



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/W/24/3341354

One Stop, Lime Tree Road, Matlock, Derbyshire DE4 3EJ

- 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 Mayur Sedani against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/01004/FUL.
 - The development proposed is the erection of a front extension to a shopfront.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a front extension to a shopfront at One Stop, Lime Tree Road, Matlock, Derbyshire DE4 3EJ in accordance with the terms of the application, Ref 23/01004/FUL, subject to the following 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 the following approved plans: PL-SP-001 Rev A; PL-SP-002 Rev B; PL-P-001; PL-P-002; PL-P-003 Rev A; PL-E-001; PL-E-002; PL-E-003 Rev B and PL-E-004 Rev C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those stated on the following approved plans: PL-E-003 Rev B and PL-E-004 Rev C.

Procedural Matter

2. As part of the appeal, the appellant has submitted amended drawings which identify stone as an external material to reflect the host property and to address one of the council's reasons for refusal. Other than the choice of external materials, these drawings do not materially alter the nature of the proposed development. As part of this appeal, the council has been able to consider their content and has not raised an objection. Accordingly, these amended drawings have been taken into account in the assessment of this appeal.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the safety of other highway users and (b) the character and appearance of the surrounding area and the host property.

Reasons

Highway Safety

4. The appeal property is a building which includes a One Stop shop at ground floor level and is located close to the junction of Lime Tree Road and Hurst Rise. At the front of the property is a surfaced area which is used for parking by the customers of the shop. During the site visit, the comings and goings of the customers were observed along with the number of vehicles parking on the forecourt and travelling along the road. These movements were not frequent and there was no queuing observed at the nearby junctions. Further, there was no on-street parking pressure observed along the road in front of the property.
5. The highway authority has identified that there have been 2 personal injury accidents associated with manoeuvring vehicles within 40 metres of the property during the 5-years preceding the determination of the appeal application. However, no details of these accidents, including their location and whether there was any correlation with the customers visiting the property, has not been provided. Only limited weight can, therefore, be given to the implications of these accidents in determining this appeal.
6. Planning permission was granted by the Council for a 3 metre single storey extension to the front elevation of the appeal property (Ref 21/01449/FUL). The effect of this planning permission would be to enable an extension to be erected on the area used for customer parking. The highway authority did not object to this approved scheme whether due to the loss of off-street parking or any increase in on-street parking being detrimental to the safe and efficient operation of the highway network, including a potential increase in the risk of accidents. As part of the approved scheme, land would remain between the approved extension's front elevation and the footway enabling the parallel off-street parking for 1 vehicle. This permission remains capable of implementation and, as such, it is a material consideration to which significant weight is given.
7. The proposed development is for a similar form of development as the approved scheme except rather than being 3 metres in depth it would be about 3.6 metres and, as such, it would encroach further onto the parking area. However, contrary to the claims of the council and highway authority, the appellant has identified that there would still be a space for 1 vehicle to be parked off-street parallel with the front elevation of the proposed extension. The size of this parking space would accord with the guidance contained in *Manual for Streets*.
8. By reason of the lack of a material difference between the off-street parking associated with the approved and appeal schemes, together with the observations made concerning visiting customers, vehicular movements and on-street parking during the site visit, it is concluded that the proposed development would not cause unacceptable danger to the safety of other highway users and, as such, would not conflict with Policies HC19 and HC21 of the Derbyshire Dales Local Plan (LP). Amongst other matters, these include ensuring development does not lead to an increase in on-street parking to the detriment of the safe and efficient operation of the highway network and a that developer is able to adequately justify their own parking provision. LP Policy

PD1 is not considered to be of direct relevance to this matter because it concerns the design of new development rather than highway safety matters.

Character and Appearance

9. As submitted, the appeal application identified that the external materials of the proposed extension would include brick and rendered walls. This choice of external materials would not reflect the appearance of the existing building and, as such, there would be a conflict with the high quality design objectives of LP Policy PD1. However, the amended drawings submitted as part of this appeal identify that the external materials would be stone. This choice of material would reflect and respect the character and appearance of the host property. The use of stone as an external material can be secured by a suitable condition.
10. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and the host property and, as such, it would accord with LP Policy PD1 which requires development to contribute to an area's character and identity, including in terms of appearance and materials.

Conditions

11. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. In addition to securing the use of stone as an external material, a condition is also considered necessary to ensure that the proposed development is built in accordance with the approved drawings, which includes the amended drawings.
12. The suggested condition relating to the funding of a Traffic Regulation Order is considered to be inappropriate because any financial contributions of the type sought should be secured via a planning obligation. In any event, no detailed evidence has been provided to demonstrate that such an Order is necessary and that any inconsiderate on-street parking could not be addressed by other means, which was indicated to be the approach to be adopted for the approved scheme. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR