



Appeal Decision

Site visit made on 10 March 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/F1040/W/24/3352716

Land Adjacent to No. 7 Cedar Road, Castle Gresley DE11 9JP

- 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 Lewis against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2024/0602.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above has been taken from the application form. However, I have removed the words related to the address, in the interests of conciseness.
3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issue

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

Reasons

5. The appeal site relates to a parcel of land that occupies a corner location, at the junction of Cedar Road with Oak Close, in a predominantly residential area. The surrounding area is densely built and accommodates a mix of properties. The neighbouring dwellings are set back from the road and follow an established building line and pattern of development. Open and green spaces of various sizes are important features of the established pattern of development, as they contribute positively to the character and appearance of the area.
6. The side elevation of the attached garage of No 7 Cedar Road forms a clear building line with the front elevations of the terraced houses immediately to the east, on Oak Close. The appeal site is located beyond this building line and its undeveloped, open appearance reinforces the established building line and positively contributes to the character of this part of the estate.

7. The appellant referred to a different building line shown on drawing AVD-815-CRS-PL02, which includes the properties located on the western side of Cedar Road, part of the appeal site, and the row of terraced dwellings located on the northern side of Oak Close. Whilst parts of certain buildings are shown to be on this building line, most are set-back from it. Consequently, this does not show a clear or consistent building line.
8. Whilst the front elevation of the proposed two-storey dwelling would generally align with the front elevation of the neighbouring dwellings on Cedar Road, including No 7, it would project beyond the established building line to the east and would occupy a considerable part of the open space at the junction. Accordingly, due to its siting the proposed dwelling would reduce the amount of greenery and the openness of the site to a detrimental degree and would disrupt the established pattern of development, which includes areas of open space, such as the appeal site.
9. The remaining open space and the proposed trees, which would add greenery to the street scene, would not be sufficient to mitigate the harm of the proposal. Likewise, the areas of open space elsewhere in the estate do not outweigh the harm that would be caused at the appeal site by a development beyond the building line which reduces the openness of the junction.
10. Furthermore, whilst the dwelling would be similar in appearance to neighbouring dwellings, its design does not justify the inappropriateness of the development in terms of its siting. Consequently, the proposed dwelling would have a significant detrimental impact on the character and appearance of the area. This would be irrespective of the appeal site's location outside a conservation area and away from listed buildings.
11. The appellant referred to the aims of the Framework, which at paragraph 124 states that, amongst other things, decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. Whilst the appellant considers the proposal would be an effective use of land, I have found that its open character and appearance makes a positive contribution to the area, and the proposal, for the reasons set out above, would not safeguard and improve the environment.
12. In conclusion, the proposal would be harmful to the character and appearance of the area and contrary to Policy BNE1 of the South Derbyshire Local Plan Part 1 2016 and the aims of South Derbyshire Design Guide Design Supplementary Planning Document 2017. These collectively require, amongst other things, for new developments to be visually attractive and relate well to their context.

Other Matters

13. An application¹ for a detached dwelling, on the appeal site, has been previously submitted and refused by the Council. That scheme has also been dismissed at appeal². I acknowledge that the proposal shows a reduction in the overall size and scale of the proposed dwelling, and thus a larger area of open space would be retained. However, this does not alter my findings above.

¹ LPA ref: 9/2018/0977

² Appeal ref: APP/F1040/W/19/3227659

14. I understand that the proposed dwelling would be particularly beneficial to the appellant, as it would provide the opportunity for their daughter's family to move in. There would also be social and economic benefits resulting from the construction works, spend from future occupiers, and the addition of a dwelling to the local housing stock. There might also be a benefit in terms of biodiversity net gain, although I have not been provided with a copy of the report mentioned on the application form. The appellant also refers to elements of sustainability, such as air source heat pump, soakaways and rainwater harvesting. Nevertheless, the nature and scale of the associated benefits that would flow from the scheme do not outweigh the harm identified above.
15. The submitted design & access and planning statement (dated April 2024) indicates that a contribution could be made towards play equipment or plantation of trees in the area. However, there is no completed obligation before me, and, in any event, it has not been demonstrated how such provision would mitigate for the loss of the open space at the appeal site.
16. The appellant has drawn my attention to a planning application³ which granted permission for a dwelling within proximity to the appeal site. I have not been provided with the full details of that case. Nevertheless, from the evidence before me, the proposal is not directly comparable with that development due to the difference in the street context and the siting in relation to adjoining dwellings. The Council has also referred to an appeal decision⁴ related to a different site within the estate. I have not been provided with a copy of that appeal decision, nor the full details of that case. Nonetheless, I have considered the appeal scheme based on its own merits and site-specific circumstances.
17. There were no objections from the Environmental Health, County Highways Authority and Derbyshire Wildlife Trust, subject to conditions, and the proposal has been found acceptable in terms of residential amenity. Given the location of the appeal site outside Green Belt and not within a high-risk flood area, there are no concerns in these regards. Nevertheless, these are neutral matters rather than ones that carry positive weight for the development.

Conclusion

18. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

Andreea Spataru

INSPECTOR

³ LPA ref: 9/2017/0915

⁴ Appeal ref: APP/F1040/W/24/3349576