



Appeal Decision

Site visit made on 2 April 2024

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2024

Appeal Ref: APP/P1045/W/23/3328016

Land at rear of 7 Malpas Road, Matlock, Derbyshire DE4 3HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Colin Brassington against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/00149/FUL.
 - The development proposed is the erection of 3 bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the submission of the appeal, the Government published a revised National Planning Policy Framework (the Framework). The policies that are relevant to this appeal did not change significantly and thus there was no need to consult the parties. I have however had regard to the new Framework in my decision where necessary.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on highway safety and the efficient operation of the transport network, and;
 - whether the development would be satisfactory with regard to refuse collection.

Reasons

Character and appearance

4. The development would comprise of three small bungalows. The layout suggests two would be semi-detached and one detached. The elevations do not differentiate between the two styles and so it is not entirely clear how the semi-detached units would be linked or how they would appear in context with each other. There is also a lack of detail in terms of factors such as floor levels. This is particularly important given the sloping nature of the site. It is unclear, for example, how the dwellings would relate to each other in terms of their relative height and position. There is also little detail in relation to the extent or nature of the amenity spaces for each dwelling or areas between the buildings.

In the event the appeal were to be allowed, some of those issues might have been dealt with by suitable conditions. Nevertheless, there remains a lack of clarity about the overall appearance of the scheme.

5. The bungalows themselves would be of a simple design. However, while there is some variety in the appearance of nearby dwellings, the majority appear to be two-storey with dual-pitched roofs. The introduction of relatively squat hipped roofed bungalows into this plot would not therefore complement the prevailing character of the area. This would be exacerbated by their close-knit grouping in a backland plot. Backland dwellings are not a common feature in the area and thus the siting of the bungalows would not reflect or complement the prevailing local character. That the appellant has no current use for the space does not alter the fact that the bungalows would not relate well to the surrounding dwellings and appear as a somewhat discordant feature.
6. The bungalows would also take up a significant proportion of the plot. Although the dwellings themselves would be small and single storey, they would still appear unduly cramped in the space. This is particularly evident in the relationship between one of the semi-detached units and the detached bungalow. There would only be a narrow gap between these dwellings, with windows of habitable rooms looking out toward each other across the small space.
7. The Council did not refuse the proposal because of the outlook from either property. This appears primarily due to the possibility of altering the design of the bungalows or introducing obscured glazing, presumably through the use of conditions. Given I am dismissing the appeal for other reasons, it is not necessary for me to consider whether this would be acceptable or not. Nevertheless, the extremely close and awkward relationship between the dwellings would suggest they had been unacceptably squeezed into the available space. This would not reflect the character of nearby dwellings which tend to sit in more spacious plots.
8. This would also be exacerbated by the relatively large area needed for parking and manoeuvring vehicles. This would not be appropriate for the backland setting of the development amongst existing residential gardens. Accordingly, the development would not constitute an acceptable form of layout. While the bungalows would not be prominent in the wider street scene, their incongruous nature would be readily apparent from the private views of neighbours and by pedestrians using the path between Allen Hill and Woolly Road.
9. In conclusion on this matter, the development would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Derbyshire Dales Local Plan (2017) (DDLp) policies S1, S3 and PD1. These seek, amongst other things, to ensure development is of a high quality of design and is of a scale and layout that is compatible with the character and appearance of the area.

Highways

10. The site would be accessed from a long path or drive which exits onto the junction of Woolley Road and Imperial Road. While identified within the 'red line' on the appellant's plans, the path also appears to be a formal pedestrian path linking Woolley Road and Allen Hill. However, I saw that it is already be used by some vehicles, with vehicular accesses and parking space provided at

the rear of some properties. I have no detailed evidence relating to the status of the path as an access to these properties.

11. The site is at the far end of the path, some distance from the junction. It is narrow along its full length and does not allow for two vehicles to pass each other safely. There are no formal passing places. There are limited opportunities to pull onto the grass verge to allow vehicles to pass, but this is clearly not an ideal solution. Given the distance from the access to the site, there is a significant chance of cars meeting on the path. This could lead to conflict and/or the need to carry out dangerous manoeuvres either on the path itself or on Woolley Road. This would not only cause risk for drivers, but it would also be unsafe for pedestrians, as there is little space for them to wait safely while vehicles are passing or manoeuvring.
12. The access exits directly onto the junction of Woolley Road and Imperial Road. The junction between Edge Road and Imperial Road is also only a short distance away. Notwithstanding the appellant's comments on this, I concur with the Council that vehicles exiting this location could result in a degree of confusion. The position of the access effectively on the existing junction creates an awkward situation, particularly if vehicles were turning left from Woolley Road and exiting the site at the same time. Moreover, if a vehicle wished to enter the access while another was waiting to leave, there is no space to allow two vehicles to pass or wait safely on the carriageway. This would also be a source of potential risk at the access itself, causing additional conflict at the junction. New road markings would not alter this situation.
13. I am not persuaded by what I have seen that the access would be of a suitable standard of visibility, even for a 30-mph road. While vehicles approaching from Edge Road would be visible, to see clearly what is coming from either the left or right of the access would mean edging out onto the pavement. This only adds to the degree of risk associated with the use of this access, particularly for passing pedestrians.
14. While it is possible delivery drivers may decide to park on either Woolley Road or Allen Hill, there is no guarantee this would be the case. Similarly, there would be nothing to control such activity. Any potential increase in the use of the access and path by other vehicles serving the development would only exacerbate the issues already identified.
15. My attention has been drawn to other nearby applications where the Council considered development was acceptable in relation to highway safety. From my observations of the area, these do not alter my conclusion that the access here would not be a suitable means of serving the development. I have also had regard to the appellant's comments in relation to what rights of way or conveyance exist, that the path is used by other vehicles and that there have been no accidents thus far. Nevertheless, the development would intensify the use of the path and access. This intensification would increase the level of risk to pedestrians and passing vehicles to an unacceptable degree.
16. The development would therefore conflict with DDLP policies S1 and S3. These seek, amongst other things, to ensure access to development would be safe. It would also conflict with paragraph 114 of the Framework which seeks to ensure development provides safe and suitable access for all users.

Refuse collection

17. The Council's concerns in relation to refuse collection appear to be two-fold; one in terms of the effect on highways and the other in relation to whether it would be effective or efficient. There is no expectation, nor would it be likely, that waste lorries would use the path from Woolly Road. On this basis, it would be reasonable to assume that the bins would be collected by vehicles using Allen Hill. This should not therefore cause any additional concerns in terms of the effect on the local highway or pedestrian safety.
18. What is less clear is whether the intention is for the bins to be left within, or on the edge of the site for collection or whether occupants would need to move the bins to Allen Hill. The appellant's appeal statement suggests that the bins would be collected 5 metres from 9 Allen Hill, which implies that the intention is to leave them at the edge of the site. While the appellant states that the bin collection company have indicated there are no issues in this respect, this has not been confirmed. This would however be some distance from where the refuse vehicle would have to park.
19. If bins did need to be moved on, or closer, to Allen Hill then this could mean moving them some distance from the site, where they would not be in front of or visible from the properties in question. This could be somewhat inconvenient for future occupiers and may cause some difficulties, particularly if residents were elderly. The siting of bins on Allen Hill which are not related to any dwellings could also cause other issues, such as obstructions to pedestrians seeking to use the path.
20. There is therefore a lack of clarity with regard to how and where refuse collections would be made and whether that would result in an acceptable approach to refuse collection. Without clarity on this matter, and with no mechanism before me to ensure a satisfactory outcome, I cannot conclude with certainty that the refuse collection arrangements would be acceptable. Accordingly, there would be conflict with DDLP policies S1 and S3 which seek, amongst other things, to ensure development provides a high standard of amenity and a layout which is appropriate to the proposed use, the site and its surroundings.

Other Matters

21. The Council cannot currently identify a 5-year supply of deliverable housing land as required by the Framework. The development would provide three additional units, which would be valuable in boosting the housing stock. Notwithstanding the Council's comments relating to housing for the elderly in the vicinity of the site, the development would still provide some benefits in this regard. The site is also in a sustainable location with good access to services and facilities. There would be associated benefits for the local economy.
22. That the bungalows would meet the relevant Building Regulations in terms of heat and energy is noted. However, this is a requirement of all new development and is thus neutral in the planning balance.
23. That the Council and/or Highway Authority declined to meet the appellant to discuss their concerns is outside the scope of the appeal and has had no

bearing on my decision. Similarly, any comments relating to other parties are not matters for me to consider.

Final Balance

24. The development would cause unacceptable harm to the character and appearance of the area and result in undue risks to highway and pedestrian safety. Given the lack of clarity with regard to refuse collection, I cannot be certain that the development would not give rise to unacceptable issues for future occupants in this regard. The proposal would therefore conflict with the development plan as a whole. However, because of the housing land supply position, paragraph 11 d) of the Framework is relevant.
25. The additional dwellings would be in a sustainable location and within a settlement where housing is acceptable in principle. The dwellings would also make a small contribution to addressing the housing supply shortfall and have associated economic benefits. Nevertheless, one of the aims of the Framework is to achieve well-designed and beautiful places. Moreover, good design is a key aspect of sustainable development. The proposal performs poorly in this respect. It would also result in unacceptable safety highway safety risks, contrary to the specific aims of the Framework.
26. When assessed against the policies in the Framework as a whole, the adverse impacts of the development would therefore significantly and demonstrably outweigh the benefits of the additional dwellings. Consequently, the presumption in favour of sustainable development does not apply and thus does not weigh in favour of the development.

Conclusion

27. The proposed development conflicts with the development plan as a whole and there are no other considerations, as set out above, that outweigh this conflict. The appeal is therefore dismissed.

S J Lee

INSPECTOR