



Appeal Decision

Site Visit made on 25 November 2020

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/R1038/W/20/3253391

17 Green Lea, Dronfield Woodhouse S18 8YA

- 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 David & Vanessa Kavanagh against the decision of North East Derbyshire District Council.
 - The application Ref 19/00988/FL, dated 30 September 2019, was refused by notice dated 13 February 2020.
 - The development proposed is erection of a new detached 2 bedroom bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new detached 2 bedroom bungalow at 17 Green Lea, Dronfield Woodhouse S18 8YA in accordance with the terms of the application, Ref 19/00988/FL, dated 30 September 2019, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The Council have stated that the emerging North East Derbyshire Local Plan (2014-2034) is at the stage where consultations will be made on the Main Modifications, with the Plan expected to be adopted in spring 2021. The Council consider that moderate weight can be attributed to the Policies of this Plan.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the surrounding area and (ii) the living conditions of occupiers of 17 Green Lea with regards to amenity space.

Reasons

Character and appearance

4. The surrounding area is characterised predominantly by residential bungalows of similar design and layout. The built form in the area is tight knit with front gardens generally being open aspect and the open countryside set beyond the built environment. It is this close built form of similar designed properties that contributes positively to the character of the area.
5. The proposed property would be similar in scale and design to the buildings in the area and would not appear out of keeping. The proposal would have parking to the front of the property which is similar to parking arrangements of other properties in the street and therefore would not be a discordant feature.
6. I understand that the rear and side gardens of 17 Green Lea (No 17) previously had low dwarf boundaries. This has been replaced with fencing and hedging

that are not unattractive features in the street scene. The position of the proposed bungalow in relation to surrounding properties and the boundary fence of No 17 would blend in with the existing tight knit layout of the buildings in the area. The proposal would retain gaps between the built form with the layout of the estate retaining important views through the buildings, particularly through to the open countryside.

7. The proposed rear garden area may not be as large as surrounding gardening areas however, this would not be readily visible, particularly from public views and would not adversely compromise the character of the area. The proposed front garden would be relatively small which would not be detrimental to the wider area as there are other properties in the estate with small front garden areas.
8. Due to the proposals design, scale and positioning, it would generally follow the existing building line of adjacent properties and it would not appear cramped or be overdevelopment of the site. The proposal would not be an incongruous structure which would relate well to the surrounding built environment.
9. Accordingly, I find that the proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Policies GS1, GS5, BE1 and H12 of the North East Derbyshire Local Plan 2005 (LP), Policies SS1, SS7 and SDC12 of the North East Derbyshire Local Plan (2014-2034) Publication Draft (LPPD), Policies HOU1 and D3 of the Dronfield Neighbourhood Plan 2019 (DNP) and the National Planning Policy Framework (the Framework) which seeks development to be integrated well within adjoining uses, be appropriate in scale, design and location, and respect the character and appearance of the surrounding area.

Living conditions

10. Outdoor space is important to meet the demands of everyday life for occupants, providing an area for relaxation as well as essential activities. The "Successful Place – A Guide to Sustainable Housing Layout and Design" Supplementary Planning Document 2013 (SPD) states that schemes should provide a level of outdoor amenity space that is proportionate to the type of accommodation, appropriate to its location and suitable to meet the occupiers likely requirements.
11. Around 212 square metres of outdoor amenity space would be provided for No 17 which would exceed the requirements described in the SPD. The amenity space would be located to the side of No 17 however, given the boundary fence, this space would be private and not exposed to public activity beyond the site.
12. The Council have indicated that the hedging and fencing around the side garden of No 17 is a contrived situation that seeks to artificially enclose and make private an area. There is no evidence to suggest that this side garden is public land and from observations during my site visit, the boundary fencing is a common feature found in residential areas which appears as a natural structure in this environment.
13. Sufficient private outdoor amenity space is provided for No 17. Therefore, the proposal would not have a harmful effect on the living conditions of the occupiers of No 17 in terms of amenity space. The proposal would be in

accordance with Policies GS5 and H12 of the LP, Policy SDC12 of the LPPD, Policy D3 of the DNP, the SPD and the Framework which seeks development to not have a detrimental effect on amenities of neighbouring occupiers and provide suitable external amenity space.

Other Matters

14. My attention has been drawn to a previous refusal¹ and dismissed appeal². From the information provided, there are significant differences between the previous refused scheme and the appeal development particularly with regards to scale, positioning, amenity space and boundary treatment. In any case, I have determined the appeal on its own merits.
15. I have had regard to all representations from local residents and the Dronfield Town Council, including comments on living conditions of neighbouring occupiers in terms of outlook and light, garden grabbing, development of a greenfield site, number of bedrooms, site levels, legal covenants, parking, housing demand and disability requirements. I have given careful consideration to these matters and I also note that the Council have not raised any concerns with regards to these matters. These matters do not lead me to a different overall conclusion on the main issues. Nor do I find that these would result in the scheme having any harmful effects that would be contrary to the relevant development plan policies.

Conditions

16. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of the character and appearance of the area, conditions are imposed in relation to materials, floor levels and refuse storage. It is necessary to impose conditions relating to boundary treatment and permitted development rights to safeguard the living conditions of neighbouring occupiers and the character and appearance of the area. A condition relating to parking is also imposed to minimise on-street parking and in the interests of the character and appearance of the area.

Conclusion

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

Chris Baxter

INSPECTOR

¹ Local Planning Authority Reference 18/00685/FL

² Planning Inspectorate Reference: APP/R1038/W/19/3222836

Schedule of 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: 210/02/A and 210/01/A.
3. No development shall commence until full details of the finished floor levels, above ordnance datum, of the proposed building in relation to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the levels as approved.
4. No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling and in the surfaces of the paths and parking space have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. The development hereby approved shall not be occupied until a scheme for boundary treatment has been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be constructed prior to the occupation of the development.
6. The development hereby approved shall not be occupied until a scheme for the parking of two cars has been submitted to and approved in writing by the local planning authority. The approved car parking scheme shall be constructed prior to the occupation of the development and shall be kept available at all times for the parking of motor vehicles used by the occupants of the development as their private transport and their visitors and for no other purpose.
7. The development hereby approved shall not be occupied until a scheme for the storage and collection of refuse and recycling bins has been submitted to and approved in writing by the local planning authority. The approved details shall be made available prior to the occupation of the development.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, enlargements, dormer windows, alterations to the roof, porches, curtilage buildings, swimming or other pools, means of enclosure shall be erected/constructed other than those expressly authorised by this permission.