



Appeal Decision

Site visit made on 18 September 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/C1055/D/23/3327349
605 Burton Road DERBY DE23 6EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr D Aziz against the decision of Derby City Council.
 - The application Ref 23/00437/VAR dated 27 March 2023, was refused by notice dated 23 May 2023.
 - The application sought planning permission for Extensions to dwelling house (hallway, utility, bedroom, en-suite bathroom and enlargement of kitchen/dining room and 2 bedrooms) without complying with a condition attached to planning permission Ref 22/00601/FUL, dated 24 May 2022.
 - The condition in dispute is No.2 which states that: The development must conform in all aspects with the plans and details shown in the application as listed below. (Drawing 1A)
 - The reason given for the condition is: For the avoidance of doubt and to define the bounds of this decision.
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Decision.

1. The appeal is allowed and planning permission is granted for Extensions to dwelling house (hallway, utility, bedroom, en-suite bathroom and enlargement of kitchen/dining room and 2 bedrooms) at 605 Burton Road DERBY DE23 6EJ in accordance with the terms of the application Ref: 23/00437/VAR dated 27 March 2023 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: PLAN 1B
 - 2) The rear facing dressing room window shall be obscure glazed and retained as such for the life of the development and no additional windows or other openings shall be inserted into the north east facing side elevation of the extension.
 - 3) Occupation of the extensions hereby permitted shall cease unless and until Juliet balcony railings have been added onto the rear of the master bedroom.
 - 4) The flat roof of the single storey rear extension shall not be used as a balcony or sitting out area or be accessed other than for the purposes of maintenance and repair.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the street scene.

Reasons

3. 605 Burton Road (No.605) is a large detached dwelling set in a generous plot with large front and rear garden areas and located in an established residential area populated by larger properties of varying designs. Overall, the character of the area surrounding the appeal site is defined by spacious layouts and mature planting which provide a significant degree of screening of the frontages to the Burton Road, and between adjacent dwellings. The appearance of the dwellings themselves is limited and largely as glimpsed views. Of the dwellings which are close to No.605, the two properties to the east appear to be largely original in form but present themselves as indistinguishable from any late twentieth/early twenty-first-century house as a result of recent changes such as replacement windows and, in one case, concrete roof tiles. Whilst the dwelling on west side of No 605 does have the character of a largely unchanged mid twentieth-century design, No.609, which is clearly visible when entering the forecourt of No.605 appears to have been completely rebuilt with uncharacteristic detailing such as stone quoining and a large crown roof. The setting of No.605 is, therefore, a variety of built form and dwellings which date, seemingly, from any time around the middle of the last century to the present day.
4. The works sought to be approved retrospectively were substantially complete at the time of my site visit, the most prominent variance between the plan previously approved¹ being the fully glazed central gable and a re-facing with new brickwork. To all intents and purposes No.605 has, from the limited viewpoints available in the street, the appearance of a new dwelling.
5. The Council are concerned that what has been built introduces expanses of glazing found in a previously refused scheme (ref: 22/00123/FUL), however what has been built presents a built form which is broadly coherent with the typology of the original building, a two-storey detached dwelling with hipped, tiled roof. The projecting glazed gable is a prominent, but subordinate element of the whole which was not the case with the refused proposal 22/00123/FUL. So whilst there has been a significant change in the appearance of the original dwelling, differing from what was approved, given the context I have set out (noting also new build housing opposite) the resulting building is not intrusive or out-of-keeping with the character of this part of Burton Road.
6. I therefore consider that there is no conflict with Policies CP3 and CP4 of the Derby City Local Plan Part 1 (2017) which seek to facilitate high quality design and ensure development respects context and makes a positive contribution to local distinctiveness. Therefore, for the reasons given and having taken all matters raised into account, I find no conflict with the development plan taken as a whole and in consequence the appeal succeeds subject to the appropriate plans condition. Because the application seeks retrospective approval for works already carried out no timing condition is necessary however, having considered conditions attached to permission 22/00601/FUL I find some to be necessary and relevant to protect the residential amenity of adjoining users and therefore attach these to the grant of consent, with adjustment as appropriate.

Andrew Boughton

INSPECTOR

¹ Approval Ref: 22/00601/FUL