



Appeal Decision

Site visit made on 20 August 2024 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2024

Appeal Ref: APP/R1038/D/24/3346510

Appletree Cottage, Mansfield Road, Corbriggs, Derbyshire S41 0JW

- 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 R Hubbuck against the decision of North East Derbyshire District Council.
 - The application reference is 24/00023/FLH.
 - The development proposed is for the retention of two storey rear extension and single storey side extension.
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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.

Preliminary matters

3. The description of the development has been amended during the application process to reflect the retrospective nature of the scheme. The description of the development above has been taken from the Council's Decision Notice, rather than the application form, as it more accurately describes the appeal scheme.
4. The appeal dwelling benefits from planning permission¹ for a replacement single storey extension/ a two storey rear extension and detached garage. The rear and side extensions have not been built entirely according with the approved plans. The development before me seeks to regularise these extensions. Accordingly, I am dealing with the appeal retrospectively.
5. The Planning Officer's report indicates that what is currently built on site does not fully match the submitted proposed plans. Whilst I have noticed the discrepancies during the site visit, in the interest of certainty, my consideration of this appeal is based solely on the submitted plans.

Main Issues

6. The main issues are the effect of the development on the character and appearance of the host dwelling and on the living conditions of the occupiers of the neighbouring property, with particular regard to privacy.

¹ LPA ref: 08/00060/FL

Reasons for the Recommendation

Character and appearance

7. The appeal property is a semi-detached, two-storey dwelling located on the northern side of Mansfield Road, within the countryside. The original cottage has been previously extended. The submitted plans (PL_03) show the appeal dwelling as 'existing' in the form of the approved scheme².
8. Policy LC5 of the North East Derbyshire Local Plan 2014 - 2034 (LP) relates to residential extensions, and requires extensions to respect the scale, proportions, materials and overall design and character of the existing property. It also states that outside settlement development limits, proposals which either individually or cumulatively involve a significant change in the scale and character of the original dwelling will be assessed as a proposal for a new dwelling. Policy SS9 of the LP relates to developments in the countryside and states that outside the Settlement Development Limits developments will be approved where it can be demonstrated they meet one or more of the listed criteria.
9. The single storey rear/side extensions project along a substantial part of the northern elevation of the dwelling. The two-storey element has a depth greater than that of the original part of the dwelling and it also projects extensively along the northern elevation. Cumulatively, due to their extensive length and depth, coupled with their substantial mass and bulk, the extensions fail to respect the scale and proportions of the host dwelling. Thus, they have led to a significant change in the scale and character of the host dwelling.
10. I have had regard to 'Table 1' outlined within the appeal statement, which shows the difference in the footprints and volumes. I find that the numbers outlined within the table reinforce the fact that the extensions, as proposed, dominate the host dwelling. The proposed matching materials are not sufficient to mitigate the harmful impact that the scale of the extensions have on the character and appearance of the host dwelling.
11. Whilst the development is not overly prominent within the street scene, particularly the elements that have not been approved under the previous scheme³, as to affect the character and appearance of the area, the siting of the extensions does not justify their significant adverse impact on the host dwelling.
12. The appellant has drawn my attention to other developments within the area. I do not have full details of those; in any event, I have considered the development based on its own merits and site-specific circumstances.
13. Accordingly, the development is harmful to the character and appearance of the host dwelling, thus it fails to comply with the part of Policy LC5 of the LP that relates to the effect of development on character. The development does not meet any of the criteria for Policy SS9 of the LP; therefore, given the scale of the development, it also fails to accord with LP Policy SS9.

² LPA ref: 08/00060/FL

³ LPA ref: 08/00060/FL

Living conditions

14. The two-storey rear element includes two bedroom windows which overlook the rear of the appeal site. The extension is at an angle with the shared boundary with the neighbouring property located to the west of the appeal site. Due to the siting of the extension in relation to the shared boundary, the bedroom windows are in close proximity to the adjoining property's garden.
15. Nonetheless, given the siting of the two-storey rear extension in relation to the neighbouring property, views are generally towards the rear of the appeal site and the far end of the neighbouring garden. Therefore, the two-storey extension does not provide wide views over the adjoining garden.
16. Based on my visit and the evidence available to me, the approved part of the two-storey element, which incorporates one bedroom window, has a similar view towards the adjoining property, as it is common where residential properties are located in close proximity to each other.
17. Accordingly, I find that the development does not increase the existing levels of overlooking to such a degree that adversely affects the living conditions of the occupiers of the neighbouring property. As such, the development is not contrary to Policy LC5 of the LP, with respect to the effect on living conditions, and which requires that developments avoid significant loss of privacy and amenity for the residents of neighbouring properties.

Recommendation

18. For the reasons given above the appeal scheme would conflict with the development plan regarding the character and appearance of the host dwelling, and there are no material considerations worthy of sufficient weight, that would indicate to the contrary. I therefore recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

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

Ben Plenty

INSPECTOR