



Appeal Decision

Site visit made on 29 October 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/F1040/W/24/3349576

Land adjacent to 42 Cedar Road, Castle Gresley, Swadlincote, Derbyshire DE11 9JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tom Lowe (Lowe Architects) against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2024/0485, dated 30 March 2024, was refused by notice dated 23 May 2024.
 - The development proposed is outline planning permission for a 3 bedroom home.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development varies from the application form to the Decision Notice of the Council. I have no evidence to suggest the change was agreed. I have utilised the description from the application form.
3. The application was made in outline form, with all matters reserved for future consideration. A plan depicting the site layout and ground / first floor plans were submitted with the application for illustrative purposes, and I have considered them on that basis only.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal comprises land that is amenity space as part of the larger residential development built many years ago and is located on a bend in the road. The site slopes in a southerly direction. I understand the appellant purchased the site a number of years ago, and it has been used for vehicle parking. The area is largely residential in nature.
6. The appeal site sits prominently at the end of a terrace of properties that vary in terms of external design and appearance but share a consistent building line and frontage on the street scene. Whilst the appeal site does not form part of any of the terraced properties in terms of amenity space, it nonetheless provides a sense of space and relief from the residential built forms.

7. The locality is a generally sustainable location for residential development, but despite this, I find that any siting of the proposed dwelling would be uncharacteristic of its surroundings, due to the location, sizing and shape of the plot, leading to constraints in layout and parking, which would result in a contrived development in any site location that could be proposed for the dwelling.
8. The proposal would be prominent from public vantage points and whilst I recognise that as part of a reserved matters application, the appearance could replicate that of the terrace of dwellings, the nature of the proposal and awkward street frontage that the dwelling would display would be at odds with existing surrounding residential development.
9. In reaching this view, I recognise the strong building line and street scene appearance of the adjacent properties as well as the frontage parking, creates a character that any proposal would fail to replicate, given the constraints in place. When compounded with the loss of openness from the site in a built-up residential environment, I find the proposal would be harmful to the character and appearance of the area.
10. In conclusion, I am not satisfied the proposed development could be sensitively accommodated on the appeal site and integrate well with its surroundings. As such, I find it would have a harmful effect on the character and appearance of the area. The proposed development would therefore conflict with Policy BNE1 of the South Derbyshire Local Plan Part 1 (2016) and the Design Guide SPD, which amongst other matters, expects development to be visually attractive, appropriate and achieve continuity within the street scene.

Other Matters

11. The appellant has brought to my attention a number of other developments with what are considered to be similar circumstances, but I do not have full details of these cases and I consider the context to be different to this appeal, which, in any case, should be assessed on its own merits.

Conclusion

12. The proposal conflicts with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR