
Appeal Decision

Site visit made on 2 April 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st May 2025

Appeal Ref: APP/F1040/D/24/3354915

19 Acresford Road, Overseal, Swadlincote, Derbyshire DE12 6HX

- 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 Luke Fitzpatrick against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2024/1029.
 - The development proposed is described as: Double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and the area.

Reasons

3. The appeal property has a detached dwelling set back in its plot, fronting Acresford Road with a generous frontage. The property's front boundary is defined with a tall brick pillared wall infilled with timber fence panels with an opening for vehicle access. The front elevation of 19 Acresford Road and its frontage are visible from the road above the boundary wall. Other properties on this part of Acresford Road also have dwellings set back in their plots with large, undeveloped frontages.
4. The proposed garage would be located at the front of the appeal property, detached from the house and adjacent to the boundary wall. The height of proposed garage would extend above the existing boundary wall. Due to its proximity to the road and its height rising significantly above the existing boundary wall, the building would be clearly visible from Acresford Road and would largely obscure part of the front elevation of the existing dwelling. As such, it would appear as an incongruous, dominant addition to the appeal site and the surrounding area.
5. On my site visit I observed that the appellant has planted pleached trees along the front boundary of the appeal property which they suggest will obscure views of the proposed garage. However, the submitted plans show the roof of the proposed garage would still be visible above the trees. In my view, this would not mitigate the harm I have found.
6. I have had regard to the examples submitted of garages sited to the front of other properties in the surrounding area. The nearest to the appeal site is at 9 Acresford Road. This structure is sited in front of its host property and close to the property's front boundary in a similar way to the appeal proposal. However, at the time of my

site visit, it was not visible from Acresford Road due to the presence of a dense, mature hedge along the property's boundary with the road. In any event, I do not have details of how this came to exist, and it does not justify the appeal development in light of the harm I have found.

7. In the other examples, the siting of these garages varies in relation to their host dwellings, and I do not find any are directly comparable to the appeal proposal. Moreover, their distance from the appeal site means they cannot be viewed in the same context. As such, I have found they do not influence my consideration of this appeal, which I have determined on its own merits.
8. Taking all of the above into account, the proposed garage would be harmful to the character and appearance of the existing dwelling and the area. Consequently, it would conflict with Policies S2, SD1 and BNE1 of the South Derbyshire Local Plan Part 1 (2016) and Policy H27 of the Local Plan Part 2 (2017). Together these policies support sustainable development which is well designed and require outbuildings to be of a scale and character in keeping with the property and not be unduly detrimental to the general character and appearance of the area.

Other Matters

9. I am aware that the site is proximate to 3 listed buildings: Grade II* listed Overseal House; Grade II listed Grange Farmhouse, and; Grade II listed 16 Acresford Road. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the setting of these listed buildings.
10. The listed buildings are all located on the opposite side of Acresford Road to the appeal site. The Council explains the listed buildings date from the 18th and 19th century and, at the time of their construction, would have been within a rural setting. The more recent built development, including the appeal property, which now occupies the opposite side of Acresford Road, have created a modern character to this side of the road.
11. In this context, I consider that the proposed garage would preserve the setting of the listed buildings. I note the Council had no concerns in this regard either. Nevertheless, this lack of harm weighs neutrally and does not amount to consideration in support of the appeal or alter my overall conclusions on the main issue.
12. I appreciate that the appeal proposal is a revised and reduced scheme in comparison to a previous proposal, however this does not materially affect my consideration of the merits of the appeal proposal. Furthermore, it is not the role of an Inspector to suggest amendments to an appeal proposal.

Conclusion

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

A O'Neill

INSPECTOR