



Appeal Decision

Site visit made on 9 December 2024

by **A Hartley LLB (Hons) Solicitor MBA**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2025

Appeal Ref: APP/C1055/D/24/3351047

28 Gilderdale Way, Derby, Derby DE21 2SY

- 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 Malley against the decision of Derby City Council.
 - The application Ref is 24/00289/FUL.
 - The development proposed is "Proposed garage alteration and conversion and two-storey side extension, Proposed loft conversion. Walls of existing front gable to be raised and existing roof pitch increased. Revision to two-storey side extension which formed part of the approved application for Two storey side extension to dwelling house (bedroom, ensuite and enlargement of living room) and raising of the roof height of the existing garage to form a room in the roof space (office) 21/02075/FUL."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the site visit I noted scaffolding present and that the construction of a two-storey side extension had taken place. There were roof lights in the pitched roof above the garage to both front and rear. The submitted drawing¹ of the existing elevations does not include the newly built extension or roof lights above the garage and so does not accurately reflect the existing built development.
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 and appearance of the host dwelling and surrounding area, particularly regarding the Gilderdale Way street scene.

Reasons

5. The appeal property is a two-storey detached red brick dwelling with an attached single storey double garage to the side. It is within an angled plot at a curve in

¹ 1912 GW 001 REV E

Gilderdale Way. It has an open frontage. It is situated within a housing estate that includes a variety of house types, with a range of roof styles and heights. Materials of red brick and slate tile predominate. The dwellings generally have open frontages and the estate road, Gilderdale Way, meanders through the estate.

6. My attention has been drawn to an extant planning permission reference 21/02075/FUL. The Council has confirmed this has been built. The appeal proposal would increase the roof height to the extended dwelling to provide more rooms in the roof space and change the front elevation including an additional window opening. The materials and design would match and be in keeping with the host dwelling.
7. Whilst there is no uniformity of design or roofscape within the surrounding estate, most dwellings in the immediate area comprise of no more than two storey or two and a half storeys in terms of scale. I find that the increased sense of scale and mass of the dwelling that would be created by the heightened roof and changes to the front elevation, would result in an overly dominant dwelling in its context, appearing in scale as three storey. In addition, the change in ratio of roof to wall would result in a roof with a 'top heavy' appearance, that would adversely affect the appearance of the host dwelling. Even though there are limited long range views of the appeal dwelling from the highway due to the curved road layout, because the dwelling is close to the highway, with an open frontage at a prominent curve in the road, I find that the dominance of the proposed development would appear incongruous in the street scene when viewed from Gilderdale Way.
8. Overall, I find that the 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 of built development in the immediate surrounding area.
9. Consequently, the appeal proposal conflicts with Policies CP3 and CP4 of the Derby City Local Plan Part 1 Core Strategy (2017) 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.

Other Matters

10. The proposal would provide additional living accommodation. However, this benefit does not justify the identified harm that would be caused by the appeal proposal.
11. My attention has been drawn to a purported fallback position using permitted development rights. I find that the fallback would not exist. Even if the side elevation window was removed by condition as proposed by the appellant, the roof pitch would change from that of the existing dwellinghouse and thus breach the condition attached to the Class AA permitted development right. As such, there is no fallback to which I can attribute any weight as a material consideration.
12. Interested parties have raised planning concerns including loss of light, insufficient parking, impact on trees and overlooking. I have insufficient information to determine the extent to which the proposal would affect these planning matters. As I have found the proposal to be unacceptable in any event, I have not made any further comments on these aspects of the proposed scheme.

Conclusion

13. For the above reasons, having regard to all representations made, I conclude that the proposal 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, the appeal should be dismissed.

A Hartley

INSPECTOR