



Appeal Decision

Site visit made on 4 June 2024

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2024

Appeal Ref: APP/C1055/W/23/3330935

159 Swarkestone Road, Derby DE73 6UD

- 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 P Redfern against the decision of Derby City Council.
 - The application Ref 23/00669/FUL, dated 14 May 2023, was refused by notice dated 21 July 2023.
 - The development proposed is construction of a single, detached, single storey dwelling adjacent to 159 Swarkestone Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form states that the applicant's name is Mr Peter Redford but the appeal form states that the appellant's name is Mr P Redfern. The appellant's statement of case states that the appellant's surname was spelt incorrectly on the application form. Having regard to this, I have used the name stated on the appeal form in the heading above.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area: and
 - the living conditions of the occupiers of 161 Swarkestone Road having particular regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises part of the existing garden area of a dwelling at 159 Swarkestone Road. It includes the existing vehicular access to the dwelling, a side driveway and an area of existing landscaping between No 159 and the neighbouring dwelling at 161. No 159 is a large, detached two-storey dwelling set back from the road in an elevated position. Views of the dwelling and garden are limited due to extensive landscaping positioned to the front of the site. The immediate surrounding area comprises dwellings of varying scales, heights and designs with most being set back from the road.

5. The proposal is to construct a new dwelling between Nos 159 and 161 on what is currently an area of driveway and garden. It would be single storey in height with a similar roof pitch to nearby dwellings and would be positioned close to the common side boundary with No 161. A new plot boundary would be formed between No 159 and the new dwelling close to the southern, side elevation of the existing dwelling. The new dwelling would have gable features to the front and have a staggered width, with a narrower part to the front, where it is adjacent to the existing dwelling.
6. The proposed plot width is significantly narrower than nearby plots, with narrow gaps being proposed to either side of the new dwelling. Whilst the front elevation of the dwelling would be set back from adjacent dwellings and whilst it would be lower and narrower to the front, these factors do not compensate for the cramped nature of the proposal. The elevated position of the proposal together with the fact that some existing landscaping to the front of the site would be removed to facilitate a widened, shared access means that its tight and cramped visual relationship with neighbouring dwellings would be visible from the front. The narrowness of the plot width and spacing between dwellings would be out of keeping with and harmful to the character and appearance of the area.
7. At my site visit I noted that there are some examples of backland development nearby and that the width of side gaps between dwellings varies along the road. However, whilst these features contribute to the character and appearance of the area, I saw no examples of small, narrow infill dwellings positioned close to adjacent dwellings as is proposed here.
8. For the reasons stated above, the proposal would have an adverse effect on the character and appearance of the area. It is therefore contrary to policies CP3 and CP4 of the Core Strategy¹, saved Policy H13 of the Local Plan Review² and relevant guidance in the National Planning Policy Framework (the Framework). These policies and this guidance seek, amongst other things, to ensure that development is well designed, responds to its context including density, layout and urban grain and has a satisfactory relationship to nearby properties. Although reference was made to saved Policy GD5 of the Local Plan Review in reason for refusal 2 relating to this issue, this does not appear relevant as it does not relate to character and appearance.

Living conditions

9. An existing bungalow is located to the south of the appeal site at No 161, close to the common side boundary which is marked by a solid timber fence shown as being 2 metres high on the submitted plans. The rear elevation of No 161 contains a number of windows, one of which is positioned close to the side boundary. The land levels on the appeal site rise in an easterly direction with the site of the proposed dwelling appearing to be on a higher level than the adjacent bungalow.
10. The submitted plans show that the eaves height of the proposed dwelling would be higher than the existing boundary fence with a relatively shallow pitched roof above sloping away from the fence. The proposed dwelling is single storey and the first part of it nearest to No 161 would be lower in height. However,

¹ Derby City Local Plan – Part 1 Core Strategy January 2017

² City of Derby Local Plan Review adopted January 2006

given its height, depth and very close proximity to the rear elevation and rear window at No 161, it would nevertheless have an unacceptable adverse effect on the outlook from the adjacent dwelling. The fact that No 161 has a large rear garden does not compensate for the introduction of built development so close to the dwelling and common boundary. Neither does the fact that there are no windows in the side elevation of the proposed dwelling and that no issues are raised with regard to its effect on daylight and sunlight.

11. Reference has been made by the appellant to the fact that the proposed dwelling is similar in scale and form to what could otherwise be delivered as an ancillary outbuilding for the host dwelling. Be that as it may, I have no details before me regarding any such outbuilding, the likelihood of it being built and how it would compare to the proposal. In the absence of these, there is no legitimate fallback for me to consider.
12. Taking the above matters into consideration, the proposal is contrary to policies CP3 and CP4 of the Core Strategy, saved policies H13 and GD5 of the Local Plan Review and relevant guidance in the Framework. These policies and this guidance, amongst other things, seek to ensure that development responds positively to existing buildings and would not cause unacceptable harm to amenity considering overbearing (massing) effect.

Other Matters

13. The proposal is for an additional dwelling in an established residential area. It would provide some economic and social benefits although these would be modest given the small scale of the proposal.
14. At the time of determining the application, the Council stated that it did not have a five year supply of deliverable housing sites, stating a supply of 3.17 years. No further update has been provided on this during the course of the appeal. However, even assuming that there is a shortfall and paragraph 11d of the Framework applies, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR