



Appeal Decision

Site visit made on 13 March 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2024

Appeal Ref: APP/C1055/W/23/3331495

151 Cowsley Road, Derby DE21 6EG

- 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 Ashley Clifton against the decision of Derby City Council. The application Ref is 23/00568/FUL.
 - The development proposed is a two bedroom two storey detached house with associated parking at the front and residential garden at the rear.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

Reasons for the Recommendation

4. The dwellings along this part of Cowsley Road are semi-detached, with terraced properties a short distance away at the junction with Anglesey Street. The appeal site is the last of a group of properties on both sides of the street with gable ends. The other semi-detached dwellings in the street have front gable features. The uniformity and distinctiveness of the design of the different groups of dwellings creates a pleasing consistency. In addition, the relatively even rhythm formed by the gaps between pairs of buildings and planted front gardens adds to a sense of spaciousness. All of these factors contribute positively to the character and appearance of the area.
 5. The appeal scheme would introduce a relatively narrow detached dwelling with a front-facing gable end which would, despite taking reference from the existing dwelling, appear incongruous and disrupt the originality and consistency of neighbouring pairs. Furthermore, it would partly infill one of the street scene's characterful gaps which would erode the area's spaciousness.
 6. The new dwelling would have hardstanding over the entirety of its frontage to provide off street parking. The area to the front of the proposed dwelling is currently a driveway, so the amount would not be significantly different. That
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said, the proposed block plan appears to show, without annotation, two new car parking spaces to the front of the existing dwelling, which would take up the entirety of the area to its front and would thus be inconsistent and considerably less harmonious with the more natural and higher quality of the other front gardens.

7. The proposed dwelling would thus be an incongruous addition that would fail to integrate acceptably with its surroundings, and consequently detract from the character and appearance of the area. It would therefore be contrary to Policies CP3 and CP4 of the Derby City Local Plan Part 1 Core Strategy (2017) (LP) and Policy H13 of the City of Derby Local Plan Review (2006) which all seek, amongst other things, for proposals to have a high-quality design that makes a positive contribution and has a satisfactory relationship to nearby properties. No substantive objections were raised on highways grounds and thus, despite being referred to by the Council on the decision notice, I do not find conflict with LP Policy CP23.

Conclusion and Recommendation

8. The Council is not able to demonstrate the supply of housing sites required by the National Planning Policy Framework 2023 (the Framework). Paragraph 11(d)(ii) suggests, in this situation, the most important policies are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
9. There would be harm to the character and appearance of the area. This would be significant and long lasting. I therefore ascribe it substantial weight. This would also conflict with the Framework, where it is concerned with the appropriateness of design. One additional unit would only make a small difference to the existing supply. Economic advantages would arise from the construction and occupation of a new house, although these would be temporary and limited again by the scale of the scheme. Given the significant shortfall in the Council's housing supply, I attach moderate weight to these matters. Nevertheless, it is sufficiently clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply in this particular case.
10. The proposal would be contrary to the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

John Morrison INSPECTOR