



Appeal Decision

Site Visit made on 3 August 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/C1055/W/21/3273874

87 Morley Road, Chaddesden, Derby DE21 4QX

- 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 Alan Perrins against the decision of Derby City Council.
 - The application Ref 20/00665/FUL, dated 10 June 2020, was refused by notice dated 17 February 2021.
 - The development proposed is described as '6 x 4 bedroom semi-detached houses with a modern finish with associated parking at the front and garden to the rear'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address on the application form refers to Waverley, 5 Brookfield Avenue. However, I have used the correct address given on the Council's decision notice and the appellant's appeal form for the purposes of my decision.
3. A revised block plan has been included as part of the appellant's statement of case. This drawing does not alter the layout of the dwellings or their respective plots considered at the time of the Council's decision but includes additional information in respect of the depth of parking spaces and their relative position to the street trees on Brookfield Avenue. The Local Highway Authority (LHA) has seen this additional information and I consider no party would be prejudiced by me considering these details as part of my assessment.
4. In the period since the appeal was submitted the Government has published the revised National Planning Policy Framework (the Framework) July 2021 which is being brought into immediate effect for the purposes of decision-making. The main parties have been provided with an opportunity to comment on this matter and I have taken the revised Framework into consideration as part of my assessment.

Main Issues

5. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the area including trees covered by a Tree Preservation Order (TPO); and
 - (ii) whether the proposal would give rise to highway safety issues and/or inconvenience for road users and pedestrians on Brookfield Avenue.

Reasons

Character and appearance

6. The appeal site is a corner plot which takes its existing vehicle access from Brookfield Avenue, a residential street characterised by detached and semi-detached dwellings in a variety of styles and set within plots of varying sizes. However, the detached dwellings at Nos 87 and 85 Morley Road occupy substantial plots with an abundance of mature soft landscaping within them. These dwellings and neighbouring dwellings on this side of Morley Road are generally set well back from front boundaries. The planting on the appeal site includes several trees some of which are covered by TPOs. Together with the grass verges and mature trees which line Brookfield Avenue, the appeal site forms part of a low-density entrance to this street. The site also positively reflects the spacious verdant character seen to the corresponding section of Morley Road which is integral to the pleasant suburban characteristics of the area.
7. The proposal would subdivide the corner plot into a series of relatively narrow plots containing three pairs of semi-detached dwellings orientated to face Brookfield Avenue. A hard surfaced forecourt would be provided to serve each dwelling with only limited opportunities for soft landscaping. The density of the development and the proliferation of hard surfaced forecourts would appear significantly at odds with the distinctive low-density characteristics of the street scene at the entrance to Brookfield Avenue. Given its prominent position close to the junction, the intensive and cramped appearance of the development would also negatively contrast with the spacious layout of dwellings and the relative alignment of buildings to this section of Morley Road.
8. I acknowledge the Council's concerns in respect of the level of detail provided by the appellant in respect of the likely tree constraints. Notwithstanding this point, even if the removal of trees is limited to some of the TPO's where this is justified on the grounds of their health, the removal of this vegetation would open up views into the site. This would increase the perception of the development and its position extending much closer towards the boundary with Morley Road than neighbouring dwellings. Any replacement planting would take time to establish and, in any case, would not be sufficient to assimilate the development into its surroundings.
9. The revised block plan provided indicates that the access and parking facilities serving each dwelling could be aligned so as to ensure that the street trees next to the appeal site frontage on Brookfield Avenue could be retained. It is not clear whether this takes into account the necessity for dropped kerbs and vehicular access points. Furthermore, I have found under the second main issue that the parking arrangements appear to be constrained. Any requirements to increase the width of the parking spaces and associated access points to facilitate their use could result in a necessity to remove the trees which would result in further detriment to the soft landscaped characteristics of the street. Even if the street trees could be retained, this does not overcome my overall concerns in respect of the effect of the proposal on the character and appearance of the area.
10. My attention has been drawn to other semi-detached dwellings on Brookfield Avenue with frontage parking. However, these particular dwellings are located further along Brookfield Avenue and are therefore not comparable to the

lower-density immediate context of the site along Morley Road and at the entrance to Brookfield Avenue.

11. I conclude the development would result in significant harm to the character and appearance of the area. In that regard the development would conflict with the requirements for satisfactory forms of development of high quality design which appropriately respond to character and context and minimise impacts on green infrastructure including individual trees in Policies CP3 (Placemaking Principles), CP4 (Character and Context) and CP16 (Green Infrastructure) of the Derby City Local Plan: Part 1 Core Strategy (2017) (CS) and saved Policy H13 (Residential Development – General Criteria) of the City of Derby Local Plan Review (2006) (LPR).

Highway safety and/or inconvenience for road users and pedestrians on Brookfield Avenue

12. During my site visit I noted the relatively narrow width of the road on Brookfield Avenue. There were several instances of on-street parking including vehicles parked in relatively close proximity to the appeal site and the junction with Morley Road. I acknowledge this only provides a snapshot of parking conditions in the area. Even so, the development has the potential to result in an increased likelihood of vehicles being parked on the highway by occupants of the dwellings and their visitors.
13. Given the low-speed residential nature of the cul-de-sac, there is no substantive evidence before me to suggest there would be highway safety issues. Indeed, the LHA has confirmed that it does not raise any concerns with respect to any highway parking. Nevertheless, given the narrow constraints of the road, increased levels of on street parking to this section of Brookfield Avenue has the potential to result in some limited inconvenience for road users particularly for larger vehicles such as emergency vehicles or delivery vans negotiating their way along Brookfield Avenue.
14. The proposals include two parking spaces to the front of each dwelling. The LHA's original comments refer to the Delivering Streets and Places (2017) (DSP) "Design Element Sheet: Off-Street Parking for Residential Developments". This guidance indicates amongst other things that parking spaces should have minimum dimensions of 5.5 metres (m) in depth and 2.4m in width. DSP also confirms that additional width is required where spaces are bound by a wall, fence, hedge or line of trees.
15. The revised block plan provided by the appellant indicates the required depth of 5.5m can be achieved. Even so, in order to achieve this depth, the measurement is taken from close to the front elevations of the respective dwellings. Furthermore, the width of the spaces has not been confirmed on the plan and some spaces are positioned close to boundaries. This includes the spaces on plots 2 and 6, the alignment of which appears to have been influenced by the position of the adjacent street trees. Whilst I acknowledge that the dimensions in the DSP document are guidance, when these issues are considered against the DSP there is the potential that there would be instances where access to the front doors of the dwellings and space to facilitate getting in and out of vehicles would be particularly constrained.
16. Taking the above factors into account, some spaces may need to be increased in width or realigned to facilitate access to vehicles. There would also be the

temptation to retain a greater gap between vehicles and the front elevations of dwellings when parking. Therefore, there is the potential that this would lead to vehicles overhanging the public footway creating an obstacle for pedestrians, including those who are partially sighted or those using prams or wheelchairs for instance. Consequently, I am not convinced that the parking spaces would be well-integrated and they have the potential to result in inconvenience for pedestrians on Brookfield Avenue.

17. The examples of other dwellings on Brookfield Avenue provided by the appellant include a photograph of a vehicle overhanging the highway to the front of a semi-detached dwelling further along Brookfield Avenue. This further convinces me that a proliferation of driveways with similarly constrained driveway depths would be unacceptable, particularly when considered against the current DSP guidance and development plan policies.
18. I conclude that the development has the potential to result in inconvenience for road users and pedestrians on Brookfield Avenue. In those regards the proposal would conflict with the aims to secure satisfactory forms of development which amongst other things promotes high quality and accessible walking networks, well-integrated vehicle parking and appropriate access for car users in Policies CP3 (Placemaking Principles), CP4 and CP23 (Delivering a Sustainable Transport Network) of the CS and saved Policy H13 (Residential Development – General Criteria) of the LPR. The proposal would also conflict with Paragraph 130 of the Framework which states that developments should function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development.

Other Matters

19. Given my findings under the main issues, even if the appellant had been provided with an opportunity to submit additional information relating to the size of parking spaces and the relationship of the access points with the street trees during the planning application process, it is unlikely that this would have overcome the Council's fundamental concerns.

Conclusion

20. The proposal would result in significant harm the character and appearance of the area and also has the potential to result in inconvenience for road users and pedestrians on Brookfield Avenue. In those regards the proposals would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR