



Appeal Decision

Site visit made on 15 November 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2022

Appeal Ref: APP/C1055/D/22/3305367

14 Pendlebury Drive, Derby DE3 9SS

- 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 Amardeep Bhopal against the decision of Derby City Council.
 - The application Ref 22/00776/FUL, dated 13 May 2022, was refused by notice dated 12 August 2022.
 - The development proposed is three storey side extension, lean to roof front extension and internal alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the extensions on the character and appearance of the existing house and the surrounding area.

Reasons

3. The appeal site comprises a detached two-storey house located alongside a steeply rising bend in the road. The dwellings in the surrounding area are primarily red/brown brick two-storey houses along with some bungalows, within an undulating suburban residential area. Due to the topography and the position of the house close to the bend in the road, the appeal site is in a prominent position. However, a dense screen of high coniferous hedging screens all but the upper parts of the side elevation of the house.
4. The proposal includes a front extension which would be relatively modest and I see no harm regarding this. The side extension would reflect the topography of the land and therefore would drop in levels to create a three storey extension. Given that none of the houses in the area exceed two-stories in height, the three storey addition to No 14 would be at odds with the general character of the area.
5. Furthermore, when viewed from the front, the side extension would appear particularly wide in relation to the existing house. Whilst the ridge height of the extension would be lower than the existing house and it would be set back from the front elevation, it would not appear subservient due to its bulk, width and overall size. I note that there are houses that are wider than No 14; 1 and 15 Pendlebury Drive are referred to by the appellant, but these are of a different design, are two-stories in height and constructed in brick. As well as being three storeys high, the side extension would also be finished in white render/K-Render which together with its elevated position on a bend in the

road, would make it much more prominent in the street scene than the other examples referred to. I therefore afford them limited weight.

6. As referred to above, the existing hedge screens a large part of the side and rear elevations of the house when viewed from the road. However, the proximity of the side extension to the site boundary could result in damage or the removal of the hedge. In any event, even if I were to impose a condition to secure its replacement if damaged, as suggested by the appellant, the three storey scale of the extension would still be visible from the front. Consequently the harm that would result from the proposed side extension could not be overcome by the imposition of a condition.
7. Notwithstanding that the appeal site is not within a Conservation Area, I conclude that the proposed three storey side extension would have a harmful effect on the character and appearance of the existing house and the surrounding area. It would therefore conflict with Policy H16 of the Local Plan Review¹ which, amongst other things, supports house extensions provided that they do not have a significant adverse effect on the character or appearance of the dwelling or the street scene, in terms of design, massing and visual prominence, use of materials or proportions. It would also conflict with Local Plan Core Strategy² Policy CP3 which sets out place making principles for good urban design and Policy CP4 which indicates that new development will be expected to make a positive contribution to the character, distinctiveness and identity of neighbourhoods. Furthermore, the National Planning Policy Framework³ supports good design and, in this respect, the proposal would conflict with its design objectives.

Other Matters

8. The appellant indicates that a two storey extension could be added to the house as permitted development⁴ that would appear far more unsympathetic and overbearing than the extension proposed. However, there is no explanation as to why this would be the case so I am unable to draw any kind of comparison between the proposal before me and a possible fall-back position. Notwithstanding the case law referred to, given the lack of information about any such fallback, this matter therefore carries little weight.
9. The appellant has drawn my attention to another house that has recently undergone a large extension⁵. I was able to view this at my site visit and saw that it is a large house, also in a prominent corner location and finished in white render/K-render. However, whilst this house is a short distance away from the appeal site, its setting is not comparable in terms of the general character and appearance of the surrounding properties. Moreover, I do not know the details of its planning history and am unaware of the particular details of the case. I therefore attach limited weight to it and in any event, I must determine the proposal before me on its own merits.
10. I note that the Council accepts that the proposal would not harm the living conditions of the occupiers of neighbouring properties through loss of daylight,

¹ City of Derby Local Plan Review, Adopted January 2006.

² Derby City Council Derby City Local Plan – Part 1 Core Strategy, January 2017.

³ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

⁴ The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

⁵⁵ 11A Cavendish Way – Planning Application Ref: 20/01304/FUL.

privacy or appear overbearing and that it would not impact on the local highway network. It would not therefore conflict with these aspects of potential harm set out in Policy H16 although I have found conflict with this policy in terms of the effect of the extension on the character and appearance of the existing house and the surrounding area.

11. I also note the appellant's reference to the Framework and in particular paragraphs 2 and 20 which require sustainable development to be approved in accordance with the development plan. For the reasons set out above, I do not consider that the proposal complies with the development plan and therefore my assessment is consistent with the requirements of the Framework.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR