



Appeal Decision

Site visit made on 17 September 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2024

Appeal Ref: APP/P1045/D/24/3346807

112 Hurst Rise, Matlock, Derbyshire DE4 3ET

- 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 James Britland against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00245/FUL.
 - The development proposed is the addition of first floor to garage and associated alterations.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development has been adopted from the appeal form because it more accurately describes the proposal.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the living conditions of the occupiers of 114 Hurst Rise.

Reasons

Character and Appearance

4. The proposed development includes a first floor extension to an existing single storey outbuilding, used as a workshop, located within the rear garden of a semi-detached dwelling. The host property forms part of a residential development of similarly designed dwellings fronting Hurst Rise with an open area to the rear which is well treed. From what could be seen during the site visit, including through the gaps between the pairs of semi-detached dwellings, there are only single storey outbuildings of varying sizes and designs within the rear gardens of other properties
5. The proposed extension would be erected above the footprint of the existing outbuilding and, as such, it would neither erode the existing rear amenity space nor affect any parking associated with the host property. However, because of the increased height and size, the resulting outbuilding would appear a conspicuous and incongruous form of development within the context of the character and appearance of the rear gardens. The enlarged outbuilding

would be seen from neighbouring rear gardens and through the gap between the property and 114 Hurst Rise.

6. Although not solely a reason for this appeal to fail, the scale of the resulting 2-storey outbuilding would also visually compete with the host property and this adds to the unacceptable harm which has been identified.
7. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with Policies PD1 and HC10 of the Derbyshire Dales Local Plan (LP). Amongst other matters, these policies require all development to be of high quality design that respects the character, and the height, scale, form and design of residential extensions to be in keeping with the scale and character of the original dwelling and the site's wider setting and location.

Living Conditions

8. The workshop is sited adjacent to the shared boundary with 114 Hurst Rise. Within the garden of No. 114 is a detached garage which partially screens the outbuilding in the neighbouring occupiers' outlook from within the garden, the raised deck and the rear windows. The existing roof of the outbuilding together with the roof of a timber structure also within the garden of the appeal property area visible from No. 114 and Hurst Rise.
9. The design of the proposed extension would not include any openings at first floor level which would allow for the overlooking of No. 114. The siting and scale of the proposed extension would also not have a materially detrimental effect on levels of sun and day light reaching the rear elevation and garden of No. 114. However, by reason of its height projecting above the detached garage, the appeal scheme would result in a visually prominent and overbearing form of development in the outlook of the neighbouring occupiers from their garden, raised deck and rear windows of No. 114.
10. By reason of the effect on outlook, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 114 Hurst Rise and, as such, it would conflict with LP Policy PD1 requiring development, amongst other matters, not to cause unacceptable effects by reason of visual intrusion and being overbearing. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR