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## Appeal Decision

Site visit made on 12 July 2022

**by Nigel Harrison BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> July 2022**

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**Appeal Ref: APP/A1015/D/22/3298809**

**128 Brushfield Road, Chesterfield, S40 4XE**

- 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 David Cochrane against the decision of Chesterfield Borough Council.
  - The application Ref: CHE/22/00080/FUL, dated 3 February 2022, was refused by notice dated 21 April 2022.
  - The development proposed is a single storey side extension.
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### Decision

1. The appeal is allowed, and planning permission is granted for a single storey side extension at 128 Brushfield Road, Chesterfield, S40 4XE in accordance with the terms of the application, Ref: CHE/22/00080/FUL dated 3 February 2022 subject to the following conditions:
  - 1) The development hereby permitted shall begin no 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: Proposed Layout Rev A, Proposed Elevations Rev A, and Block Plan Rev A.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
  - 4) Notwithstanding condition 2) above, no development shall take place until details of the proposed fence to the Corve Way frontage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

### Main Issue

2. The Council has raised no objections to the effect of the proposed development on the living conditions of neighbours and I find no reason to disagree. The main issue is the effect of the proposal on the character and appearance of the surrounding residential area.

### Reasons

3. The appeal property is a bungalow on a spacious corner plot at the junction of Brushfield Road and Corve Way. The proposed extension would be 3.0m wide

and would extend the full depth of the bungalow. At present the side boundary wall and vegetation is set back approximately 3.0m from the edge of the footway in Corve Way, and as part of the scheme it is proposed to erect a new fence closer to the edge of the footway to incorporate land within the appellant's ownership as additional garden space.

4. Amongst other things, Policy CLP20 of the Chesterfield Borough Local Plan (LP), adopted July 2020, says development should respond positively to the character of the site, surroundings, and local distinctiveness by virtue of its function, appearance, style, landscaping, scale, massing, detailing, height and materials.
5. Arising from the introduction of built form in a currently landscaped area, the incorporation of an area of grass verge within the private garden, and the erection of a new fence closer to the highway, the Council is concerned that the proposal would harm the open and landscaped character of the area around the junction and that of the surrounding area more generally.
6. It is true that the section of Brushfield Road in the immediate vicinity of the appeal site is characterised by wide open verges and unenclosed front gardens. However, further along the road in both directions the grass verges are very narrow, and the frontages of the properties tend to be dominated by parking and other hard landscaped areas. Furthermore, the bungalow plot on the opposite side of the junction is partly enclosed by a low boundary wall and other, varied frontage treatments are found elsewhere on the estate and contribute to the character of the area.
7. Overall, there is no marked consistency or uniformity in the layout of the plots and boundary treatments in the surrounding residential area, including that of comparable corner plots. Although spaciouly laid out with many front gardens being open to view from the street, it is not a wholly 'open plan' estate. In my view the area is typically suburban in character and exhibits no strong prevailing character or especially local distinctiveness.
8. As the proposed extension would be flush with the front elevation, and no enclosure proposed on that frontage, there would be no adverse impact on the unobstructed views across the generally open front gardens and wide verges in both directions along this part of Brushfield Road. To the side, and although the width of the wide grass verge fronting Corve Way would be significantly reduced by the proposed development, a strip of verge would remain and a sense of spaciousness and open character around the junction would still be maintained.
9. Paragraph 130 of the *National Planning Policy Framework* (the Framework) says planning decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character and the surrounding built environment. In this case my overall judgement is that the proposed development would not materially harm the character and appearance of the surrounding residential area. As such, I find no conflict with the relevant criteria of LP Policy CLP20 or the objectives of the Framework Paragraph 130.
10. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. In addition to the standard time condition, a condition requiring matching materials is needed in

the interests of the character and appearance of the area. A condition is needed to secure compliance with the submitted plans for the avoidance of doubt and in the interests of proper planning.

11. Although the appellant says the height of the proposed fence will be 'kept to a minimum', the exact height is not shown on the submitted plans. However, I am satisfied that this matter could be addressed by means of a suitably worded condition requiring full details to be submitted to and approved by the Council.

### **Conclusion**

12. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Nigel Harrison*

INSPECTOR