



Appeal Decision

Site visit made on 10 August 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2022

Appeal Ref: APP/A1015/D/22/3302299

17 Bellhouse Lane, Staveley, Chesterfield S43 3UA

- 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 Neil Rush against the decision of Chesterfield Borough Council.
 - The application Ref CHE/22/00005/FUL, dated 8 January 2022, was refused by notice dated 24 June 2022.
 - The development proposed is single storey side extension / garage.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side extension / garage at 17 Bellhouse Lane, Staveley, Chesterfield S43 3UA in accordance with the terms of the application Ref CHE/22/00005/FUL dated 8 January 2022 and the plans with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of development in the banner above is taken from the Council's Decision Notice. It describes the development in a more succinct manner than the application form. I am satisfied that neither party is prejudiced by this course of action.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property is a two-storey semi-detached dwelling located within a mixed residential area. The property has been the subject of previous extensions.
5. The appeal proposal seeks to add a single storey side extension to the property. At approximately 8.4m long it would be the same length of the house, a width of 3.5m up to the side boundary, with an indicated eaves height of 2.3m and ridge height of 3.4m. It would be constructed of matching brick and tiles, but with blockwork construction to the side.

6. The extension would be flush with the front elevation, and the Council have requested a set-back. Having reviewed the evidence of both parties regarding the nature of the extensions to other properties and my observations at the site visit, there is no consistency achieved in the use of set-backs so as a result, they do not form part of the intrinsic character of the area when it comes to the addition of extensions to dwellings..
7. With regard to the height of the extension, a reduction was achieved during negotiation within the application process, and I find that the reduction would ensure that the extension is not dominant with regard to the appeal property and the wider locality and would not look out of place in relation to other extensions.
8. The Council have commented with regard to the use of blockwork on the side elevation and an amendment was suggested to ensure brick was used above the fence line to ensure that blockwork was not visible. No response was received from the Council, but I consider this to be an acceptable solution which appears to have been suggested by the neighbour. A condition would be added to ensure compliance.
9. Overall. I find that the proposal would not cause material harm to the character and appearance of the area and as such, I do not find conflict with policy CLP20 of the Chesterfield Borough Local Plan (2020) which expects development to promote good design and respect the character form and setting of the site. I also find no conflict with the design guidance set out in the Councils Residential Supplementary Planning Document and the National Planning Policy Framework.

Conditions

10. The Council have suggested the standard planning conditions relating to starting development, building with matching materials and in accordance with approved plans. They have also suggested a biodiversity condition which I consider to be reasonable, and I will impose a condition with regard to the blockwork on the side elevation.

Conclusion

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

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby approved shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted, with the exception of the side elevation, shall match those used in the exiting building.
- 3) The side elevation of the extension hereby permitted shall be constructed of blockwork to a height not more than 20cm (200mm) lower than the boundary fence to that side and constructed above that level in materials to match the external surfaces of the property.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans.
- 5) Within 2 months of the commencement of the development hereby approved, the scheme for biodiversity and ecological enhancement measures (bird box) shall be installed/integrated into the development/planted on site. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

END OF SCHEDULE