



Appeal Decision

Site visit made on 23 September 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2020

Appeal Ref: APP/C1055/W/20/3252061

171 Western Road, Mickleover, Derby DE3 9GS

- 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 David Mawson against the decision of Derby City Council.
 - The application Ref 19/01617/FUL, dated 17 November 2019, was refused by notice dated 23 April 2020.
 - The development proposed is described as "Erection of a single 4 bedroom dwelling and attached garage within the existing garden of 171 Western Road."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) highway safety with regards to access, (ii) character and appearance and (iii) the living conditions of the occupiers of 171 Western Road with regards to privacy.

Reasons

Highway safety

3. The proposed development incorporates a vehicle access onto Western Road which has a 30 mile per hour speed limit. The appellant has indicated that the visibility from the proposed access would be around 72 metres to the east and around 195 metres to the west from a 2.4 metre set back. The proposed parking within the site would be a cramped arrangement and it would be difficult to manoeuvre vehicles in order to exit the site in a forward manner with suitable visibility. It is likely that vehicles exiting the site would have to undertake unusual manoeuvres which may require edging out onto the highway, this would be to the detriment of highway safety.
4. The proposed access would be close to the highway junction with Arundel Avenue. There are existing driveways that are closer to junctions in the area. However, given the awkward parking arrangement and associated difficulties exiting the site as described above, the close proximity of the highway junction with Arundel Avenue would introduce further complications particularly if vehicles are stopped at this junction and therefore likely to restrict visibility.
5. The proposal would provide an unsatisfactory access that would be harmful to highway safety. The proposed development would be in conflict with Policy CP23 of the Derby City Local Plan Part 1 Core Strategy (DCLP) which seeks development to contribute to better safety for all by improving road safety.

Character and appearance

6. The surrounding area is characterised primarily by residential properties of varying styles positioned in a linear form. Properties in the area are mainly set back from the main roads providing spacious environment which positively contributes to the character of the area.
7. The proposal would follow similar linear form to the properties on Arundel Avenue however, it would be positioned on a prominent corner plot and would appear as a dominant structure within the street scene. Due to its size and positioning, the proposed property would be a discordant feature that appears overbearing amongst the existing built form.
8. The proposal would be an incongruous structure that would be harmful to the character and appearance of the surrounding area. The proposal would be contrary to Policy H13 of the City of Derby Local Plan Review (CDLR), Policies CP3 and CP4 of the DCLP and the National Planning Policy Framework (the Framework) which states that developments should be of high quality and well designed and make a positive contribution towards character, distinctiveness and identity of neighbourhoods.

Living conditions

9. The proposed development would be located in close proximity to 171 Western Road (No 171) with the proposed rear garden being directly adjacent to the rear of this property. Due to the position of the proposed property in relation to No 171, the proposal would appear as a domineering structure.
10. Fencing at around 6 foot high is proposed around the proposed rear garden however, this would not prevent overlooking from the proposed first floor rear windows. The close proximity of the properties would result in views from the proposed property into the rear garden and rear elevation of No 171. Whilst it is not uncommon for residential properties to have some views into neighbours gardens, the orientation and siting of the proposal in relation to No 171 would result in loss of privacy to the occupiers of No 171.
11. The proposed development would have a harmful effect on the living conditions of occupiers of No 171 with regards to privacy. The proposal would conflict with Policy GD5 of the CDLR and the Framework which seeks development to provide a satisfactory level of amenity and not be harmful in terms of privacy.

Other matters

12. Alterations were made during the course of the planning application with regards to boundary layout matters. Other schemes in the area, including another development on Western Road¹, were given opportunity to revise schemes during the application stage. The appellant indicates that the opportunity to revise the scheme was not given. These matters do not alter my findings on the main issues.

Conclusion

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

Chris Baxter

INSPECTOR

¹ Local Planning Reference: 10/17/01363