



Appeal Decision

Site visit carried out on 10 December 2024

by Mrs J A Vyse DipTP MRTPI DipPBM

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/A1015/D/24/3350794

12 Tollbridge Road, Woodthorpe, Derbyshire S43 3BL

- 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 Peter Twigg against the decision of Chesterfield Borough Council.
- The application No is CHE/24/00232/FUL .
- The development proposed is a single-storey side extension.

Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for a single-storey side extension at 12 Tollbridge Road, Woodthorpe, Derbyshire S43 3BL, in accordance with the terms of the application, No CHE/24/00232/FUL, dated 31 March 2024, subject to the conditions set out in the attached schedule.

Procedural Matter

2. A revised version of the National Planning Policy Framework was issued subsequent to the decision of the Council. Whilst its case at appeal relied, in part, on paragraph 135 of the Framework, the text of that paragraph has not changed. The reason for one of the suggested conditions also refers to paragraph 186 of the Framework. That is now paragraph 193, but the text is unchanged. I am satisfied therefore, that the position of the Council is not prejudiced by this change in policy circumstances.

Main Issue

3. The main issue in this case relates to the effect of the development proposed on the character and appearance of the area.

Reasons for the Decision

4. The appeal property, a detached dwelling, sits on the inside corner of a hammer-head turning area at the southern end of a residential cul-de-sac. It sits side on to the approach to the turning area, facing the 'arm' of the hammerhead. The house is set off the side boundary, which is presently defined by a mature, roughly 2m high laurel hedge along the back of the footway, with a timber gate to the front. It is proposed to erect a single storey extension to the side of the property – some 2.35m wide and 8.35m long (the same depth as the house) with a lean-to roof.
5. Issue is taken with both the scale of the proposed extension and its proximity to the highway. This is a modest, single-storey extension of an appropriate design in matching materials, which would comprise a subservient addition to the property. Indeed, I saw that similar extensions have been added successfully to nearby

properties within the estate.¹ I find no harm in this regard, in terms of any adverse impact on the character and appearance of the area, as a consequence of its scale.

6. In terms of relationship with the highway, I found there to be no clearly defined building line on the eastern side of the road when looking up towards the hammerhead: No 8, and the long wall alongside its rear garden, is set back from the footway behind a grassed verge; No 10 is set well back from that, behind a brick-paved drive; the side of No 12 sits slightly forward of the alignment of the garden wall to No 8, appreciably forward of the front of No 10. Moreover, there is no open verge between the back of the footway and the side of No 12 – the space is enclosed by the high hedging referred to above.
7. Whether or not the wall/fencing along the rear boundary to No 12 (which is contiguous with the side of the drive to No 10 and is clearly visible in the streetscene) is lawful, I saw that the siting of No 12, on rising land, means that it is already visually prominent within the streetscene here, punctuating views along this side of Tollbridge Road up towards the hammerhead. Although the extension would project beyond the side wall of the appeal property, it would not extend up to the back of the footway, with the plans showing retention of the existing hedge. It would also be seen against the backdrop of dwellings beyond, on the far side of the hammerhead. Whilst the Council considers that the depth and width of the foundations required could have implications for retention of the hedge, it does acknowledge that replacement planting would be possible.
8. Given that context, I consider that the proposed extension would not be so dominant or obtrusive in the street scene as to be unacceptable. I find no conflict, therefore, with the Council's Supplementary Planning Document 'Successful Places' (section 3.15.1), policy CLP20 of the Chesterfield Borough Local Plan and paragraph 135 of the revised Framework, which together and among other things seek to ensure that new development is visually attractive and sympathetic to local character, responding positively to the character of the site and its surroundings, contributing to legibility. For the reasons set out above, I therefore conclude that the appeal should succeed.
9. In addition to the standard time limit on commencement of development, it is necessary to specify the approved plan in order to create certainty for all parties. In the interest of visual amenity, a condition is necessary to ensure that external materials match those of the existing dwelling. A condition securing biodiversity and ecological enhancement measures is also necessary in order to achieve a measurable gain in biodiversity pursuant to the requirement of Local Plan policy CLP16 and in the interest of visual amenity. I have altered the suggested wording slightly to include reference to the potential threat to the hedge inferred by the Council. I am not persuaded, however, that the suggested condition is supported by paragraph 186 (now paragraph 193) of the Framework.

Jennifer A Vyse
INSPECTOR

¹ Eg 2 Cranleigh Road and 2 Tollbridge Road

SCHEDULE OF CONDITIONS

APP/A1015/D/24/3350794

12 Tollbridge Road, Woodthorpe, Derbyshire S43 3BL

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Side Extension Plan 2 of 2 (03/24).
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.
- 4) Within two months of the commencement of development, a scheme for biodiversity and ecological enhancement, including provision for replacement of the boundary hedge should it fail, together with a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme. The measures secured shall thereafter be retained and maintained.

-----End of Conditions Schedule-----