
Appeal Decision

Site visit made on 27 April 2025

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025.

Appeal Ref: APP/C1055/D/25/3362848

19 Scott Street, Derby DE23 8QT

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mohammed Dawood against the decision of Derby City Council.
 - The application reference is 24/01741/FUL.
 - The development proposed as described is a 'Two storey front and two storey and single storey rear extensions to dwelling house (kitchen, living room, W.C. and bedroom).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the Council's Decision Notice as this provides a more detailed description of the elements requiring approval. I note that this description is also detailed on the Appellant's Appeal Form. I shall make my decision on this basis.

Main issue

3. The main issue is the effect of the proposed rear extension upon the living conditions of existing and surrounding occupiers, with particular regard to sense of enclosure, access to light and outlook.

Reasons

4. The appeal property is part of a later infill development to the corners of Scott Street, Upper Dale Road and Crew Street, where unlike the surrounding streets of tightly-knit Victorian and Edwardian terraced properties. The appeal site is part of a development of a group of 4 buildings which have more similarity with the mid-late twentieth century housing with larger proportions, hipped and pitched roof forms and set back from the road edge with front garden, unlike the terraced properties surrounding that have no setback from the footpath.
5. The appeal site is to the end of the terrace where the end of the appeal site and the opposite end of the terrace at No.25 mimic each other by having a forward projection with the centre of the terrace set back. The neighbouring dwelling at No.17 Scott Street is constructed to the rear of No.136 Upper Dale Road, with both

neighbouring dwellings having a small triangular rear garden the furthest point of these gardens terminating at the rear corner of the appeal site.

6. In undertaking extensions, the City of Derby Local Plan Review (LPR) (2006) Saved Policy GD5 seeks that development provides a satisfactory level of amenity within the site and surrounding areas with considerations needed regarding privacy, overbearing, and loss of sunlight amongst others. LPR Saved Policy H15 is specific to extensions and also seeks that a satisfactory living environment is achieved that does not have significant adverse effect on the subject property or nearby properties as a result of loss of privacy, overshadowing, impacts from massing etc.
7. The single storey component of the rear extension would be constructed to the width of the dwelling with the first floor component containing a small setback from the rear and side of the extension in order to allow light into the rear first floor window of the appeal dwelling. The footprint of the rear extension is quite deep at 5.15 metres for the ground floor and 3.5 metres for the 1st floor which takes up a large proportion of the rear garden. Despite this, the unusual configuration of neighbouring dwellings, particularly the small and awkward size of gardens to No.17 Scott Street and No.136 Upper Dale Road mean that even small changes to surrounding built form can have large implications for living conditions. The presence of the proposed extension would be very noticeable with the increased massing, reduced setback and presence of the proposed extension having a detrimental impact upon the living conditions of neighbouring residents and cause a detrimental sense of enclosure and loss of outlook.
8. Whilst it did not appear to be explored in the Planning Officer's report, there is also concern around the rear bedroom of the first floor of the appeal site where the principle window of the bedroom would have a 3.5 metre wall projecting from the side of the window, which would likely cause poor living conditions of the occupant of this room in terms of sense of outlook and access to light. Given my above reasoning, the scheme as constructed would be excessive in size and cause significant detriment to the living conditions of the existing residents and surrounding occupiers in terms of sense of enclosure, access to light and outlook. The scheme would therefore be contrary to LPR Policies GD5 and H15 as specified previously.

Other Matters

9. I acknowledge and appreciate the comments from the Appellant in their Statement of Case regarding their personal needs, their specific situation and justifications for the proposed increase of space to cater for the care needs of elderly relatives. I have treated this situation as a material consideration to this proposal. Having reviewed these personal circumstances, I feel that there may be other ways of accommodating the applicant's needs which may be more compliant with the policies of the development plan. There are consequently no material considerations that warrant a decision other than in accordance with the development plan.

Conclusion

10. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR