



Appeal Decision

Site visit made on 1 March 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/R1038/W/22/3309537

92 Fletcher Avenue, Dronfield S18 1RX

- 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 Andrew Wraith (Holmley Properties Ltd) against the decision of North East Derbyshire District Council.
 - The application Ref 21/01250/FL, dated 17 October 2021, was refused by notice dated 5 August 2022.
 - The development proposed is a detached two bedroomed dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans were provided during the course of the appeal application which showed changes to the scheme proposed. This included the provision of two parking spaces for the existing and proposed dwellings. The decision notice issued by the Council references amended plans and I have assessed the appeal on the same basis.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area, and (ii) whether the development would provide satisfactory accommodation for its future occupiers with regard to amenity space provision.

Reasons

Character and appearance

4. The appeal site comprises of an area of garden land to the side of 92 Fletcher Avenue. It is situated in a predominantly residential area where a range of houses of varying styles can be seen. Despite this, there is a strong degree of uniformity between groups of buildings, such as those on the western side of Fletcher Avenue in the vicinity of the site, which are characterised by semi-detached properties with distinctive hipped roofs. Buildings are generally set back behind garden areas on consistent building lines which contributes to the pleasant, spacious character of the area.
5. The proposal would have a flat roof element facing Fletcher Avenue. Although the appellant describes this as a small part of the overall proposal, the flat roof would extend across the two-storey part of the dwelling. It would also incorporate gables in its roof form, and whilst I note reference to the bespoke

design of the proposal, these features would not respect the hipped roof form of the neighbouring dwellings to the north along this section of Fletcher Avenue.

6. The neighbouring property along Gomersal Lane has a flat roof element, but the main section of this dwelling, and the other nearby semi-detached dwellings to the west, nevertheless have hipped roofs. There is further variety in the area, and I was able to see the presence of front gables and dormers. However, despite this variety in roof designs, hipped roofs predominate on those buildings that have the closest visual relationship to the appeal site, both along the western section of Fletcher Avenue, and on the northern side of Gomersal Lane to the west of the appeal site. Although reference has been made to a condition requiring an amended roof design, this is not a minor detail that can be addressed by condition but would result in a substantially different form of development. As such, I do not consider that it can be addressed by condition.
7. The overall size, ground floor level and the height of the proposed dwelling would be generally consistent with nearby dwellings. I also appreciate that good urban design principles encourage corner plots to provide a dual aspect, which this proposal would achieve. However, these factors would not overcome the concerns relating to the jarring roof design.
8. As a result, I conclude that the proposed development would have an adverse effect on the character and appearance of the area. As such, it would be contrary to Policies SS7(a) and SDC12(a) of the North East Derbyshire Local Plan 2014-2034 (Local Plan) and Policies HOU1 and D3 of the Dronfield Neighbourhood Plan 2016-2034 (Neighbourhood Plan), which seek, amongst other matters, high quality design that responds positively to local character, including in terms of roof lines. It would also conflict with paragraph 130 of the National Planning Policy Framework (Framework) insofar as it requires development to be sympathetic to local character.

Living conditions

9. The proposal would provide its main area of amenity space to the east of the proposed dwelling and the Council consider the size of this space to be adequate. Although the position of this space would reflect the front gardens of other properties along the western side of Fletcher Avenue, the proposed amenity area is enclosed by an established hedgerow, which would be retained and ensure an adequate level of privacy from various public vantage points. The retention of the hedging would result in some reduction in the usable area of amenity space for the proposed dwelling, but as the existing hedging is a linear feature along the boundary, I do not consider that this reduction would be significant.
10. Reference has been made by the main parties to the Council's Interim Planning Guidance *Successful Places: A Guide to Sustainable Housing Layout and Design* (Successful Places guidance document). The appellant considers that the Successful Places document should be afforded very little weight for a variety of reasons, including its inconsistency with national policy in relation to the effective use of land. The Framework, at paragraph 130 however sets out a need to ensure a high standard of amenity for existing and future users. Whilst the Successful Places document may not be adopted and is due for review, its aims, insofar as it seeks acceptable living conditions for new and existing

occupants would not be contrary to national policy, and I consider that it should be afforded moderate weight.

11. The Successful Places document sets out the requirement to provide 50sqm of private outdoor space. The proposed development would lead to the loss of part of an existing garden area to the dwelling at 92 Fletcher Avenue. This existing dwelling would be provided with 40sqm outdoor amenity space to its rear, and although this would be below that set out in the Successful Places guidance document, it would provide, as the appellant sets out, a usable, private space for sitting out in and undertaking other typical domestic gardening activities. Other areas to the side of the existing building would provide for the storage of bins. As such, I consider the proposal would provide sufficient private amenity space.
12. I conclude therefore that the proposed development would provide satisfactory accommodation for its future occupiers with regard to amenity space provision. As such, it would not conflict with Local Plan Policies SS7 and SDC12 or Policy D3 of the Neighbourhood Plan, which seek, amongst other matters, to create a good quality of amenity for future occupants of land and buildings. It would also not be contrary to the Framework insofar as it seeks a high standard of amenity for existing and future users. Whilst the development may not meet certain guidance set out in the Successful Places guidance document, it would not be contrary to its aims, which seeks to ensure acceptable living conditions for new and existing occupants.

Other Matters

13. The proposal would provide a two-bedroom dwelling for which there is a particular need for in Dronfield. It comprises of a small scale windfall development site in an accessible location within the existing settlement development limit. My attention has been drawn to the support it receives from the development plan and the Framework in these regards. The provision of a new dwelling and associated opportunities for biodiversity enhancements and the incorporation of sustainable construction measures therefore weigh in favour of the appeal, although as it involves a net additional single dwelling, these matters would attract limited positive weight.
14. The appeal development would not harm the living conditions of neighbouring occupiers and would be acceptable in terms of highway effects. It is also close to a number of areas of open space and parks and would be compliant with Building Regulations. These are neutral matters and not ones which weigh in favour of the development.

Conclusion

15. The provision of a single net additional dwelling on this site would make a small positive contribution to the area's mix and supply of housing. I attach limited weight in favour to this, and to the biodiversity benefits and the sustainable construction measures given the scale of the proposed development.
16. The proposal would provide satisfactory accommodation for its future occupiers. This and other referenced matters are however neutral considerations and not ones which weigh in favour of the development.
17. I have found that the proposed development would be harmful to the character and appearance of the area. This harm would be long lasting and would be

contrary to the Framework. As such, the benefits of the proposal would not outweigh the identified harm.

18. The proposed development would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR