



Appeal Decision

Site visit made on 13 April 2023

by K Winnard LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/C1055/D/23/3316228

26 Briar Lea Close Derby DE24 9PB

- 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 Ranbir Singh against the decision of Derby City Council.
 - The application Ref 22/01769/FUL, dated 7 April 2022, was refused by notice dated 23 January 2023.
 - The development proposed is the demolition of existing garage/outbuilding. The erection of a two-storey side and rear and single storey rear extensions to dwelling house (porch, shower room, gym/office, kitchen, bedroom, cinema room and bathroom).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the application and I note that this description has been used by the appellant within the appeal documentation. I have accordingly used this description within the banner heading above as it more accurately reflects the appeal proposal.

Main Issue

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

Reasons

4. The appeal property, no 26 Briar Lea Close, (No 26) is one of a pair of semi-detached properties sited on a large corner plot at the far end of a residential cul-de-sac. The properties on Briar Lea Close, whilst semi-detached, are characterised by their own hipped or pitched roofs which leads to a design uniformity and sense of cohesiveness. The side and rear gardens of No 26 back onto the sizeable roundabout junction of Sinfin Lane/Lynwood Road. Due to the size of the garden plots in this location, there is a spacious gap between No 26 and its neighbouring property, no 28 Briar Lea Close, when viewed from the roundabout junction, and the side and rear elevations of No 26 are particularly prominent features in such views.
5. The proposed front elevation would have some features designed to achieve subservience including a lower ridge and a small inset gable at the front of a

hipped roof. However, from the front the scale and length of the resultant dwelling would appear unduly large and would unbalance the symmetry with the attached semi-detached property, No 24 Briar Lea Close. The addition of a large two storey extension projecting to the rear would significantly increase the mass of the dwelling. Whilst the inclusion of small gables over the first-floor windows in the side elevation and a reduced ridge height would help in breaking up the mass, in views of the side and rear elevations from the roundabout junction, the resultant dwelling would nonetheless appear bulky and disproportionate. Much of the spaciousness currently associated with the site would be lost.

6. Overall, the size and scale of the proposed development would be detrimental to the character and appearance of the host dwelling and the wider street scene. I appreciate that No 26 benefits from a larger plot and that views of the front elevation from Briar Lea Close are limited due to its far corner location. However, these factors do not provide sufficient mitigation to overcome the harmful effect of the proposed development.
7. No concerns have been expressed by the Council in relation to the amenity of the occupiers of neighbouring properties. However, the absence of harm in this respect does not weigh in favour of the appeal scheme as proposed. I note too that whilst the Council expresses concern over the lack of information within the planning application in relation to biodiversity, they have not referred to it within the reason for refusal.
8. Therefore, I conclude that the proposed development would unacceptably harm the character and appearance of No 26 and the surrounding area. This would be contrary to Policies H16 of the City of Derby Local Plan Review and Policies CP3 and CP4 of the Derby City Council Local Plan -Part 1 Core Strategy (2017). Together these policies require amongst other things development to make a positive contribution to the character of the area and to respond appropriately to their context including building height, scale and massing.

Conclusion

9. For the reasons given and having regard to all matters raised, I hereby dismiss the appeal.

K Winnard

INSPECTOR