

Appeal Decision

Site visit made on 12 June 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/C1055/D/23/3318568
57 Uttoxeter Road, Mickleover, Derby, DE3 9GF

- 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 D Bedford against the decision of Derby City Council.
 - The application Ref 23/00002/FUL, dated 2 July 2022, was refused by notice dated 6 February 2023.
 - The development proposed is a detached garage.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a two storey semi-detached dwelling. It is located in a residential area, largely characterised by the presence of two storey detached and semi-detached dwellings.
 4. Dwellings along this side of Uttoxeter Road in this location, including the appeal property, are set well back from the road behind the pavement, grass verges, front boundaries and parking and/or garden areas.
 5. On the opposite side of Uttoxeter Road to the appeal site, houses are set even further back from the road, behind a pavement, a wide area of grassland with street trees, a further road and pavement and front garden/parking areas.
 6. This provides for a notably green, open and spacious environment.
 7. Further to the above, during my site visit, I noted a general absence of buildings in front of the building line along both sides of Uttoxeter Road in this location. This is a factor that contributes to the area's green, open and spacious qualities.
 8. The appellant is seeking permission for a garage located close to the appeal property's front boundary. I find that this would introduce a wholly incongruous built-form into an area notable for its absence of any such buildings forward of the building line.
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9. The harm arising from this would be exacerbated due to the siting of the garage in a prominent location, such that it would be widely visible from a range of viewpoints. The proposed development would draw attention to itself as an alien feature, out of keeping with the surrounding area and it would detract from the area's identified qualities.
10. Taking the above into account, the proposal would harm the character and appearance of the area contrary to the National Planning Policy Framework; to City of Derby Local Plan Review (2006) Saved Policies GD5 and H16; and to Derby City Local Plan - Part 1 Core Strategy (2017) Policy CP3 and CP4, which together amongst other things, seek to protect local character.

Other Matters

11. In support of the proposal, the appellant refers to the development of a garage in front of Number 78 Uttoxeter Road. However, this development is some considerable distance away from the appeal site within an area that appears considerably different to the appeal site. There is no substantive evidence before me to demonstrate that this development and its surroundings are so similar to the proposal the subject of this appeal as to provide for direct comparison.
12. Notwithstanding this, I have found that the proposed development would result in significant harm and this is not something that is mitigated or outweighed by the presence of another development elsewhere.
13. The appellant considers that, over time, the proposed development would be "totally screened" by existing planting. However, there is nothing before me to demonstrate that this would be the case and in this regard, I am also mindful that the existing planting would not appear to be such that it could prevent elements of the garage's built-form from being widely visible in its surroundings and that as a result of its very purpose, the garage would need to be accessible and could not be totally obscured by planting.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR