



Appeal Decision

Site Visit made on 11 August 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/F1040/W/21/3274307

Garage adj. 37 Frederick Street, Woodville, Swadlincote, DE11 8DB

- 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 Mrs Mandy Elton of Elton Properties against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2020/1136, dated 20 November 2020, was refused by notice dated 15 April 2021.
 - The development proposed is demolish the existing brick built garage, and replace with a 1 bed 2 person dwelling with terrace garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of the occupiers of the neighbouring property at Abbie House in respect of their outlook.

Reasons

Character and appearance

3. The existing single garage on site is a flat roofed structure positioned between a garage to the north and the car park serving Abbie House to the south. Frederick Street is populated by houses of varying designs and forms including some narrow terraced and semi-detached properties of considerable age, some more modern housing further north along the road, and some detached houses on the opposite side of the road from the appeal site. As a result there is no unifying characteristic. Nonetheless, the differing designs are all commonly found in the wider area. Also red brick is a regular finishing material.
4. Although attached to the adjacent garage, the dwelling would appear as a detached house. From the front, the proposal would have a very unusual design incorporating a tall narrow front window stretching from ground floor to first floor, and split level eaves to accommodate a small flat roof section. Both these design features are not found anywhere else in the area. Moreover, the dwelling would have an abnormally narrow width which would be markedly less than even the narrowest existing properties on Frederick Street. Indeed the nearest other detached properties are generally the wider properties on the road. Consequently, the development would appear excessively cramped, with the tall narrow front window emphasising the tall narrow shape of the house.

In addition, the use of composite pre-fabricated panels would contrast with the predominantly brick finished houses nearby.

5. Although I accept the dwelling is deliberately designed to contrast with the street as a traditionally designed house could not fit onto the site, the contrast with its context is so great that instead of appearing as a pleasing departure from surrounding built form, it would appear as an incongruous and contrived development.
6. For all these reasons, the proposal would appear starkly incongruous in its setting and would be unacceptably harmful to the character and appearance of the area. It would therefore fail to accord with policy BNE1 of the 2016 South Derbyshire Local Plan (SDLP) which expects development to be well designed and relate to its context.

Living conditions

7. Abbie House, to the south of the site, is a large building converted into flats. There are windows at ground, first and roof level facing the site. From these windows, particularly those at ground floor, the two-storey side wall of the development, plus its gable end roof, would appear oppressively tall. This height, along with its depth, would result in a large mass of development which would appear overbearing and harm the outlook from Abbie House. It would be considerably closer to Abbie House than the existing flank wall of No. 37 and not provide any material improvement in the attractiveness of the view.
8. It therefore would cause harm to the living conditions of the occupiers of Abbie House, especially those at ground floor. Consequently it would conflict with SDLP policies BNE1 and SD1 which both aim to ensure that development does not have an adverse impact on the amenity of existing occupiers around proposed developments.

Other Matters

9. Although the appellant suggests the dwelling would be affordable, there is no mechanism before me to ensure that the house would meet the definition of affordable housing as set out in Annex 2 of the Framework. I cannot therefore give this matter any weight.

Conclusion

10. The development does not accord with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR