



Appeal Decision

Site Visit made on 4 May 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th June 2021

Appeal Ref: APP/P1045/W/21/3268403

87 Meadow Hurst, Belper Road, Ashbourne, DE6 1LL

- 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 Robert Wallwork against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00972/FUL, dated 28 September 2020, was refused by notice dated 1 December 2020.
 - The development proposed is for a new build house in existing domestic plot.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on:
 - The character and appearance of the surrounding area; and,
 - The living conditions of the neighbouring occupiers at No 85 Belper Road with regard to outlook and privacy.

Reasons

Character and Appearance

3. The appeal site is a large plot off Belper Road, the A517, which is primarily characterised by its verdant nature and position at the edge of the settlement. The dwellings along this part of the road are not uniform in appearance but are predominantly set back within their plots which vary in size and width. The appeal site slopes away from the road and contains a detached dwelling which has a modern extension and is set back from, and lower than, the road.
4. The proposed dwelling would be located between the host dwelling and No 85 Belper Road, which is served by a spur off the A517. Whilst the proposed plot would be somewhat narrower than those on the A517, I find that it would be of a similar width, and comparable with, the plots of the dwellings, Nos 73-85, along the spur. Moreover, the proposed dwelling, although smaller than the host dwelling, would be of a size and scale similar to No 85. I therefore find that it would form a transition between the two groups of development and, in this way, would not be harmful in views from the A517.
5. However, views along the spur towards the appeal site are largely across front gardens and provide a sense of openness. While the host dwelling and modern extension are visible, they are set back and are not overly prominent in views.

Therefore, while I am mindful of the appeal decision¹ which relates to the modern extension, it does not materially affect my decision. In contrast the proposed dwelling, would be in a prominent, elevated position close to the end of the road and clearly visible between the dwelling and garage at No 85. In this way it would form an incongruous and intrusive feature which would appear to loom over the end of the road and would be harmful to its open nature.

6. The appellant has brought to my attention ways in which the proposed dwelling has been designed in order to minimise its overall height and scale. Whilst I note these, including that it is not a full two storey dwelling, they are not sufficient to prevent the above harm, given its prominent and elevated position above the end of the spur. Likewise, while the proposal has taken cues from the host dwelling with regard to its appearance and parking layout, this does not outweigh the harm identified above.
7. I therefore find that, by way of its prominent and intrusive siting, scale and size, the proposed dwelling would be an incongruous feature within the spur off Belper Road. It would therefore conflict with Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (LP) which require, amongst other things, that development is of a high quality and is sympathetic to its surroundings. It would also conflict with Paragraph 127 of the National Planning Policy Framework (the Framework) which requires development to be visually attractive and sympathetic to local character.

Living Conditions

8. The front garden of No 85 Belper Road is set back from both the A517 and spur sections of Belper Road. This gives it a sense of privacy and, from my observations on site, it appears that it is a useable and attractive amenity space for the occupiers of No 85. Whilst the dwelling at No 87 is visible over the shared boundary, this is at some distance and it does not harm the openness of the front garden. However, the proposed dwelling would be in a raised position above, and very close to the boundary of, the front garden of No 85. It would therefore be a dominant and overbearing feature in the outlook from the garden of No 85 which would harmfully change the living conditions of the occupiers.
9. The upper floor window serving the dining room area would be a large window close to the shared boundary with No 85 and its front garden. Given its close proximity and size it would be a dominant feature in views from the garden and it is likely that the obscure glazing would not prevent movement on the other side being visible. As such I find the occupiers of No 85 would experience a perception of overlooking from the window when using their front garden which would be detrimental to the quality of this amenity space and their living conditions. Whilst I note that the appellant has suggested the obscure glazing be controlled by condition, this would not be sufficient to mitigate the perception of overlooking.
10. However, I find that the rear windows serving the upper floor would not result in a significant or unacceptable increase in overlooking to the rear garden of No 85 as overlooking is already possible as a result of the changes in land levels.

¹ APP/P1045/D/18/3194507

Moreover, the rooflights would also not cause any unacceptable overlooking given their height and orientation.

11. Nevertheless, the overbearing impact and perception of overlooking from the proposed dwelling on the front garden of No 85 would be unacceptable and would harm the living conditions of the occupiers. The proposal is therefore contrary to Policies S3 and PD1 of the LP which require development to, amongst other things, prevent unacceptable harm to amenity such as through overlooking or overbearing impacts. The development would also conflict with Paragraph 127(f) of the Framework which requires development to create places that provide a high standard of amenity of existing users.

Other Matters

12. The appellant is concerned that the Council, in its statement of case, introduced a new matter by referring to an "important physical break". However, in my judgement they have not introduced a new argument but have instead expanded upon the character and appearance reason for refusal. I find this also does not conflict with the overall principle of residential development in this location, which deals with the principle of the location. Whilst I note the appellant's concerns regarding the inconsistency in the Council's decisions, in my judgement, the scope of the extension of No 87 was significantly different to the proposed new dwelling before me.
13. The appellant has pointed out that the proposed dwelling would have high energy efficiency, surpassing building regulation requirements. However, no substantive evidence has been submitted to demonstrate this. I therefore find that while the dwelling may be energy efficient, this is unlikely to be to such an exceptional degree as to outweigh the harm identified above.

Conclusion

14. Whilst the proposal would result in a new dwelling, the contribution that it would make towards the delivery of housing in this sustainable location would be limited and does not outweigh the identified harm and the conflict with the development plan.
15. No other matters raised, either individually or cumulatively, outweigh the conflict with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR