



Appeal Decision

Site Visit made on 23 August 2021

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021.

Appeal Ref: APP/F1040/D/21/3275969

7 Cavendish Close, Newhall, Swadlincote DE11 0NE

- 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 R Hallberg against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2020/0910, dated 21 August 2020, was refused by notice dated 8 March 2021.
 - The development proposed is described as 'First Floor Side + Two Storey Rear Extension'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of the occupiers of No 5 Cavendish Close (No 5), with particular regard to outlook.

Reasons

3. The appeal relates to one of 6 two-storey detached dwellings forming a small cul-de-sac fronting onto an area of open space. The property has an adjoining garage and existing single storey projection to the rear of the garage and to the northern side elevation of the dwelling. The properties follow the geometry of the road with a staggered layout.

Living conditions

4. I have some sympathy for the appellant, in that their proposed extension could potentially be acceptable in a street with a uniform linear alignment. Therefore, I have carefully considered their representations and in particular Appendix 7 of their statement that sets out the inter-relationships between the properties in Cavendish Close.
5. Based on the evidence before me and my on-site observations I consider that the proposal would significantly increase the projection at first floor level beyond the rear elevation of the neighbouring property No 5. The effect of this is magnified by the existing staggered layout of the properties in Cavendish Close. The increase in height by way of the first floor side extension and two-storey rear extension combined with the

close proximity to the shared boundary would mean that the rear garden of No 5 would be visually dominated and enclosed by the proposal. Accordingly, the projection, length and height of the gable wall of the proposed development would appear unduly overbearing and oppressive. Therefore, the proposal would materially harm the living conditions of the occupiers of No 5 by way of loss of outlook.

6. Having reached the conclusions above the proposal would conflict with Policy SD1 of the South Derbyshire Local Plan Part 1 and Policy H27 of the South Derbyshire Local Plan Part 2 which seek amongst other things to ensure that that extensions to dwellings will not be unduly detrimental to the living conditions of adjoining properties. In reaching my conclusions I have also taken into account the South Derbyshire Design Guide - Design Supplementary Planning Document (November 2017).

Other matters

7. The appellant has drawn attention to the existing first floor side extension at No 9 Cavendish Close, however, I have limited information about its history, but due to its more modest scale at first floor its context differs to that of the scheme before me, and so it does not lead me to a different view in this case.
8. With regard to overlooking and privacy, I accept that the proposed positioning of windows would not materially increase a sense of overlooking for the occupiers of neighbouring dwellings when compared to the existing situation.

Conclusion

9. For the above reasons, and having carefully considered all other matters raised, I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR