



Appeal Decision

Site visit made on 18 August 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/R1038/D/20/3253822

**Ashbank, Chesterfield Road, Duckmanton, Chesterfield, Derbyshire
S44 5HU**

- 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 Dale Cook against the decision of North East Derbyshire District Council.
 - The application Ref 20/00097/FLH, dated 25 January 2020, was refused by notice dated 24 March 2020.
 - The development proposed is described on the application form as 'ground and 1st floor extensions'. (sic)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I am aware that the Appellant has also submitted a planning application (Ref 20/00089/FLH) for a larger ground floor rear extension to the adjacent property 'Stonecroft' to replace its existing extension and that this had not been determined at the time the Council decided the application subject to this appeal. According to the Appellant's statement of case this application has since been approved, and planning permission has been granted for the extension to Stonecroft and this appears to be indicated on the application plans before me. However, notwithstanding this, as I have no evidence before me to show that this permission has been fully implemented, I have afforded this matter minimal weight.
3. The Council have described the development as 'Application for proposed first floor extension and two storey rear extension'. I note that the appellant has also utilised this description on their appeal form. I consider that the Councils revised description provides a succinct and accurate description of the proposal and I have therefore determined the appeal on the basis of the revised description.
4. In their evidence and on the decision notice the Council have referred to the policies of the emerging North East Derbyshire Local Plan Publication Draft 2018. However, this plan has not yet been examined and found sound. Consequently, I have afforded these policies limited weight.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and

- the effect of the proposed development on the living conditions of the occupiers of Stonecroft having particular regard to matters of outlook and light.

Reasons

Character and Appearance

6. The appeal property is a single storey end of terrace cottage with a traditional stone façade and tiled roof. It is part of a terrace comprising three similar dwellings. The directly adjacent middle terrace dwelling 'Stonecroft' has an existing single storey extension to the rear. To the rear of these properties are substantially large back gardens, beyond which is a large area of what appears to be open agricultural land. On one side of the row of cottages is a large area of open grassland with a row of several larger detached dwelling with sizeable front and back gardens on the other side. Beyond these dwellings there is another large agricultural field. To the front of the cottages there are more modest front gardens and vehicular driveways/access onto Chesterfield Road (A632). On the opposite side of the road is a long line of mature trees, hedgerows and vegetation which screen the employment land to the north.
7. Consequently, given the appeal site's location and the nature of the land around it to the south of Chesterfield Road, I consider its character and that of the row of cottages to which the appeal property belongs to be relatively rural. Furthermore, as the appeal site is outside any settlement limit for Duckmanton, I therefore also consider it to be in the countryside, something which the main parties appear to agree with. Moreover, given its location close to Chesterfield Road, and the sloping topography of the land from west to east, I consider the appeal property to be in a relatively prominent location on the street scene, particularly when viewed from the footpath.
8. The proposal comprises an upwards extension of the property to accommodate a new first floor and also a sizeable two-storey rear extension to create a larger kitchen/dining area, new utility room, bathroom and a new large lounge room on the ground floor and three new bedrooms, an en-suite bathroom and a larger bathroom on the first-floor. It is also proposed to create a new front porch.
9. Given its scale, the proposal would represent a substantial addition to the height, scale and massing of the appeal property. While I note that the sloping topography of the land means that the dwelling at the other end of the terrace 'Stonecroft Cottage' is in essence a two-storey dwelling, the proposal would nonetheless be considerably higher than the other cottages in the terrace, creating an unbalanced 'stepped' appearance at one end. Consequently, and notwithstanding the fact that it would be constructed using materials similar to the existing buildings, I consider that it would be an incongruous addition to the appeal property and the row of cottages thereby having an adverse visual impact on the street scene. As a result, I also consider that it would be at odds with the cottages' rural setting and would substantially harm the character and appearance of the area and thereby the countryside.
10. I acknowledge that the appeal property is partially screened from view from the west and east due to the sloping topography of the land and the landscaping on the boundaries between the respective plots. However, given its relatively prominent location the proposal would still be quite visible from the public vantage points on the footpath running along Chesterfield Road to the front of the row of cottages.
11. I also acknowledge that the other dwellings fronting onto Chesterfield Road are larger than the appeal property and have varying heights and designs. However,

these are all stand-alone detached properties and as such a large extension similar to the proposal would not necessarily look as out of proportion as it would at the end of the more uniform terrace of cottages that the appeal property belongs to.

12. I therefore conclude, on this main issue, that the proposal would materially harm the character and appearance of the area. Accordingly, it conflicts with Policies GS1, GS6, BE1 and H5 of the adopted North East Derbyshire Local Plan (2005) (NEDLP) which aim to ensure that: a sustainable pattern of development is achieved; development is in keeping with the character of the countryside; the character and appearance of the surrounding area is respected, and that extensions to dwellings are in keeping with the property and street scene in terms of their style and proportions, amongst other considerations. It also conflicts with paragraph 130 of the National Planning Policy Framework (the Framework) which promotes good design.

Living Conditions

13. According to the Appellant's statement of case, the proposed two storey rear extension would project approximately 7.7 metres along the shared boundary with Stonecroft and have a total height of approximately 6.7 metres. The adjacent property, Stonecroft, has a ground floor bathroom window close to the shared boundary. In addition, the existing rear extension to Stonecroft is very modest having an approximate height of 2.6 metres, the same as the height of the eaves of the host property, and an approximate width of 3 metres with a large window in its rear elevation serving the kitchen. Accordingly, and based on the existing design of Stonecroft, I consider that due to its scale, height, massing and lengthy projection along the shared boundary, the proposal would have an adverse impact on the living conditions of its occupiers in terms of loss of outlook, an increased sense of enclosure and loss of light.
14. The Appellant's evidence also states that the approved single-storey rear extension to Stonecroft, if built, would project approximately 4.8 metres along the shared boundary and would also have a large lantern roof light which could potentially mitigate some harm that the proposal may cause its future occupiers. However, no substantive evidence, has been provided by the Appellant to show that the permission for the approved extension to Stonecroft would be fully implemented as per the proposed plans. As a result, I cannot be certain that the living conditions of its future occupiers would not be materially harmed by the proposal due to any loss of outlook, increased sense of enclosure or loss of light it may cause.
15. I therefore conclude, on this main issue, that the proposed development would materially harm the living conditions of the occupiers of Stonecroft having particular regard to matters of outlook and light. Consequently, it conflicts with Policy H5 of the NEDLP which aims to ensure that extensions to dwellings should avoid a significant loss of privacy and amenity for the residents of neighbouring properties, amongst other considerations. Given their strategic objectives, I consider that Policies GS1, GS6 and BE1 of the NEDLP are not entirely relevant to this main issue.

Conclusion

16. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR