

Appeal Decision

Site visit made on 28 August 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2024

Appeal Ref: APP/F1040/W/24/3337090

Silsden, Coton Road, Walton on Trent DE12 8NL

- 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 Cruise of Fitzpatrick & Cruise Ltd against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2023/1063.
 - The development proposed is for the erection of additional dwelling (2 bed bungalow) to newly built development.
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Decision

1. The appeal is allowed and planning permission is granted for erection of additional dwelling (2 bed bungalow) to newly built development at Silsden, Coton Road, Walton on Trent DE12 8NL in accordance with the terms of the application, Ref DMPA/2023/1063, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site is located at the rear of a wider development that, at the time of my visit, was primarily completed. That development relates to planning permission DMPA/2020/01266 which was granted for the demolition of an existing bungalow and its replacement by four new dwellings. It was later altered through permission DMPA/2023/1165 which included the removal of trees and changed the location of a garage associated with Plot 3.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area, with particular regard to the Walton on Trent Conservation Area and trees.

Reasons

4. As noted above the appeal site is located at the rear of an existing residential development. Between the site and Coton Road are four modern dwellings whilst to the rear and side of the site are tall boundary fences and mature vegetation. The site and surrounding area are within the Walton on Trent Conservation Area (the CA) which covers a broad part of the settlement.

5. The CA is characterised by the variety of buildings and features that portray the growth and development of the settlement through time. Walton on Trent is a small settlement with significant greenery and good connections, both visually and physically, to the wider countryside. The significance of this conservation area stems from the legible growth of the settlement through time and its retained connection to the countryside. As part of this, the sunken carriageway serving Coton Road contributes to the historic importance of the area.
6. Although the appeal site is set fairly centrally within the conservation area, its location is discrete from the wider area as a result of the significant boundary features and the new dwellings noted above. Given its screened and constrained location the site does not directly contribute to the significance or importance of the wider area.
7. The proposed bungalow is of a simple design which would be in keeping with the four adjacent dwellings. It would be against these, rather than the wider conservation area, that the proposal would be read. I therefore consider it would cause no harm, by way of its design, to the significance or importance of the conservation area. Moreover, I do not consider that the spaciousness of plots is an intrinsic feature of the conservation area. Therefore, whilst the proposal would have a relatively small plot, this would not be incongruous or harmful.
8. As noted above, permission was previously granted for the removal of the remaining trees on the land covering the appeal site and, at the time of my visit, there were no trees on site. Therefore, although I note concerns regarding the loss of trees, as no further trees could be removed no harm could occur in this regard. As the appeal site would remain surrounded by significant green features and would include a garden, I find the proposal would still contribute positively to the significance and green character of the CA. Whilst it may not be possible to provide new trees, I do not find this would be unacceptable.
9. In light of the above, I conclude that the proposal would not unacceptably affect the character and appearance of the surrounding area, with particular regard to the conservation area upon which it would have a neutral impact. The proposal would, therefore, comply with Policies BNE1, BNE2 and BNE4 of the South Derbyshire Local Plan Part 1 and BNE10 of the South Derbyshire Local Plan Part 2. These policies collectively, and amongst other matters, require developments to protect, conserve and enhance heritage assets, and to more broadly relate to, and have regard of, their context with the surrounding townscape and historic environment.

Other Matters

10. I note concerns about how the existing development has been managed during its construction and its effect on the surrounding area and the living conditions of neighbours. I recognise that the interested parties are also concerned about similar impacts stemming from the appeal development. However, the proposal is of a small scale and any impacts would be short lived and temporary. I therefore find it unlikely that there would be any unacceptable harm to the living conditions of neighbouring occupiers.

Conditions

11. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
12. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
13. Given the change in land levels present at the appeal site, a condition is necessary confirming the levels of the proposed ground and internal floors. This would ensure that the dwelling is not so raised or sunken as to affect the character and appearance of the surrounding area or the living conditions of future and neighbouring occupiers. As this condition relates to ground levels it would be necessary to confirm these details prior to the commencement of development which could otherwise prejudice a suitable solution. The appellant has been provided the opportunity to comment on this condition and was content with its inclusion.
14. In the interests of the character and appearance of the surrounding area, including the conservation area and its green character, conditions are necessary requiring details of external materials and the landscaping of the appeal site. A further condition is also necessary restricting a number of permitted development rights so as to ensure that it protects the character and appearance of its surroundings and the sensitive nature of the conservation area.
15. As the access serving the wider development, that permitted under DMPA/2020/1266, has been constructed a condition requiring this is unnecessary.
16. Given the small scale of the proposed development any noise or disturbance would be short lived. Moreover, other legislation covers harm to the living conditions of neighbouring occupiers. I therefore find that it would be unnecessary and overly onerous to impose conditions restricting working hours and the disposal of waste. Moreover, a condition controlling the amount of water used on site by future occupiers would also duplicate matters covered by other legislation.

Conclusion

17. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: J3620-01, J3620-02 rev b, J3620-03 rev c, J3620-04 rev b and, J3620-06.
- 3) No development, including preparatory works, shall commence until the finished floor levels of the building hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, have been submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.
- 4) Prior to their incorporation into the building hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.
- 5) Prior to the occupation of the dwelling a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme should evidence compliance with British Standard (BS) 3936: 'Part 1 - Specification for trees and shrubs', BS3969 - 'Recommendations for turf for general purposes' and BS4428 - 'Code of practice for general landscape operations (excluding hard surfaces)'. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the dwellings hereby permitted shall not be enlarged, extended or altered, and no buildings (except as authorised by this permission or allowed by any condition attached thereto) shall be erected or constructed on the site without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.