



Appeal Decision

Site visit made on 04 April 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/C1055/D/23/3315286

30 Sandown Avenue, Mickleover, Derby DE3 0QQ

- 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 Mrs F Meek against the decision of Derby City Council.
 - The application Ref: 22/01551/FUL, dated 13 June 2022, was refused by notice dated 29 November 2022.
 - The development proposed is described as a "Two storey side and single storey rear extension"
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Decision

1. The appeal is allowed and planning permission granted for a two storey side and single storey rear extension at 30 Sandown Avenue, Mickleover, Derby, DE3 0QQ in accordance with the terms of the application, Ref: 22/01551/FUL, dated 13 June 2022, subject to the following conditions:
 - 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 referenced Block/Site Plan, 2709-22 Sheet 1 of 2, 2709-22 Sheet 2 of 2.
 - 3) The materials to be used in the construction of the external surfaces of the walls of the development hereby permitted shall match those used in the existing building.

Main Issue

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

Reasons

3. The surrounding area is characterised by predominantly two storey dwellings of varied design, form and roof design. The appeal dwelling is a two storey semi-detached property with low eaves height and steeply pitched roof and first floor accommodation facilitated by flat roof dormers. The appeal dwelling is sited within a staggered streetscene with the adjacent property, No.32 Sandown Avenue, which is of a more standard two storey gable design, being sited forward of the appeal dwelling.

4. The scheme includes a single storey rear extension, with which the Local Planning Authority have raised no concerns. I have no reason to disagree with this assessment. The proposed two storey side extension would include eaves, roof pitch and flat roof dormer design which match those of the host dwelling. I consider the overall design approach of the extension to be sympathetic to the existing dwelling and as such is appropriate in this regard.
5. The two storey side extension would extend the dwelling up to the site boundary with No.32 Sandown Avenue. The Council's concern primarily suggests that the lack of a first floor set back would result in a cramped appearance arising within the streetscene. The City of Derby Local Plan Review (2006), saved Policy H16, criterion d), states that permission will be granted for extensions provided that the first floor of a two storey side extension is set back. This is to avoid a terraced or cramped effect in the streetscene. The extension would not accord with H16d) with regard to the lack of first floor set back, although, as set out above, I do find the extension to be sympathetic to the existing dwelling.
6. While the extension would fill the width of the plot with built form over two storeys, there would remain a visual gap between the extension and the adjacent dwelling at first floor level. I consider that such a gap between developments would occur whether the extension is set back or flush with the front building line as proposed. Furthermore, the appeal property is set back from No.32 Sandown Avenue, which is of a bulkier design. I consider that the extension would appear subservient to its neighbour and would be incorporated into the streetscene without appearing prominent or over-intensive, particularly given the design of the host dwelling. As such, in this instance, I do not find that a lack of first floor set back would result in a streetscene that would appear unduly cramped to cause significant adverse effect on the character of the area.
7. The Council's officer report states that *"Although "terracing" is arguably unlikely to occur here given the staggered building line on this part of the street, this raises the possibility that, should a comparable extension be built at the adjacent plot to the west, a cramped effect would occur. This is especially likely given the siting of the proposed extension directly adjacent to the site's western boundary and would result in a significant adverse effect on the streetscene in my opinion"*. As such the Council are concerned that any cramped appearance would be exacerbated should No.32 Sandown Avenue be extended. I am not aware of any such proposal to extend No.32 and, in any event, any application to extend that property would be considered on its merits.
8. On my site visit I observed numerous dwellings within the wider estate of similar design to the appeal dwelling, a number of which had been extended in a manner that is also similar to the appeal proposals. While not all of these dwellings are contextually comparable with the appeal proposal, I did observe that some extensions that had been carried out up to the site boundary between semi-detached properties, and without any first floor set back. In addition, I also observed many other two storey side extensions on dwellings of different design which had been carried out up to the site boundary some with, and some without, a first floor set back. I consider that these developments

have integrated successfully into their streetscenes without causing a cramped appearance or undermining the overall character and appearance of the area. I do not know the circumstances under which these were approved but, nonetheless, they demonstrate that two storey side extensions can be acceptable in this area and without necessarily causing harm to the streetscene.

9. On the main issue, I conclude that the proposed development would not have an unacceptable effect on the character and appearance of the dwelling, and that of the wider area. While I find that the extension would not accord with The City of Derby Local Plan Review (2006), saved Policy H16d), insofar as the extension does not have a first floor set back, I find that the development would accord with criteria b), and c) of that Policy, which require development to have no significant adverse effect on the dwelling or streetscene, and for extensions to be in character with the surrounding area. Furthermore, the development would accord with Policies CP3 and CP4, of the Derby City Local Plan – Part 1 Core Strategy (2017), which expects high quality and well designed developments, and developments to make positive contributions to the character of the area.

Conditions

10. I have imposed standard conditions relating to the commencement of development, to require compliance with the submitted plans to define the terms of the permission, and also that the development be carried out in materials to match the host property in the interest of the character and appearance of the area.

Conclusion

11. For the above reasons, I consider that the proposals accord with the Development Plan when read as a whole and that the appeal is allowed.

D Cleary

INSPECTOR