



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: 12 December 2024

Appeal Ref: APP/C1055/W/24/3351558

22 Ellendale Road, Chaddesden, Derby, DE21 6UE

- 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 Mrs Maria Spencer against the decision of Derby City Council.
 - The application Reference is 23/01388/FUL.
 - The development proposed is described in the Application for Planning Permission as: 'Erection of two storey three bedroom detached dwelling utilising the existing vehicular access of Oregon Way, including the formation of new vehicular access and associated car parking to serve 22 Ellendale Road.'
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Decision

1. The appeal is allowed and planning permission is granted for 'Erection of two storey three bedroom detached dwelling utilising the existing vehicular access of Oregon Way, including the formation of new vehicular access and associated car parking to serve 22 Ellendale Road' at 22 Ellendale Road, Chaddesden, Derby, DE21 6UE in accordance with the terms of the application, Reference 23/01388/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the neighbourhood; and whether the occupants of the existing dwelling and the proposed dwelling would have an unacceptable level of private outdoor amenity space.

Reasons

Character and appearance

3. The appeal site is a corner plot of land at the junction of Ellendale Road and Oregon Way. The immediate area consists of seemingly similar pairs of semi-detached dwellings, albeit 32 and 34 Oregon Way are succeeded by a short terrace.
4. The plot itself is viewed in combination with its adjacent dwellings beyond the foreground of the wide grass verge which marks the junction of the two roads. The openness of the junction is further emphasised by the splayed alignment of numbers 20 and 22 Ellendale Road and the corresponding position of the dwellings on the opposite side of the road.
5. The proposed dwelling, differing in its detached form, would be of similar design, proportions and materials to its neighbours. It would sit alongside number 22, slightly higher consistent with topography, and observe the

building frontage to Oregon Way. In my opinion, the proposed dwelling would not appear cramped or unduly intrusive within the street scene.

6. As to the generalised concern about adverse 'precedent', I have based my consideration on the site specific circumstances before me and an overall street pattern that has not been claimed to be either uniform or replicated to any obvious extent. In any event, I have found the proposal to represent a respectful addition without any adverse effect on the spacious character and appearance of this part of the neighbourhood.
7. Therefore, the development would accord with Core Strategy Policy CP3 (b) which requires a proposal to be well integrated into its setting and also with Core Strategy Policy CP4 and its expectation that new development will make a positive contribution towards the character, distinctiveness and identity of neighbourhoods. Similarly, it would accord with saved Policy H13 of the Local Plan Review in terms of its acceptable relationship with nearby properties.

Private outdoor amenity space

8. The retained space to the rear of number 22 would not be overlooked by the proposed dwelling and it would be of sufficient size to continue to provide outdoor space to meet the needs of its occupants. Indeed, it would not be materially smaller than some of the rear gardens in the locality.
9. The proposed dwelling would not have a rear garden in the conventional sense as its rear elevation would form the boundary with number 22. Whilst the space on its eastern side would be triangular in shape, diminishing to no more than a pedestrian width, it would nonetheless provide space for outdoor living and benefit from morning sunlight.
10. The amenity area between its western flank and the footway, at the rear of the wide frontage verge, is already enclosed by evergreen hedging. With the addition of a screen fence alongside the proposed parking spaces, further usable private space could be created.
11. In total, I am satisfied that the occupants of the existing dwelling and the proposed dwelling would not have an unacceptable level of private outdoor amenity space. No specific standards have been drawn to my attention; and saved Policy GD5 requires nothing more than '*a satisfactory level of amenity within the site'*'.

Conclusion on the main issues

12. My overall conclusion is that the proposed development would be in accordance with the development plan as a whole. The National Planning Policy Framework confirms that in such circumstances development proposals should be approved without delay. The presumption in favour of sustainable development therefore applies.

Conditions

13. I have reviewed the conditions suggested by the Local Planning Authority. I am imposing the standard time period in which the development is to commence and listing the approved plans for certainty.
14. The suggested pre-commencement condition relating to surface water drainage, although agreed by the Appellant, is excessively detailed and the 'reasonably practicable' requirement lacks precision. Appropriate surface water disposal could be secured by requiring a scheme to be agreed.

15. Although details of boundary treatments are sought, there is no requirement for the external materials for the proposed dwelling to be agreed. The generic materials in the planning application form are vague and no additional details are shown on the application plans. I shall therefore impose a condition to secure materials of construction for the dwelling and any retaining walls to ensure that these reflect the wider locality. There is no need to seek further details of the fences which are internal to the plot.
16. In terms of landscaping, a scheme for the laying out, planting and provision of paved areas within a modest domestic plot is not necessary. Such details are a matter for the householder.
17. As to the four highway/parking area conditions, the necessary requirements can be secured by a single all-embracing condition.

Conclusion

18. For the reasons given above the appeal is allowed.

David MH Rose

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: MM/X/100 (Site/Block Plan); MM/A/100 (Plans & Elevations); MM/SS/100 (Street Scenes) and the unreferenced O.S. Location Plan.
- 3) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the proposed dwelling and thereafter retained as approved.
- 4) No development above ground level shall be undertaken unless details of facing and roofing materials for the proposed dwelling, including any retaining walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied until the vehicle parking spaces for the proposed dwelling and the existing dwelling (22 Ellendale Road) have been provided in accordance with drawing number MM/X/100 (Site/Block Plan) with dropped vehicular footway crossings; bound permeable surfacing for a minimum of 5 metres behind the highway boundary; and provision to prevent the discharge of surface water from the parking areas on to the public highway. The new vehicular crossing for 22 Ellendale Road shall have a minimum width of 3.7 metres where it crosses the existing grass verge. Thereafter those areas shall be retained for the parking and manoeuvring of vehicles only.

End of Conditions