
Appeal Decision

Site visit made on 28 September 2023

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 31st October 2023

Appeal Ref: APP/N1025/W/23/3318971

17 Stevenson Avenue, Breaston, Derbyshire DE72 3DP

- 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 Craig Bulgin against the decision of Erewash Borough Council.
 - The application Ref ERE/0922/0005, dated 5 September 2022, was refused by notice dated 28 October 2022.
 - The development proposed is a 2-bedroom dormer bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on the living conditions of the occupants of No. 17 Stevenson Avenue with particular regard to noise and disturbance from vehicular movements and a loss of privacy.

Reasons

Character and appearance

3. The appeal property comprises a two-storey semi-detached dwelling with single detached side garage. It is located on a corner plot at the head of a cul-de-sac and lies within the settlement boundary of Breaston. Properties in the immediate vicinity also comprise of brick built, semi-detached dwellings of similar design, construction age, scale and mass and having relatively large and long rear gardens.
4. Open fields lie to the northwest of the property boundary which the Council indicates are located in the Green Belt. The noticeably large rear gardens and the relative uniformity of the position of development relative to the Green Belt boundary make a significant contribution to the spacious character of this part of Stevenson Avenue.
5. The proposed development would involve the demolition of the existing garage and the construction of a two-bedroom dormer bungalow with walls finished in white render. The proposed bungalow would be positioned towards the end of

the existing rear garden and sited close to the property boundary with No. 19 Stevenson Avenue. The proposal would result in the existing rear garden of the host property being considerably reduced in size and width. Access to a turning and parking area that would be positioned at the front of the proposed bungalow would be taken off the cul-de-sac head and run in close proximity to the side elevation of the host property.

6. The proposal would result in both the host property and the proposed dwelling having relatively smaller rear gardens than those which predominantly exist in the surrounding area with the latter being an uncharacteristically small 'L' shaped area. Consequently, the proposed development, and the resultant reduced garden area of the host property, would introduce a noticeable localised denser and cramped form of development than that of the surrounding area. It would appear as being unacceptably at odds with the distinctive predominant spacious characteristic feature of rear gardens and generous plot sizes.
7. In addition, the proposal would interrupt the established spatial pattern of development in the locality by the introduction of built development closer to the property boundary with the open fields to the rear. As such, it would represent an unacceptable protrusion of built development to the rear of the host property. This would unacceptably and markedly contrast with the regularity of the position of existing development to the Green Belt boundary in the locality.
8. Although I observed that rendering has been used on the recent extension works to the host property, in the context of the street-scene the proposed design and materials of the dormer bungalow would markedly contrast with the relatively uniform design and construction materials used in the properties in the vicinity of the appeal site. As such, the proposal would appear at odds with the form and character of built development in the locality.
9. Collectively, the above factors would result in the proposal failing to respect the surrounding prevailing pattern of development and would cause unacceptable harm to the character and appearance of the surrounding area. As such, it would conflict with Policy 10 of the Erewash Core Strategy (2014) (The Core Strategy) and Saved Policies DC1 and H12 of the Erewash Borough Local Plan (2005 and saved in 2014) (the Local Plan). These policies, amongst other things, require new development to be in scale and character with their surroundings, be well related to existing development and have regard to the local context.

Living conditions

10. Access to the proposed parking and manoeuvring area would be via a driveway, approximately 3m wide, which would run in close proximity to the side elevation of the host property. At ground floor level, the main habitable rooms of the host property are positioned in the rear elevation. Front windows serve a small hallway leading to stairs, toilet and utility room with no windows serving habitable rooms in the side elevation. As such, I do not consider that the movements of vehicles entering and leaving the driveway in the vicinity of the cul-de-sac would cause any unacceptable noise or disturbance.
11. However, given the position of the rear windows of the host property to the proposed parking and manoeuvring area, it is inevitable that vehicular

movements associated with the proposed development would be heard by the occupants of the existing property. Although the total number of vehicle trips arising from the proposed dormer bungalow would likely be small, given the relatively narrow width of the driveway and constrained nature of the parking and manoeuvring area, there would likely need to be a considerable amount of vehicle manoeuvring required to enable vehicles to exit the site in a forward direction. Such movements would occur in close proximity of the rear windows of the host property and would likely be exacerbated if more than one car were to be parked.

12. Even for the modest scale of development that could be accommodated on the site, the occupants of the host property are likely to experience unacceptable levels of noise and disturbance associated with vehicular movements occurring in such close proximity to the rear windows. In addition, the proximity of the proposed parking and manoeuvring area, immediately adjacent to the rear garden of No 17, would lead to a significant reduction in the level of tranquillity that this garden currently enjoys. As a result, the noise disturbance arising from vehicle movements would cause serious harm to the living conditions of the occupiers of the host property.
13. I now turn to the Council's concerns regarding a loss of privacy. Taking into account the position of the proposed development, the presence of the side projecting wing of the host property and the orientation of existing ground floor rear windows, only oblique views of the proposed parking and manoeuvring area would be attainable. In any event, boundary treatment secured by an appropriately worded planning condition, could further minimise such views. Consequently, I do not consider that the proposed development would cause a material loss of privacy for the occupants of the host property.
14. Taking the above factors into account, I find that the proposed development would give rise to unacceptable noise and disturbance that would be harmful to the living conditions of the occupiers of No 17 Stevenson Avenue. Therefore, it would be contrary to Policy 10 of the Core Strategy and Saved Policies DC1, H3 and H12 of the Local Plan. The relevant parts of these policies, amongst other things, require that new development should not adversely affect the living conditions of the occupiers of neighbouring properties.

Other matters

15. I have taken into account the examples provided by the Appellant of new development to the rear of existing properties that have been granted planning permission by the Council. However, I do not have the full details of these developments or the considerations that the Council took into account during the determination of the relevant planning applications. In any event, most of these examples appear to relate to a more urbanised environment that do not share the characteristics of uniformity of development or a rear boundary with open fields that are evident in the appeal proposal. Consequently, I cannot be sure that these examples are representative of the circumstances in this appeal. In any case, I have determined this appeal on its own merits.
16. I have also taken into account the appeal decision at Nos. 62-66 Wilsthorpe Road (Ref: APP/N1025/W/20/3246817). However, in that case the main issue was the effect of the proposal on the living conditions of the occupiers of the neighbouring properties only. It did not consider the effect on the character and appearance of the surrounding area. There is also a material difference in

the spatial relationship between the host properties in that case and the development as built. There is a much greater distance between the rear windows of the host properties and the parking and manoeuvring area associated with the new dwellings. Consequently, the circumstances in that appeal are not directly comparable to those in the appeal before me.

Conclusion

17. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR