



Appeal Decision

Site visit made on 4 January 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2023

Appeal Ref: APP/C1055/D/23/3332769

52 Merchant Avenue, Derby DE21 7NA

- 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 and Mrs N Stenton against the decision of Derby City Council.
 - The application Ref 22/01135/FUL, dated 14 July 2022, was refused by notice dated 28 September 2023.
 - The development proposed is construction of a double storey rear/ side extension to provide additional habitable accommodation; formation of raised platform to rear and construction of new boundary treatment.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous iteration. Consequently, this update does not fundamentally alter the main parties' cases and it is not necessary to seek further comments. References hereafter in the decision to the Framework are to the December 2023 version.

Main Issue

3. The effect of the proposal on the character and appearance of the area.

Reasons

4. Merchant Avenue is a residential street with linear layouts of largely similar two storey, semi-detached dwellings, mainly in red brick with hipped roofs and driveways to the sides of each property, creating a noticeable gap between each pair. Some properties have added side garages in this space, but where this has not occurred on the western side, there are clear views towards the large playing fields/public open space beyond.
5. The proposal includes a series of extensions to the side and rear of the dwelling. The Council has raised objection specifically in respect of the proposed two storey element at the rear. The Council concluded that the other extensions proposed would result in a 'somewhat cluttered appearance,' but that this was not grounds to refuse the scheme. However, these other extensions cannot be divorced from the two storey addition and would be viewed in conjunction with it. Therefore, I have also had regard to the cumulative impact of all of the extensions.

6. The overall pattern of development on this side of Merchant Avenue is consistent. Dwellings have a similar scale, form and materiality and a rhythmic layout. At the rear, there are several extensions to neighbouring properties, but all of those I saw are single storey in height and modest in proportion. As a result, they do not stand out prominently in views from neighbouring gardens and there is still a consistent, unaltered appearance to the rear first floor levels and roofs of the dwellings. This contributes positively to the overall appearance of the built form, which is subject to wide views from the public open space to the rear.
7. The proposed two storey extension, rather than integrating into the existing roof slope, would instead form a second, separate hipped roof to the rear, a feature not seen on any neighbouring property. Moreover, the first floor walls would extend above the eaves level of the main roof, creating a discordant tower-like appearance, particularly in views from the side. This would result in an uncharacteristic and isolated addition which would severely interrupt the consistent pattern of development at the rear.
8. Moreover, when seen from the rear in combination with the other proposed extensions, the dwelling would have a disjointed appearance due to the different heights, roof forms and materials proposed. The overall volume and massing would overwhelm the dwelling by wrapping up and over the original rear elevation and roof slope, significantly eroding the legibility of the original building and its contribution to the consistency of the townscape.
9. Contrary to the appellant, the space between the dwelling and the neighbour at No 54 means the disruptive height, massing and awkward design of the two storey extension would be clearly visible from the street and dwellings opposite. This would be in addition to clear views from adjoining rear gardens and the public open space to the rear.
10. I note the design has resulted in part from a desire to achieve sufficient internal head heights at first floor level against the constraint of low eaves levels to the existing dwelling. However, I have no evidence that the proposed design is only means of achieving this. I am also not persuaded that achieving internal dimensions is grounds to permit a scheme that would be demonstrably harmful to the overall appearance of the dwelling and streetscene.
11. For these reasons, I conclude that the proposal would represent poor design in a prominent position that would fail to respect the prevailing pattern of development. Therefore, the proposal would cause significant harm to the character and appearance of the area, in conflict with Policies CP3 and CP4 of the Derby City Local Plan, Part 1 - Core Strategy (January 2017) and Saved Policy H16 of the adopted City of Derby Local Plan Review (January 2006), which require high quality, well designed developments that make a positive contribution towards the character, distinctiveness and identity of neighbourhoods; and that there be no significant adverse effect on the character and appearance of the dwelling or the street scene in terms of design, massing, visual prominence, use of materials or proportions.
12. The proposal would also conflict with the aims of the Framework to achieve high quality design in all new developments.

Other Matters

13. The Council did not oppose the application on the basis of harm to neighbours' living conditions. I have no reasons to disagree with this conclusion; however, the absence of harm in this respect is a neutral factor weighing neither for nor against the proposal.

Conclusion

14. The proposal would result in conflict with the development plan, taken as a whole, which is not outweighed by other material considerations, including the Framework.
15. Therefore, for the reasons given, the appeal should be dismissed.

K. Savage

INSPECTOR