that of Paragraph 127 of the National Planning Policy Framework, which indicates developments should create places with a high standard of amenity for existing and future users.

Other Matters

11. The Council indicates that the proposal would become a 4 bed dwelling and as such would generate a requirement for three off-street spaces, but that Ashbourne Drive and surrounding streets have limited on-street parking and good visibility, such that any overspill parking arising from the development would not have a significant adverse effect on the operation of the highway network. My site visit confirmed that there was ample parking available around the site and low levels of traffic, and I have no reasons to differ from the Council's conclusions with respect to highway safety.

Conditions

12. 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 in order to secure a satisfactory appearance.
13. The Council has requested a condition to prevent the use of the annex as a separate dwelling. The proposal is for an extension, not for a separate dwelling, and I am satisfied on the basis of the evidence before me that the extension is proposed for incidental use. Any subsequent creation of a separate dwelling would require a further application for planning permission, to be assessed on its own merits. Accordingly, a condition restricting its use is not necessary.

Conclusion

14. For the reasons set out, the appeal is allowed.

K Savage

INSPECTOR