



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: 6 December 2024

Appeal Reference: APP/F1040/W/24/3349202

20 Mansfields Croft, Etwall, Derby, DE65 6NJ

- 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 Derek Fentem against the decision of South Derbyshire District Council.
 - The application Reference is DMPA/2023/0906.
 - The development proposed is described in the Application for Planning Permission as: 'Planning application for permission to construct a 1.5 Storey 2 bedroomed bungalow with associated parking within the rear garden of the existing property.'
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr Derek Fentem against South Derbyshire District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the relationship of the proposed dwelling with 20 Mansfields Croft and its wider surroundings.

Reasons

4. The Appellant's existing rear garden becomes increasingly wide as it backs on to Hilton Road. The proposal is to subdivide the plot, leaving the existing dwelling with a generally rectangular rear garden immediately behind the house. The curtilage of the proposed dwelling would lie to one side of the retained garden with the new dwelling taking access from Hilton Road.
5. Although the proposed dwelling would be of limited height, with first floor accommodation within the steep roof space, it would run close to a significant part of the retained garden. The outlook from the nearest rear facing rooms of number 20, and its rear garden, would be dominated by the proximity and scale of the proposed dwelling.
6. Irrespective of current ownership, the aspect from the house, and the enjoyment of its rear garden, would be seriously and adversely impaired by the overbearing and oppressive impact of the proposed dwelling. This would conflict with South Derbyshire Local Plan Part 1 Policies BNE1 i) h) and SD1 A which together seek to avoid adverse effects on the amenity of existing occupiers around proposed developments.

7. Moreover, the erection of a dwelling in a back garden plot would be at odds with the established pattern of development in two respects. Firstly, it would appear wholly unrelated to the current arrangement of dwellings in Mansfields Croft and the characteristic swathe of rear gardens.
8. Secondly, the proposed dwelling would stand elevated and isolated above the southern side of Hilton Road where residential frontage development is currently absent. The combined effect would result in a damaging change to the well-defined character of the area.
9. On this basis the proposal would conflict with Local Plan Policy BNE1 i) e) and g) which require new development '*to respond to their context*' and to '*contribute to achieving continuity within the street scene*'.
10. Overall, I find that the proposed dwelling would have an adverse effect on the living conditions of 20 Mansfields Croft and on its wider surroundings. In combination there would be conflict with the development plan when read as a whole.

Other Matters

11. I have taken full account of the principles of the design as set out in the Design and Access Statement with particular regard to the height of the proposed dwelling, the position of its windows and the apparent shortage of bungalow type properties in the area. I have also noted that there are no objections on highway grounds and I have had regard to the overall analysis set out in the Appellant's 'Additional Covering Letter'.¹ However, from my consideration of these and all other matters raised, I have found nothing of sufficient weight to change my conclusions on the main issue and determination in accordance with the development plan.

Conclusion

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

David MH Rose

Inspector

¹ 9 January 2024