



Appeal Decision

Site visit made on 28 November 2024

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2024

Appeal Reference APP/C1055/W/24/3348450

Land Between 25 and 27 Highfield Road, Derby, DE22 1GX

- 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 Jeremy Murphy against the decision of Derby City Council.
 - The application Reference is 24/00378/FUL.
 - The development proposed is the erection of a bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of Highfield Road.

Reasons

3. Highfield Road has a strong and distinctive character comprising four main groups of dwellings. Its western side, (even numbers up to number 32) is typified by imposing three-storey, predominantly paired, dwellings on a common building line and with limited set back from the street. Thereafter, the principal form is of two-storey detached houses in wide plots with deep front gardens.
4. On its eastern side, as far as number 25, individually designed detached dwellings sit in generous plots. Beyond number 27, the main characteristic is a regular arrangement of dwellings in two-storey form with first floor rooms within their steep roof slopes.
5. The Appellant's grounds of appeal affirm Highfield Road as having a character of mixed sized dwellings of varying architectural types. Whilst there is no uniform architectural style, the street nonetheless has identifiable character areas as I have described above.
6. Although the Appellant claims that the proposed bungalow would fit with the general pattern of development, insofar as it mimics a garage building in size and positioning, this overlooks the ancillary and secondary nature of such buildings, where they exist, along the street.
7. In this regard, the proposed plot is not materially wider than a single width domestic garage. Development on such a restricted plot would fail to respond sensitively to the pattern of development along the street even in its varied forms.

8. I am in no doubt that the proposed building would be perceived as a stand-alone bungalow, in form and design, rather than having an integral functional and visual relationship with a neighbouring dwelling. As such, the scale and appearance of the proposed bungalow would be an anomalous addition to the street scene.
9. Although it is denied that the development would be 'tightly constrained', the bungalow would be built to abut its boundaries on both sides. This would further emphasise the inherent restrictions of this sliver of land. The claim that most dwellings along the road are positioned quite close together does not account for the gaps that exist and the comparatively generous width of their plots. I am in no doubt that the proposed bungalow would appear overtly cramped and out of character with its surroundings.
10. On this basis I conclude that the proposal would have a very substantial adverse effect on the character and appearance of Highfield Road. This would render the project to be in conflict with Core Strategy Policies CP3(b) and CP4 which expect a proposal to be well integrated into its setting and to make a positive contribution towards the character, distinctiveness and identity of neighbourhoods.

Other Matters

11. Core Strategy Policy CP3(a) requires development to make efficient use of land by optimising development densities. I acknowledge that the appeal site is an unused strip of land within a sustainable urban location, and it could be said that the principle of the design, in isolation, is an adept concept for such a constrained piece of land.
12. However, the policy has to be read as a whole and in the context of the overall development plan. Whilst there would be no material adverse effect on neighbours' living conditions, and parking for one vehicle could be provided, these factors do not overcome the fundamental harm that I have identified.
13. The rear boundary of the appeal site adjoins part of the western boundary of the Strutts Park Conservation Area. Although I have found that the proposal would have an adverse effect on the character and appearance of Highfield Road, this would not be of any wider application, given the length of the plot and the distance between the proposed bungalow and the designated area and its recently constructed residential development. Therefore, the significance of the Conservation Area would not be affected by the proposed development that lies outside it. As such the character or appearance of the designated area as a whole would be preserved.

Planning Balance

14. From my consideration of the main issue, and the development plan policies drawn to my attention, I conclude that the proposal would be contrary to the development plan read as a whole.
15. It is evident that the Council has a significant shortfall in housing land supply and the proposal is to be determined against paragraph 11 d) ii. of the National Planning Policy Framework which requires permission to be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

16. In this particular case, I attribute very significant negative weight to the effect of the proposal on the character and appearance of Highfield Road and the conflict with the development plan.
17. The addition of a single dwelling, meeting various potential needs in a location close to the city centre and making beneficial use of land that no longer serves its original purpose, would be a modest contribution to overall housing land supply. I attach moderate positive weight to each of these factors.
18. This leads me to the conclusion that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As such the proposal would not benefit from the presumption in favour of sustainable development.
19. I am satisfied that there are no other material considerations to indicate that my decision should be taken otherwise than in accordance with the development plan.

Conclusion

20. For the reasons given above the appeal is dismissed.

David MH Rose

Inspector