



Appeal Decision

Site visit made on 18 June 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2024

Appeal Ref: APP/F1040/W/24/3341248

13 Wilson Close, Mickleover, Derby, Derbyshire DE3 0DT

- 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 Homer against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2023/1346.
 - The development proposed is described as "Proposed 3-bed and 4-bed two-storey dwellings to the rear of 12 & 13 Wilson Close".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers.

Reasons

Character and appearance

3. The appeal site comprises the large rear gardens of 12 and 13 Wilson Close (No 12 and No 13). The two properties occupy a corner plot on the close, located within a residential area. The rear gardens of the existing dwellings are large with a preponderance of trees and vegetation on the rear boundaries, resulting in a spacious and verdant character and appearance.
4. The immediate street scene has a uniform character of semi-detached dwellings which have a similar size and appearance. The properties are formed around a triangular shaped area of open space and have a frontage outlook over the area.
5. Contrary to this current uniformity, the proposed dwellings would be accessed via a long driveway, which would pass to the side and in between No 12 and No 13. As a result, they would occupy a backland location.
6. The appellant suggests that the scheme has a density of 29 dwellings per hectare, which is lower than previous developments in the area. Whilst that maybe the case, the proposals would result in a significant amount of built development within the rear gardens of No 12 and No 13. The position and amount of proposed boundary fencing and parking areas, would also

exacerbate the built form and massing of the proposed dwellings within the site. As a result, the proposed development would appear cramped and incongruous within its context.

7. Furthermore, due to the scale, mass, and appearance of the proposed dwellings they would be noticeable from within the street scene between the gaps of existing buildings and the relatively large gap created by the new access driveway. Therefore, the proposed dwellings would sit uncomfortably within the site and the development would be significantly at odds with the prevailing pattern of development in the locality.
8. Notwithstanding that existing dwellings in the street scene have been extended and outbuildings have been constructed in rear garden areas, these are not comparable in scale and mass to two large, detached dwellings and the additional, associated fencing and hardstandings of the proposed development.
9. My attention has also been drawn to two existing developments at the rear of 15 and 16 Wilson Close and 11 and 12 Edmunds Square. While these two schemes were for backland development, they front a road. As such, those developments more readily integrate into the context and form of the respective street scenes. They also appear less cramped within the context of the area. In contrast, for the reasons given, the appeal proposal would not, and the effect on the character and appearance of this area would result in unacceptable harm. Given this, these examples do not add weight in favour of the development.
10. I acknowledge that there is support for the proposed development from neighbouring occupiers and third parties who consider that the design and appearance of the scheme would be appropriate in the area. However, for the reasons given, this does not alter my significant concerns and the unacceptable harm that I have identified.
11. For the above reasons, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the area. It would therefore fail to accord with Policy BNE1 of the South Derbyshire Local Plan Part 1 (the Local Plan), which, amongst other things, expects development to be well designed, visually attractive and respond to its context.

Living conditions

12. The backland location of the appeal site would result in the proposed dwellings being within close proximity to the rear elevations of No 12 and No 13, which have habitable windows at ground and first floor. However, the land is relatively flat, and the windows would have an outlook towards the side elevations of the proposed dwellings which contain no windows.
13. Adequate separation distances between the proposed dwellings and existing dwellings would be achieved, which would avoid a significant loss of light to the habitable windows of neighbouring properties and their gardens.
14. Likewise, the orientation of the proposed dwellings and the position of habitable windows would ensure that neighbouring privacy levels are protected. In addition, an acceptable amount of garden land would be retained for No 12 and No 13.

15. For the above reasons, I conclude on this main issue that the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers. As such, the proposals would not conflict with Policy BNE1 of the Local Plan, which, amongst other things, seeks to ensure that new development does not have an undue adverse effect on the privacy and amenity of existing nearby occupiers.

Other Matters

16. The construction of two new family homes, with a contemporary design and appropriate use of materials, would add to the mix of dwelling types in the area. The proposal would also contribute to boosting the supply of housing in an accessible residential location and provide social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. However, these benefits would be limited by virtue of the proposal only adding two dwellings to the housing supply in the area.
17. Reference is also made to the proposed development complying with National Housing Standards and providing security measures, as well as being energy efficient and providing biodiversity net gain. Furthermore, there are no identified highway and parking concerns and cycling provision can be encouraged. Nevertheless, these are requirements of good design and planning policy, and they carry limited neutral weight.
18. That there would be no unacceptable harm to the living conditions of neighbouring occupiers also weighs neutrally in the planning balance.
19. Therefore, taking the above matters into consideration, the benefits would not outweigh the identified harm that would be caused to the character and appearance of the area.

Conclusion

20. For the reasons given above, I have found that the proposed development would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, the appeal is dismissed.

N Bromley

INSPECTOR