



Appeal Decision

Site visit made on 3 January 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/M1005/W/22/3300885

Land adjacent to 57 Chestnut Avenue, Belper, Derbyshire DE56 1LY

- 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 M Cooper against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2021/1012, dated 8 September 2021, was refused by notice dated 17 February 2022.
 - The development proposed is a new build bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for a new build bungalow on land adjacent to 57 Chestnut Avenue, Belper, Derbyshire DE56 1LY in accordance with the terms of the application, Ref AVA/2021/1012, dated 8 September 2021, subject to the conditions in the schedule at the end of this decision.

Main Issue

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

Reasons

3. Chestnut Avenue is characterised by flat fronted, gable ended, two storey semi-detached houses and maisonettes. A significant number of the semi-detached houses have single storey side additions. The regular spacing of buildings at first floor level and their consistent setback from the street means that the Avenue has a regular rhythm of development.
4. No 57 has a wider side garden than many houses along the street. The proposed bungalow would occupy land at ground floor level to the side of No 57 where previously there had been a single storey addition. The flat roof of the bungalow would be sympathetic in form to the gently sloping mono-pitched roof of the previous side addition on the site. The proposed bungalow would also be set slightly behind the front building line along the Avenue and, in keeping with neighbouring dwellings, it would face the street. As a result, in accordance with paragraph 6.3 of the supplementary planning document 'Residential development' (SPD), it would respect the established pattern of development.
5. Whilst the proposed bungalow would be marginally taller than the previous structure, it would be separated by a metre from the house and its height would step down slightly towards the side boundary. These features, together with the set back of its entrance and the indicated use of contrasting materials on the front elevation of the dwelling, would break up its mass and add visual interest to the

building in views from the street. The rectangular shape of the bungalow's projecting front elevation would also be the same shape as the front elevation of the house at No 57. In terms of its fenestration, the horizontal emphasis of its front window would be consistent with other dwellings along the Avenue. For these reasons, the proposed bungalow, which would be domestic in scale and subservient to neighbouring dwellings, would comply with paragraphs 6.6 and 6.7 of the SPD. These paragraphs give advice in relation to size, scale, massing, form and elevations.

6. The bungalow would extend further to the rear than other dwellings on the street and would be positioned close to the side boundary that separates the plot from a narrow public footway between Nos 55 & 57. As a consequence, views of the uppermost part of the bungalow would be apparent to users of the footway. However, with the 2m tall fencing along the side boundary the footway is already enclosed to such a degree that when viewed from it the proposed development would not result in a materially harmful loss of openness between the two houses.
7. The contemporary design of the proposal would be different to the buildings that characterise the street. This does not necessarily equate to harm though. As paragraph 6.4 of the SPD notes where variations in design are sensitive to neighbouring development, as is the case with the form of the projecting front elevation and its fenestration, this adds variety and interest to an area. In my judgement, the proposed development is an innovative design that would make efficient use of land whilst respecting the scale and mass of built development that characterises the street and would positively enhance the character and appearance of the Avenue.
8. Taking all these matters into account, I therefore conclude that the proposal would enhance the character and appearance of the Avenue and comply with policies LS3 and H12 (a) of the Amber Valley Borough Local Plan, policy NPP12 of the Belper Neighbourhood Plan, the SPD and part 12 of the National Planning Policy Framework ('the Framework'). These policies, the Framework and the SPD require the protection of the character and appearance of a locality through high quality design that respects local design features.

Other Matters

9. The Derwent Valley Mills World Heritage Site ('WHS') is a designated heritage asset and includes central parts of Belper. Its significance is historical and cultural and relates to its role during the industrial revolution. The appeal site is located outside of the WHS and within its buffer zone. However, as the appeal site is located to the side of a dwelling set within a housing estate the setting and significance of the WHS would not be adversely affected.

Conditions

10. For the avoidance of doubt, and in the interests of proper planning, development needs to be carried out in accordance with the approved plans. In order that the development complements its surroundings further details regarding external materials, landscaping, boundary treatments and floor levels are necessary. In the interests of highway safety, vehicular and pedestrian access needs to be provided, boundary treatments that impede visibility avoided and off road parking provided.
11. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.

Conclusion

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

Ian Radcliffe

Inspector

Schedule

- 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: Site Location Plan drawing no. L01, Proposed Elevations drawing no. P01 Rev C, Proposed Plans drawing no. P02 Rev D.
- 3) Details and / or samples of all external materials and finishes used in the construction of the dwelling hereby approved shall previously have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details and samples that have been approved.
- 4) The dwelling hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. Development shall be carried out in accordance with the approved details. All hard landscaping shall be completed prior to first occupation of the dwelling hereby permitted. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 5) No work shall commence on the footings of the dwelling hereby approved until such time as a scheme stating the floor levels of the dwelling, and the relationship to the floor levels of neighbouring dwellings has been submitted to and approved in writing by the Local Planning Authority. Development shall be constructed in accordance with the agreed levels.
- 6) Prior to first occupation of the hereby approved dwelling, full details of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Any agreed scheme shall be implemented in full prior to first occupation of the development.
- 7) The dwelling hereby approved shall not be occupied until a means of access for vehicles and pedestrians to the approved dwelling and the existing house at 57 Chestnut Avenue has been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 8) Any boundary treatment between the application site and the adjacent footpath along the southern boundary shall not exceed 1m in height above

carriageway channel level for 2m back into the site from the front highway boundary.

- 9) The dwelling hereby approved shall not be occupied until space has been provided in accordance with the application drawings for the parking of 2 vehicles in front of the approved dwelling and the parking of 2 vehicles in front of the existing house at 57 Chestnut Avenue with each space measuring a minimum of 5m x 2.5m. The spaces shall be laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

-----End of Conditions Schedule-----