



Appeal Decision

Site visit made on 5 July 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/A1015/W/22/3292451

The Dumbles, Inkersall Green Road, Chesterfield, Derbyshire S43 3HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Sheila Blankley against the decision of Chesterfield Borough Council.
 - The application Ref CHE/21/00761/OUT, dated 13 October 2021, was refused by notice dated 26 January 2022.
 - The development proposed is outline planning for up to 3 eco single storey dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 3 eco single storey dwellings at The Dumbles, Inkersall Green Road, Chesterfield, Derbyshire S43 3HA, in accordance with the terms of application Ref HE/21/00761/OUT, dated 13 October 2021, subject to the conditions set out in a Schedule to this Decision.

Preliminary Matters

2. The application was submitted in outline with all matters reserved save for the proposed means of access to the site and I have determined the appeal on that basis. I have had regard to the plan showing the use of the existing driveway as the proposed point of access serving the development. In addition, the appellant has provided plans showing a potential layout of the site and the design of a house type which could be built upon it. As the matters of appearance, layout, landscaping and scale are reserved, I have treated these aspects of the development as indicative only. This is as described in the appellant's Design and Access statement.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the locality.

Reasons

4. The site consists of a detached bungalow surrounded by a large sloping garden. Accessed via a driveway at the south-western extent of the plot, adjacent to a bungalow known as Ringwood View. The garden is bordered by fencing which, on the eastern boundary, is augmented by some hedge and tree planting in a neighbouring site. The boundary fencing fronting on to Inkersall Green Road lies above an embankment forming part of the local road cutting.

5. The site lies within a predominantly residential area of mixed age buildings. To the north of Inkersall Green Road the area consists of mainly detached bungalows and 2-storey houses in various sized plots. Although there are some clearly identifiable phases of grouped houses, the locality has seen a number of infill developments. These include bungalows adjacent to the site, which are accessed from Huntley Close. Additionally, a recent large dwelling called Sita fronts on to Inkersall Green Road to the east alongside successive modern cul-de-sac developments.
6. To the south of Inkersall Green Road, development lies beyond a mature screen of hedging and trees. It is set behind a separate estate road and a green space and consists of closely spaced semi-detached pairs. These houses play a limited role in the Inkersall Green Road frontage.
7. Subject to meeting detailed design requirements, the proposed use of the site would be compatible with the surrounding residential land uses. Although any additional unit/s would increase the density of development upon on the site, in the context of the surrounding variety of plot sizes and the mixed grain of development, I fully anticipate that a scheme could be designed to reflect the characteristic mixed scale and pattern of development in the locality.
8. In this regard, I note that the Council has carried out an assessment of local housing densities. However, given the identified degree of local variation, lack of uniformity and the extent of recent infill developments making effective use of land, I find a proposal reflecting that local character would be acceptable in principle. It would also align with the benefit stated in Policy CLP20 of the Chesterfield Borough Local Plan [2020] (the LP), which acknowledges that increased densities of development in close proximity to service centres will assist in reducing CO₂ emissions.
9. Furthermore, as the site is enclosed by existing development on 3 sides and has a largely inactive frontage due to the elevated position of the land above the adjacent road level, any visual effect caused by an additional single storey unit/s would be very limited. Alternatively, it could provide an opportunity to enhance the local streetscene.
10. I note the Council's concern that a development in accordance with the submitted indicative plans could give rise to an overdevelopment of the site. I also acknowledge that a previous scheme (Ref CHE/09/00728/FUL) at the site was dismissed at appeal in 2010. However, as the proposal is submitted in outline with all matters but access reserved **and** the description of development does not fix the amount of new units within the stated limit, it is within the remit of the Council to determine such acceptability, or otherwise, on the merits of any detailed scheme for the layout and appearance of the site. This could include minimum garden size requirements and consideration of the proximity to the highway.
11. For the above reasons, I find that the principle of residential development on the site could be made acceptable with regard to the character and appearance of local development. This would be consistent with the requirements of Policy CLP20 of the LP as it requires development to respond positively to the character of the site and surroundings, including its function and density, but not excluding higher densities close to local centres.

Other Matters

12. There is no dispute between the main parties that the existing single point of access to the site would provide a suitable and safe means of access to the highway network. Having visited the site, I find no reason to disagree with that conclusion. As a modest scale of development, the proposal would not have a material effect on highway capacity in the locality. Furthermore, the site lies close to services whereby reliance on private motorised vehicles would potentially be limited given their accessibility and subsequent practicality of utilising alternative transport modes.
13. The effect of a proposed residential development on trees within and close to the site may require assessment once the detailed position of any building/s have been formally proposed. This is a matter which would be appropriately addressed at a reserved matters stage.
14. I note neighbours' concerns with regard to the potential for noise, fumes, loss of light and outlook. As issues dependent on the detail of the reserved matters, when the quantum and arrangement of development would be set, these would be assessed on submission of those details. Site drainage detail is a matter which can be secured through planning condition/s.
15. I acknowledge concerns in respect of the proximity of the site to the Green Belt. However, in making use of an existing urban site, the proposal would reflect a purpose of the Green Belt. Visibility to or from the Green Belt, or views across the site are matters of limited weight.
16. Concerns have been raised by third parties in respect of the use of the site by various forms of wildlife, including squirrels and foxes; however, there is little substantive evidence to support those claims. I am therefore unable to attribute significant weight to this argument.

Conditions

17. The Council have suggested conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance. I find the majority of these are reasonable and necessary in the circumstances of this case. Some have been edited for precision and clarity. As an outstanding reserved matter, conditions relating to landscaping are not necessary at this time.
18. In addition to the conditions relating to the outstanding reserved matters and statutory time limits, I have imposed a condition specifying the relevant site and access drawings as this provides certainty.
19. To ensure the development would be suitably drained without risk to elevated flooding on the site or elsewhere, conditions in relation to site foul and surface water drainage are necessary. To assess and minimise any risks to future occupiers or neighbouring land, a condition relating to land contamination is appropriate.
20. In the interests of protecting local living conditions and the character and appearance of the locality, conditions relating to site and building floor levels, the external finishes of the building/s, external lighting and the construction timings are reasonable and necessary.

21. The provision of parking spaces for new residential units is necessary to avoid adverse effects on highway safety. To encourage more sustainable modes of transport, a requirement for electric vehicle charging points is reasonable. A condition to ensure biodiversity enhancements is appropriate and supported by paragraph 180 d) of the Framework.

Conclusion

22. For the reasons given, I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR

Schedule of Conditions to Outline Planning Permission Ref. CHE/21/00761/OUT.

- 1) Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg.01 Site Location Plan and Drg.02 Topographical Survey and Highway Survey October 2021.
- 5) The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
- 6) There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.
- 7) Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

A.

i. A desktop study/Phase 1 report documenting the previous land use history of the site.

ii. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate in the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

iii. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A ii and A iii only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

8) Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the dwelling/s hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling/s shall be constructed at the levels approved under this condition.

9) Any new dwelling constructed on the site shall not be occupied until space has been provided within the site curtilage for the parking of vehicles, located, designed, laid out, constructed and maintained throughout the life of the development free from any impediments to its designated use.

10) Before construction works commence or ordering of external materials takes place, precise specifications or samples of the external walling and roof materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

11) Prior to the first occupation of the development hereby approved, details of ecological enhancement measures to be implemented at the site to provide biodiversity net gain shall be submitted to the Local Planning Authority for consideration. Appropriate ecological enhancement measures shall be proposed (such as bird and/or bat boxes) and the details submitted shall include the number of units proposed and the location proposed. The ecological enhancement measures agreed in writing shall be implemented on site prior to the development

hereby approved being brought into first use. The ecological enhancement measures shall remain for the duration of the development.

12) Construction work shall only be carried out between 0800 to 1800 hrs Monday to Friday and 0900 to 1700 hrs on Saturdays. Construction work shall not be carried out on Sundays or Public Holidays. The term "construction work" shall include mobile and fixed plant/machinery (e.g. generators) radios and the delivery of construction materials.

13) A residential charging point shall be provided at the dwelling/s with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

16) Details of any proposed external lighting shall be submitted to the local planning authority prior to the ordering of any lighting. Only the agreed lighting shall be incorporated into the approved scheme. All external lighting shall be designed to control glare and overspill to neighbouring residential properties.

END.