



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: 27 January 2025

Appeal Ref: APP/P1045/D/24/3349688

Russets, 2B Wyaston Road, Ashbourne, Derbyshire DE6 1DD

- 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 and Mrs Young against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00019/FUL.
 - The development proposed is for a single and part double storey extension.
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Decision

1. The appeal is dismissed insofar as it relates to the single and part double storey extension to the side to replace the existing garage. The appeal is allowed insofar as it relates to a single storey rear extension to replace the existing conservatory only and planning permission is granted for a single storey rear extension to replace the existing conservatory at Russets, 2B Wyaston Road, Ashbourne, Derbyshire DE6 1DD in accordance with the terms of the application, Ref 24/00019/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the single storey rear extension to replace the existing conservatory only:
 - J3703-01 Site Location Plan;
 - J3703-02-Rev C Existing and Proposed Block Plan;
 - J3703-03 Existing Floor Plans;
 - J3703-04 Existing Elevations;
 - J3703-05-Rev B Proposed First Floor Plan and Elevations;
 - J3703-06-Rev B Proposed Ground Floor Plan.

Preliminary Matters

2. The description in the application form includes the words 'and internal alterations'. I have omitted these from the description as they do not constitute development.
3. Despite ongoing works at the time of my visit, I was able to access the appeal site and view it from surrounding footpaths. I also attended No. 12 Duncombe Drive to

the west of the site. While a ladder had been placed at the boundary with the appeal site with a sign stating 'eaves height', I have not attached any weight to this.

4. 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 Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the host dwelling and surrounding area and (ii) the living conditions of neighbouring occupiers at No. 12 Duncombe Drive with particular regard to outlook and natural light.

Reasons

Character and Appearance

6. The appeal property is a large two storey detached red brick dwelling with a rear conservatory on its eastern end and single storey detached red brick double garage to the west side. The western boundary of the appeal property is adjacent to the rear gardens of dwellings on Duncombe Drive, while both the rear and front elevations are highly visible from Wyaston Road.
7. The surrounding area comprises a housing estate typified by red brick dwellings of a largely similar scale and design to the appeal property, providing a pleasing sense of consistency in this regard. The surrounds have a sense of spaciousness, with dwellings set in large plots and placed back from the road frontage. Hedges and mature trees are also prominent features. These features are referenced in policy DES1 of the Ashbourne Neighbourhood Plan (2021) (ANP). By reflecting the design and scale of surrounding properties and retaining an overall spacious plot, the appeal site contributes positively to the surrounds.
8. The proposal would remove the double garage at the site and introduce a two storey and part single storey side extension at the western side, near the boundary of No. 12 Duncombe Drive. There would be a further single storey element to the east of the site to replace the existing rear conservatory.

Side Extension

9. The side extension at the west of the dwelling would be approximately 4.6 metres from the side boundary with No.12 Duncombe Drive. It would be set back approximately 400mm from the existing front elevation, and the ridge height would be approximately 300mm lower than that of the existing dwelling. The materials would be brick and off white render, with a tiled hipped roof. The door and window openings would be at ground floor level, with one rooflight window. There would be a single storey element to the rear of this two storey side extension.
10. Despite the set back position and lower ridge height of the two storey side extension, the resulting increased scale and mass of this aspect of the proposal would detract from the well-proportioned design of the host dwelling. This would fail to respect the dimensions of the dwelling and create an overtly large property that would reduce the overall spaciousness of the plot. The additional built form would appear visually jarring when viewed from Wyaston Road. Experienced alongside

the otherwise largely consistent scale of properties in the immediate vicinity, it would read as incongruous and unduly bulky in context, failing to successfully assimilate within the streetscene. This element of the proposal would therefore fail to respect or reflect the pattern of surrounding built form, harming the identified character and appearance of the area.

11. For the reasons given, the two storey and part single storey side extension element of the proposal would cause harm to the character and appearance of the host dwelling and the area. As such, this element would conflict with Policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (2017) (LP), Policy DES1 of the ANP and the Framework, all of which seek high quality design of a scale and character appropriate to its context and wider setting.

Rear Extension

12. The appeal proposal also includes a smaller scale single storey rear extension to replace the existing conservatory. I find this element of the appeal proposal to be clearly severable both physically and functionally from the aforementioned western side extension. This rear extension would be subservient to the host dwelling and the modest dimensions of this element of the proposal, in place of the current single storey conservatory, would not detract from the overall design of the property or appear as an overwhelming addition. Although visible in the street scene, it would read as a subtle addition that would not appear unduly prominent in the surrounds.
13. For the reasons given, the single storey rear extension element of the proposal would not cause harm to the character and appearance of the host dwelling and the area. As such, this element would comply with Policies PD1 and HC10 of the LP, Policy DES1 of the ANP and the Framework, all of which seek high quality design of a scale and character appropriate to its context and wider setting.

Living Conditions

Side Extension

14. The two storey and part one storey side extension at the boundary with No. 12 Duncombe Drive would not have window openings at first floor level (other than a rooflight), such that clear and direct views of this neighbouring property would not be possible as a result of the proposal. As a result there would not be an unacceptable effect on the privacy of the occupiers of No. 12.
15. Further, whilst the additional built form of the proposal would result in some overshadowing of the rear of the garden to No. 12, due to its positioning within the site the majority of this garden, and the rear conservatory, would be unaffected by overshadowing. As such the occupiers' enjoyment of these spaces would not be unduly impacted. There would not therefore be an unacceptable effect on the living conditions of the occupiers of No. 12 with regard to natural light.
16. From my observations at the site visit I noted that No. 12 is a property of smaller scale than those surrounding it, and it has a small external garden area. Even noting its setback, I find that the introduction of a two storey elevation of the scale and massing proposed by the side extension adjacent to the rear boundary of No. 12 would result in an undue sense of overbearing. Due to the lack of first floor windows on this side, the proposal would appear as a solid and unbroken expanse

of built form rising above the boundary fence that would result in the rear garden space and conservatory of No. 12 feeling unduly enclosed. It would therefore have an unacceptable effect on the outlook from the conservatory and rear garden of No. 12, and thus cause harm to the living conditions of the occupiers of No. 12 in this regard.

17. For the reasons given, the two storey and part single storey side extension element of the proposal would conflict with Policy PD1 of the LP and the Framework as it fails to maintain a high standard of amenity for existing and future users insofar as it relates to outlook.

Rear Extension

18. The single storey rear extension on the eastern side of the appeal property would be set much further back from the boundary with No. 12 Duncombe Drive, with no facing windows in this direction. As such, its scale and positioning within the appeal site relative to the neighbouring dwelling and intervening boundary treatments would ensure that it would not result in unacceptable impacts on the occupiers of No. 12 regarding light, outlook, or privacy.
19. For the reasons given, the single storey rear extension element of the proposal would not harm the living conditions of the occupiers of neighbouring properties. Consequently it would comply with Policy PD1 of the LP and the Framework.

Conditions

20. The conditions suggested by the Council in its Officer Report have been considered against the tests of the Framework and the advice provided by the Planning Practice Guidance. I have not imposed a tree protection condition as there are no trees or hedgerows in the vicinity of the single storey rear extension. It is therefore not necessary. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans insofar as they relate to the single storey rear extension only, in order to provide certainty.

Other Matters

21. The proposal would provide additional living accommodation however these benefits could be achieved in other ways and do not justify the identified harm that would be caused by the appeal proposal.
22. Interested parties raised concerns about other matters including the effect of the appeal proposal on parking, highway safety and drainage. I am satisfied that as the statutory consultees have raised no objection on these grounds the proposal would be acceptable with regard to these issues.

Conclusion

23. For the above reasons, having regard to all representations made, I conclude that the two storey and part one storey side extension element of the proposal conflicts with the development plan as a whole and with the provisions of the Framework. As I have found the single storey rear extension element of the proposal acceptable and physically and functionally severable, I shall issue a split decision. There are no material considerations that would justify determining the appeal otherwise. Therefore, insofar as the appeal relates to the single storey rear extension to

replace the conservatory it should be allowed. Insofar as the appeal relates to the remainder of the appeal proposal, the appeal should be dismissed.

A Hartley

INSPECTOR