



Appeal Decision

Site visit made on 10 December 2024

by A Hartley LLB (Hons) Solicitor MBA

an Inspector appointed by the Secretary of State

Decision date: 17th January 2025

Appeal Ref: APP/C1055/D/24/3353201

57 Birchover Way, Derby DE22 2QG

- 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 David Fisher against the decision of Derby City Council.
 - The application Ref is 24/00794/FUL.
 - The development proposed is "Proposed two-storey side extension to existing dwelling. Proposed garden room to replace existing".
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Decision

1. The appeal is dismissed insofar as it relates to a two-storey side extension to the existing dwelling. The appeal is allowed insofar as it relates to a garden room and planning permission is granted for a garden room to replace the existing at 57 Birchover Way, Derby DE22 2QG in accordance with the terms of the application, Ref 24/00794/FUL, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Preliminary Issue

2. At the site visit I noted that the high front boundary hedge referred to in the Council Officer's report had been removed and replaced with a low red brick boundary wall.
3. The National Planning Policy Framework (the Framework) has been updated since the appeal representations were made. However, as the revisions do not affect the matters under consideration in this appeal, (other than paragraph references) it was not considered necessary to seek further comment.

Main Issue

4. The main issue is the effect of the proposed development on the character or appearance of the host dwelling and surrounding area.

Reasons

5. In common with most properties on the north-west side of Birchover Way, the appeal property is a two-storey detached red brick dwelling, generously set back from the highway with a front driveway and a low boundary wall. It has a front

- projecting gable to the left side. Typically, dwellings on the north-west side of Birchover Way are either gable fronted, or eaves fronted, with some containing an L shaped footprint with a front projecting gable feature.
6. The appeal proposal would introduce a forward projecting gable to the right side of the front elevation. Although this gable would be smaller than the existing front gable and further set back, the two front projecting gables would nevertheless create a dwelling of a scale, massing and design at odds with that of the existing dwellings within the immediate streetscape. I find that the increased sense of scale and mass through the changes to the front elevation, would result in an overly dominant and incongruous dwelling in its context.
 7. My attention has been drawn to other dwellings with double projecting front gables in the wider area. However, these are not within the streetscape within which the appeal proposal would be seen, and their context differs from that of the appeal proposal. I have therefore attached very little weight to these examples in reaching my decision.
 8. Overall, I find that the two-storey side extension element of the appeal proposal would cause harm to the character and appearance of the host dwelling and the area as it fails to take account of the well-proportioned design of the existing host building or the scale and design of built development in the immediate surrounding area.
 9. Consequently, that part of the appeal proposal relating to the two-storey side extension conflicts with Policies CP3 and CP4 of the Derby City Local Plan Part 1 Core Strategy (2017) (CS) and saved Policy H16 of the City of Derby Local Plan (2006) (Reviewed 2021) and the Framework, all of which seek high quality design appropriate to its context.
 10. There are no objections from the Council regarding the proposed garden room. I find that its location, modest size, flat roof design and materials are acceptable in planning terms.
 11. Consequently, that part of the appeal proposal relating to the garden room complies with Policies CP3 and CP4 of the CS and saved Policy H16 of the LP and the Framework, all of which seek high quality design appropriate to its context.

Conclusion

12. Insofar as the appeal proposal relates to the two-storey side extension it conflicts with the development plan as a whole and with the provisions of the Framework. There are no material considerations that would justify a decision other than one in accordance with the development plan. Therefore, insofar as it relates to the two storey side extension, the appeal should be dismissed.
13. Insofar as the appeal proposal relates to the garden room it complies with the development plan as a whole and with the provisions of the Framework. Therefore, the appeal insofar as it relates to the garden room should be allowed.

A Hartley

INSPECTOR