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## Appeal Decision

Site visit made on 18 June 2024

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 June 2024**

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**Appeal Ref: APP/N1025/W/24/3338266**

**Land rear of 35 Drummond Road, Ilkeston, Derbyshire DE7 5HA**

- 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 Signature Developments (Mr O'Brien) against the decision of Erewash Borough Council.
  - The application Ref ERE/0923/0017, dated 15 September 2023, was refused by notice dated 7 December 2023.
  - The development proposed is erection of a single storey and two storey building containing 3no. 1 bed apartments with associated access, car and cycle parking, amenity space and bin storage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of both the new residents and those of the occupiers of 35 Drummond Road.

### Reasons

3. The appeal site is located to the rear of 35 Drummond Road, but the appeal proposal would face on to Gayton Road, in keeping with the general building line on that side of the highway. The area is generally residential in nature.
4. The appeal site is currently an area of hard standing, which appears to have been used for parking vehicles in relation to 35 Drummond Road, which in itself is large property converted to flats, and has the benefit of additional extensions.
5. It is proposed to erect a building to house 3no. flats. The building would be single and two storey in nature. There would be a limited amount of amenity space to the rear where there is a sizeable outbuilding for 34 Drummond Road, located close to the common boundary, with no windows on the elevation. It is proposed to include three parking spaces to the front of the appeal site for the new residents, but there are no details on parking for the existing residents of 35 Drummond Road. However, there is on street parking available nearby, as well as a small off-road parking area at the front of 35 Drummond Road.
6. The proposed building would be located close to both the rear of 35 Drummond Road and the first property on Gayton Road, but it is located on a similar

building line to that property and would look little different in the relationship than a pair of detached properties on Gayton Road. The sole window facing the appeal site from the Gayton Road property is fitted with privacy glazing.

7. The proposed building fills a high percentage of the overall plot size. Despite this, the Government's Nationally Described Space standards indicates that a 1 bedroomed apartment should have a minimum of 50 square metres of space. All three of the proposed apartments are below 40 square metres in allocated space, as shown on the submitted drawings, which is considerably under that guidance.
8. I understand the appellants argument with regard to the need to provide various types of accommodation, and that the proposal would assist in meeting that need, but I find that the living conditions for any prospective residents would be substandard, and harmful to their amenities as a result.
9. To compound this, whilst the lack of amenity space to the rear is not a significant issue due to the nature of the apartment development, and the general need for less private amenity space, the proximity of the rear outbuilding of 34 Drummond Road, and its close proximity to the outlook from the living area of what is indicated as dwelling 1 in particular, would also cause harm to the outlook of those properties, and their living conditions in general with such an oppressive structure close to the rear elevation.
10. In addition to this, the proximity of the proposal to the rear elevation of 35 Drummond Road would also cause harm to the outlook and living conditions of the existing residents of the apartment closest to the proposal.
11. As a result, I find the proposals are contrary to the guidance given in Policy 10 of the Erewash Core Strategy (2014) and Saved Policies DC1 and H12 of the Erewash Local Plan (2008), which, when taken as a whole, amongst other matters, expect development to relate well to existing dwellings and protect amenities of those properties.

### **Conclusion**

12. The proposal is not in accordance with the Council's development plan as a whole and there is nothing outlined in the Framework, that demonstrates indicate that I should act other than in accordance with this.
13. For the reasons outlined above, I conclude the appeal should be dismissed.

*Paul Cooper*

INSPECTOR