



Appeal Decision

Site Visit made on 10 November 2020 by S Watson BA(Hons) MSc MRTPI

Decision by Sarah Housden BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/C1055/W/20/3256906
41 Chellaston Road, DERBY, DE24 9AD

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 Michael Aherne against the decision of Derby City Council.

The application Ref 20/00308/FUL, dated 3 March 2020, was refused by notice dated 23 April 2020.

The development proposed is a new dwelling on land to the rear of 41 Chellaston Road.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in this case are the effect of the proposal on:
 - 1) The character and appearance of the surrounding area; and,
 - 2) The living conditions of the occupiers of No 43 Chellaston Road (No 43) with regard to outlook, and the occupiers of No 41 Chellaston Road (No 41) and the proposed new dwelling in relation to the provision of outdoor space.

Reasons

Character and Appearance

4. The appeal site is at the junction between Chellaston Road (A514) and Allen Street. It is a narrow, long plot that contains an L-shaped dwelling which wraps around the corner of the junction. At the rear is an outdoor area which is separated from Allen Street by a tall brick wall. The proposed dwelling would be viewed as part of Allen Street which is primarily characterised by terraced dwellings on the appeal site side of the road. I note that opposite, the character is less uniform and includes a detached house.

5. The design of the proposed dwelling would reflect features from the surrounding buildings including the details on its front elevation and the simple roof form. In this way the proposal would be sympathetic to the character and appearance of the street scene. However, although the scale of the dwelling would be appropriate in relation to surrounding properties, the plot would be significantly smaller than is typical of the surrounding area. The dwelling would appear cramped on the site and this would be exacerbated by the shallow depth of the building and plot which would be readily visible from Allen Street and the backs of surrounding properties. This would be at odds with the much deeper linear plots and the pattern of development on Allen Street.
6. The rear elevations of the properties on Chellaston Road are a characteristic feature when viewed from Allen Street and for the most part are well maintained and uniform. I find that they are not harmful to the character and appearance of Allen Street and as such screening them would not weigh in favour of the proposal. Moreover, although some tenants at the host dwelling may not have desired a garden of the existing scale, these are circumstances which can change over time and I therefore give this matter little weight.
7. I conclude that because of its scale in relation to the limited size of the appeal site, the proposed new dwelling would appear cramped and incongruous which would be harmful to the character and appearance of the surrounding area. The development would therefore conflict with Policies CP3 and CP4 of the *Derby City Local Plan – Part 1: Core Strategy* (CS) which require development to be of a high-quality design and to make a positive contribution towards the character, distinctiveness and identity of neighbourhoods. The proposal would also conflict with Paragraph 127 of the *National Planning Policy Framework* (NPPF) which expects new development to add to the overall quality of an area.

Living Conditions

8. With two bedrooms, No 41 has the potential to be suitable for a small family home. I note that the Council's policies do not refer to specific outdoor space requirements but, in this case, I would expect the outdoor amenity area to meet the activities normally associated with a family dwelling such as sitting out, hanging out washing and children playing. As a result of the new dwelling, the outdoor space at No 41 would be very limited in size and would be unlikely to offer an attractive or meaningfully useable space. It is clear from the plans that due to its restricted size, the area would not be able to accommodate those activities normally associated with a family dwelling.
9. Similarly, the proposed dwelling would also be suitable for a small family, but the outdoor area would be significantly smaller than that required to accommodate the typical activities of future occupiers. Future occupiers of the proposed dwelling would also have to access the outdoor area from the pavement. Given this and its restricted size, predominantly taken up by the waste and cycle storage, the outdoor area would not be a useable or attractive space for occupiers.
10. Given its proposed location to the north of the outdoor area at No 43, I find that the new dwelling would not overshadow that rear outdoor area or cause loss of light to the rear windows of No 43. Furthermore, as the proposed rear windows would be obscure glazed, I find that they would not cause any overlooking towards No 43. I also find it unlikely that the proposed side

windows would cause overlooking as they would serve a bathroom and toilet room and would therefore also be likely to be obscure glazed.

11. Nevertheless, due to its height and proximity to the neighbouring outdoor area at No 43, the proposed dwelling would impact on the occupier's enjoyment of that area, by increasing the sense of enclosure and appearing as an overbearing feature along half of the shared boundary making the space much less pleasant to use. While I note the first half of No 43's outdoor area would not be immediately adjacent to the proposal, the dwelling would be in close proximity and would appear intrusive and overbearing for the occupiers of No 43 when using the outdoor area.
12. In conclusion, the proposed development would not provide suitable levels of outdoor space for the existing and future occupiers of No 41 and future occupiers of the new dwelling. In addition, the close proximity between the new dwelling and outdoor area of No 43 would cause material harm to the living conditions of the occupiers of No 43. The proposal would conflict with Policy CP3 of the CS and Policy GD5 of the *City of Derby Local Plan Review*, which require high-quality design and for developments to provide sufficient amenity within the site and not cause unacceptable harm to the amenity of nearby areas. The proposal would also conflict with Paragraph 127(f) of the NPPF that requires development to have a high standard of amenity for existing and future occupiers.

Other Matters

13. The appellant has directed me to a new dwelling at 11 Davenport Road. While I note that it was also for an infill dwelling, the pattern of development in the area and the site's relationship with neighbouring properties and their outdoor spaces appears to be different from the circumstances of the appeal site. Moreover, I cannot be certain that the balance of considerations which informed that decision is directly comparable with the case before me. In any case, this appeal has been determined based on the circumstances of the site and the details before me.

Planning Balance and Recommendation

14. The benefits of the scheme before me include the provision of one additional dwelling within a sustainable location and an economic benefit through construction jobs, and the support of local shops and services by future occupiers. However, given the scale of the development such benefits would be limited, and I attach limited weight to them in favour of the proposal. As such, they would not outweigh the harm in relation to the two main issues in this case identified above. The proposal would not accord with the development plan, read as a whole and there are no material considerations to justify making a decision other than one in accordance with the development plan.
15. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

Sarah Housden

INSPECTOR