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## Appeal Decision

Site visit made on 28 January 2025

**by A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 30<sup>th</sup> January 2025**

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**Appeal Ref: APP/R1038/D/24/3354741**

**Orchard House, Lower Alley, Calow, Derbyshire S44 5UY**

- 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 Daniel Smedley against the decision of North East Derbyshire District Council.
  - The application Ref is 24/00300/FLH.
  - The development proposed is described as the “demolition of single storey extension to the northeast, demolition of single storey extension to the southwest, demolition of rear garage outbuilding, erection of 2 x 2 storey side extensions, erection of new entrance feature, erection of orangery to the rear, roof raised and rear dormer added to form habitable rooms in roof space, erection of new garage”.
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### Decision

1. The appeal is allowed, and planning permission is granted for the demolition of single storey extension to the northeast, demolition of single storey extension to the southwest, demolition of rear garage outbuilding, erection of 2 x 2 storey side extensions, erection of new entrance feature, erection of orangery to the rear, roof raised and rear dormer added to form habitable rooms in roof space, erection of new garage at Orchard House, Lower Alley, Calow, Derbyshire S44 5UY in accordance with the terms of the application, Ref 24/00300/FLH, subject to the following 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 nos: (09)001 – Site and Location Plan, (07)004 – Proposed Garage, (07)001 Rev A – Proposed Plans, and (07)002 Rev A – Proposed Elevations (the revision showing multi-paned windows with surrounds).
  - 3) No development above slab level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 / samples.

### Preliminary Matters

2. An error with the applicant's name within the planning application form was corrected at the Council's validation stage. The appeal has been submitted in the amended name. I have therefore included this name in the banner heading above.

3. Various revised drawings were submitted prior to the Council's determination of the planning application. I have nothing before me to suggest that the Council did not accept these revisions. Consequently, for clarity, I have determined this appeal against drawings: (09)001 – Site and Location Plan, (07)004 – Proposed Garage, (07)001 Rev A – Proposed Plans, and (07)002 Rev A – Proposed Elevations (the version showing multi-paned windows with surrounds).
4. The description of development in both the planning application form and the Council's decision notice refers to an increase in ridge height of 900mm and a new glazed entrance feature. However, the revised drawings reduce the ridge increase to 600mm, and the two-storey entrance feature is now of a more traditional construction with less glazing. Consequently, I have amended the description of development in the banner heading above to accommodate these changes and determined the appeal on this basis.
5. The Council's reason for refusal refers to Policy SDCC 12 of the North East Derbyshire Local Plan 2014-2034, adopted 2021 ("LP") rather than Policy SDC12. This appears to be an oversight as the officer report refers to the policy's correct name. The appellant references the correct policy in their appeal statement and therefore, has not been prejudiced by this error.

### **Main Issue**

6. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### **Reasons**

7. The host dwelling is a two-storey, detached, double-fronted property with a single storey extension to each side. The dwelling is unassuming in its appearance and has a high solid-to-void ratio. The dwelling is sited in an elevated position, set back from the road by a large front garden. A detached outbuilding is positioned towards the rear of the dwelling. The host dwelling forms one of several dwellings clustered along Lower Alley and Dark Lane that form a hamlet within the open countryside. The dwellings are mixed in their age, scale, character and appearance.
8. It is proposed to replace the existing single storey side extensions with two-storey side extensions, construct a two-storey centrally positioned front extension and a single storey rear extension. The eaves and ridge heights of the existing roof would be raised, and a box dormer would be constructed to the rear roof slope. A single storey detached double garage would replace the existing outbuilding, and alterations would be made to the dwelling's existing windows.
9. The proposed two-storey side extensions would have a lower eaves and ridge height than the main body of the dwelling, they would be set back from the front elevation, and the first-floor windows would be contained within half dormers. Consequently, they would be subservient to the existing dwelling.
10. The roof of the dwelling slopes away from the road. Furthermore, the dwelling is sited a significant distance from the road and the dwellings either side are positioned further forward and are of varying heights. Consequently, the proposed increase in eaves and ridge height would not be highly perceptible when viewed from the surrounding area, nor would they significantly alter the character and appearance of the existing property.

11. The proposed two-storey front extension and the alterations to the front windows would enhance the character and appearance of the dwelling's unassuming front elevation, while still retaining a high solid-to-void ratio. The windows would be larger than those in the existing front elevation. However, they are similar in scale to others within the surrounding area.
12. The proposed box dormer would occupy most of the rear roof slope. However, it would not be highly visible from the surrounding area. Furthermore, a large box dormer is positioned on the front roof slope of a neighbouring property and therefore box dormers are not uncommon in the surrounding area. The neighbouring property, Pheasant Chase, has a pitched roof dormer within its front roof slope. Consequently, the half dormers would not appear incongruous when viewed from the road.
13. The single storey rear extension would be subservient to the dwelling due to its scale and would not be highly visible from the surrounding area due to its siting. The detached double garage would be single storey and would replace an existing L-shaped outbuilding. Although larger than the building it would replace, it would be subservient to the dwelling, and it would not be highly visible from the surrounding area due to its scale and siting towards the rear of the dwelling.
14. The dwellings in the surrounding area are predominantly single storey or two-storeys in height. I acknowledge that the development proposes a third storey of living accommodation, however, it would be contained within the amended roof space. Consequently, the dwelling's appearance as a two-storey dwelling would be maintained and would not appear incongruent in the surrounding area.
15. The Council asserts that the extensions and alterations to the dwelling would equate to a volume increase of 52%. This has not been disputed by the appellant. This is a sizeable increase in the scale of the existing dwelling. However, I have found that the proposed extensions and alterations would not harm the character or appearance of the host dwelling or the surrounding area.
16. In reference to the main issue, the proposal would not harm the character or appearance of the surrounding area. It would comply with Policies LC5, SDC3 and SDC12 of the LP that, amongst other things, seek to ensure that all new development should be of a high quality design and make a positive contribution to the quality of the local environment; respond positively to local character and context to preserve and where possible enhance the quality and local identity of existing communities and their surroundings; not cause significant harm to the character of the landscape; and respect the scale, proportions, materials, and overall design and character of the existing property, and do not harm the street scene or the local area.
17. The Council's reason for refusal also refers to LP Policy SS9. However, this policy does not relate to extensions to dwellings and therefore, it is not applicable to the appeal proposal.

## Conditions

18. I have had regard to the conditions suggested by the Council and the tests for conditions set out within the Framework. I have imposed the standard condition, which relates to the commencement of development. The Council did not suggest that a condition that specifies the approved plans is necessary. However, various

iterations of drawings were submitted with the planning application and therefore, it is prudent for the avoidance of doubt and in the interests of proper planning for a condition to be imposed that lists the approved drawings.

19. The Council suggested a condition requiring the development to be constructed of materials to match those used on the existing dwelling to ensure their external appearance is acceptable. However, the proposal includes materials not currently found on the existing dwelling and therefore, I consider it necessary for the imposition of a condition requiring the submission and approval of materials.

### **Conclusion**

20. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

*A Berry*

INSPECTOR