



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: 17th January 2024

Appeal Ref: APP/F1040/D/23/3333458

19 Acresford Road, Overseal, Swadlincote, Derbyshire DE12 6HX

- 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 Luke Fitzpatrick against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2023/0999, dated 4 August 2023, was refused by notice dated 2 October 2023.
 - The development proposed is a large double garage with room above.
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Decision

1. The appeal is dismissed.

Preliminary Matters

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. The appeal site is located along the main road into Overseal from the south where linear development exists on both sides. The appeal site forms one of five dwellings on the eastern side of the road which are set well back into their sites. These dwellings have varied front boundaries, ranging from hedgerows to timber fencing to brick walls. Despite having a tall brick boundary wall, the front garden of No 19 and the dwelling itself are readily visible from the street.
5. The proposal seeks to erect a detached garage with a room in the roof space immediately behind the front boundary wall. The garage would stand some 5.5 metres tall, with a pitched roof and dormer windows facing into the site. At this height, the garage would stand significantly above the height of the front boundary wall and would be visible within the street scene.
6. As noted by the Council and confirmed on my site visit, the immediate area contains a mix of historic and modern development, including a number of listed buildings on the opposite side of the road. The older development tends to stand closer to the highway, with the later development, including the appeal site, occupying more recessed positions.

7. I saw no comparable examples of ancillary structures standing the front gardens of neighbouring dwellings. Within this context, therefore, the garage would form an isolated and uncharacteristic feature of the street scene. Due to its height and prominent position directly at the front boundary, it would dominate the frontage of the host property, obscuring views of the dwelling behind and undermining its prominence within the site, whilst upsetting the consistent pattern to development on this side of the road.
8. The appellant refers to several examples of garage structures to other properties. The nearest is 9 Acresford Road, a short distance to the north at the junction with Moira Road, which was allowed on appeal in 2009. However, this structure differs in being notably lower in height and set behind a tall established hedgerow. As a result, the structure does not appear prominently within the street scene. The proposed garage would not be able to achieve a similarly concealed effect as its greater height would require a much taller and more conspicuous hedge, which in any event appears unachievable as the position of the garage immediately next to the front boundary wall would not allow sufficient space for meaningful planting.
9. The other examples submitted are further from the appeal site in areas with different site contexts. I have no details regarding the planning history of these other schemes, but having considered the location and context of each, I note differences in terms of form, position, relationship to the main dwelling and the prevailing building line within the street. Consequently, I do not regard them as directly comparable to the appeal scheme, the suitability of which I have considered on the basis of its specific location and site context.
10. For these reasons, I conclude that the proposed garage would harm the character and appearance of the area, contrary to Policies S2, SD1 and BNE1 of the South Derbyshire Local Plan Part 1 (June 2016) and Policy H27 of the South Derbyshire Local Plan Part 2 (2 November 2017), which together support sustainable development that is well-designed, having regard to valued townscape characteristics, with outbuildings to be of a scale and character in keeping with the host property and not unduly detrimental to the character and appearance of the area. There would also be conflict with the Framework, which identifies good design as a key aspect of sustainable development.

Other Matters

11. Despite referring to nearby listed buildings, the Council's reason for refusal did not specifically allege that the proposal would cause harm to their settings. I have nevertheless had regard to the statutory duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.
12. The listed buildings date from the 18th and 19th century. The Grade II* listed Overseal House, originally a group of four dwellings and now one, derives its significance from its surviving internal and external architecture. 16 Acresford road is an adjoining mid-18th century dwelling forming part of the historic development along the road to Acresford. Grange Farmhouse is a prominent early 18th century farmhouse with the adjacent coach house and stables listed for group value. Both evoke the historic agricultural use of the land.
13. These listed buildings form a prominent stretch of historic townscape to the edge of Overseal, albeit that it has over time been surrounded by the

development opposite and dwellings to the north and west on Squirrel Walk. Consequently, the buildings are now experienced as part of the urban area, rather than within a rural or semi-rural setting when originally built. In this context, the proposed garage would be seen as part of the modern development on the eastern side of the road, which would not demonstrably alter the appreciation of the listed buildings on the western side, which would continue to be seen as a continuous group. Therefore, I find that the proposal would not cause harm to the significance of these listed buildings through harm to their settings.

14. No harm was identified by the Council in respect of neighbours' living conditions. Having observed the separation distances to the dwellings on either side, I have no reasons to disagree. However, this is a neutral factor weighing neither for nor against the proposal.
15. The appellant points to the potential for the garage to reduce noise pollution from traffic on the A444 and increase privacy. Such benefits may accrue for the appellant, but they would be minor in scope and not sufficient to outweigh the harm identified.
16. The appellant's efforts to improve his property in contrast to the deteriorating condition of Overseal House are noted, but this is not mitigation for the harm the proposed garage would cause to the character and appearance of the area.

Conclusion

17. For the reasons set out, the proposal would conflict with the development plan, taken as a whole. Material considerations in this case do not indicate that planning permission should nevertheless be forthcoming despite this conflict. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR