



Appeal Decision

Site visit made on 15 December 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2022

Appeal Ref: APP/R1038/D/21/3285200

259 Nethermoor Road, Wingerworth, Chesterfield S42 6LW

- 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 Peter Jones against the decision of North East Derbyshire District Council.
 - The application Ref 21/00820/FLH, dated 21 June 2021, was refused by notice dated 3 September 2021.
 - The development proposed is a Single Storey Rear Extension with Raising of the roofline and Creation of New Living Accommodation in the Roof space.
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Decision

1. The appeal is allowed and planning permission is granted for a Single Storey Rear Extension with Raising of the roofline and Creation of New Living Accommodation in the Roof space at 259 Nethermoor Road, Wingerworth, Chesterfield S42 6LW in accordance with the terms of the application, Ref 21/00820/FLH, dated 21 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 2020:004 – 03.

Preliminary Matter

2. The North East Derbyshire Local Plan 2014-2034 (LP) was adopted on 29th November 2021 and the parties have been given the opportunity to make comment on this in relation to the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 261 Nethermoor Road, with particular reference to light and massing.

Reasons

4. The adjacent dwelling at 261 Nethermoor Road is a detached two-storey property with a large single storey extension to its rear. On the rear elevation of No 261 between this extension and the appeal site there is a French door style opening at ground floor level. The rear extension itself has windows that face towards the common boundary, on which a mature hedge is present and which delineates the curtilages of the respective dwellings.

5. The proposal would extend a considerable distance back into the garden of the appeal property, providing living accommodation at ground and first floor levels. However, both the appeal dwelling and No 261 are set off the common boundary which would provide a degree of separation between the proposed development and its existing neighbouring property. The impact would be further lessened by the fact that the majority of the proposed new roof would be pitched to rise away from the common boundary. As a result, the massing of the proposed development would not cause harm to the living conditions of the occupiers of No 261.
6. Whilst the proposal may intersect with a 45° line taken from the French doors on No 261, the amount of light reaching the garden area immediately adjacent to the opening and into the dwelling itself is already impeded by the hedge and, to the other side, by the existing rear extension. Due to the orientation of the dwellings, there would not be a material loss of sunlight reaching the French door as a result of the proposal. The impacts with respect to light would not therefore be significant. I acknowledge that there is some difference in ground levels between the properties, but the levels are not so different as to unduly amplify the impact of the proposed development.
7. Taking all of these factors together, the proposal would not have a harmful impact on the living conditions of the occupiers of No 261 through either a loss of light or through having an overbearing or tunnelling impact due to its massing and positioning. Consequently, the proposal would accord with Policies LC5 and SDC12 of the LP, where they seek to protect living conditions. There would also be no conflict with the overall aims of the Successful Places Interim Planning Guidance 2013 or with the National Planning Policy Framework in the same respect.

Conditions

8. Conditions relating to the time period for commencing development and to the approved plans are required to provide certainty. It is not necessary to impose a condition requiring external facing materials to match those of the existing building as it is clear that the proposal is intended to result in extensive remodelling of the dwelling. Furthermore, the details of the proposed materials that have been stated in the planning application submission are appropriate in the context of the surrounding area.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR