



Appeal Decision

Site visit made on 16 May 2022

by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/F1040/D/22/3291280

38 Mill Lane, Hilton, Derby DE65 5GP

- 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 Richard Cohen against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2021/1583, dated 14 October 2021, was refused by notice dated 9 December 2021.
 - The development proposed is extensions and alterations to existing dwelling including a first floor extension to create additional living space, demolition of the existing garage to construct a new detached garage with living accommodation above and the erection of a new front boundary wall.
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Decision

1. The appeal is dismissed insofar as it relates to the demolition of the existing garage to construct a new detached garage with living accommodation above. The appeal is allowed insofar as it relates to the extensions and alterations to existing dwelling including a first floor extension to create additional living space and the erection of a new front boundary wall and planning permission is granted at 38 Mill Lane, Hilton, Derby DE65 5GP in accordance with the terms of the application, Ref DMPA/2021/1583, dated 14 October 2021, so far as relevant to that part of the development hereby permitted and 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 plans: 1648 101; 1648 102 and 1648 103 (insofar as they relate to the extensions and alterations to the dwelling and the front boundary wall).
 - 3) The materials to be used in the construction of the boundary wall hereby permitted shall match those used in the existing dwelling.
 - 4) Notwithstanding the submitted details, all rooflights in the rear elevation shall be no lower than 1.7 metres from the floor level of the room in which they are fitted.

Preliminary Matters

2. The appeal planning application includes works to the existing dwelling as well as the proposed garage with living accommodation and the front boundary wall. As I understand it, the Council have already granted planning permission

for the extension works to the dwelling¹ and they have indicated that the appeal proposal is identical in that respect. At my site visit I saw that works to the existing property had commenced.

3. The Councils reason for refusal is specific to the garage and wall aspects on the application and I have therefore concentrated my decision on these matters.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is located in a residential area with a mixture of differing styles of property and boundary treatments. At my site visit I also observed the entrance wall feature and garage blocks with accommodation above in Mill Pond Close.
6. The appeal site itself contains the existing bungalow which is currently being enlarged with an additional storey as well as a blockwork mono-pitched garage to the front of the dwelling. There is also a timber boundary fence with concrete posts along the road frontage.
7. The appeal proposal would result in the replacement of the existing garage with a much taller and bulkier building, particularly given the steep pitch of the roof and the inclusion of dormer windows. Whilst this roof pitch would reflect that of the existing dwelling (as altered), and the surrounding buildings, it would nevertheless result in a building which would unacceptably dominate this part of the streetscene. This is particularly the case given its siting close to the front boundary with the highway and its overall height, massing and bulk.
8. In coming to that view, I acknowledge the presence of other similar sized garages on Mill Pond Close. However, none of these are as prominent as the proposal before me. I also acknowledge that the removal of the existing garage would result in a positive impact on the overall character and appearance of the area. However, this is not sufficient to outweigh the harm I have identified.
9. Consequently, I conclude that the garage and annex would harm the character and appearance of the area contrary to Policy H27 of the South Derbyshire Local Plan Part 2 (2017); Policy BNE1 of the South Derbyshire Local Plan Part 1 (2016) and the South Derbyshire Design Guide Supplementary Planning Document (2017) which amongst other matters seek to ensure that new development is well designed, visually attractive and respects the townscape and is in scale and character with the existing property.
10. Turning to the boundary wall, this would have 1.8 metre high brick piers with 1 metre high brickwork between them. There would also be timber panelling between the piers which would be lower than the piers themselves. The boundary treatment would therefore be higher than the existing timber fencing.
11. To my mind, the overall visual impact of the boundary treatment would not have an adverse impact on the streetscene, particularly when the existing boundary treatment, and the walling at Mill Pond Close, is taken into account. Whilst it would be greater in height to the boundary treatment opposite, and

¹ Reference DMPA/2021/0215

further along Mill Lane where it exists, it would not be excessive in height. In that sense, I find this boundary treatment acceptable.

12. I therefore find that the extension and alterations works to the existing dwelling, together with the proposed boundary wall, would not harm the character and appearance of the area and would accord with Policy H27 of the South Derbyshire Local Plan Part 2 (2017); Policy BNE1 of the South Derbyshire Local Plan Part 1 (2016) and the South Derbyshire Design Guide Supplementary Planning Document (2017).

Conditions

13. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary (in respect of the wall).
14. In addition to these conditions, I am conscious of the conditions imposed on the previous planning permission which included details of materials and the height of the rooflights on the altered dwelling.
15. In respect of materials, I consider that such a condition is unnecessary as the application form specifies the details of the external materials. However, I consider that the condition in relation to the height of the rooflights in the rear elevation is necessary to protect the privacy of the occupiers of the dwellings to the rear.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed in part and dismissed in part.

Chris Forrett

INSPECTOR