



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: 28 May 2025

Appeal Ref: APP/P1045/D/25/3359266

35 The Knoll, Tansley, Matlock DE4 5FP

- 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 Chris Toone against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00956/FUL.
 - The development proposed is described as: First floor extension, installation of solar panels, re-rendering and erection of porch.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal differs from the application form to that in the decision notice. I have, therefore, taken the description of development from the decision notice, which is the same as the appeal form, and is a more accurate description of the proposal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host dwelling and the area; and,
 - the living conditions of occupiers of neighbouring properties, with particular regard to outlook and privacy.

Reasons

Character and Appearance

4. The appeal site is located at the corner of The Knoll and The Rocks. The site is in a residential area where dwellings are located in close proximity to each other and set back from the highway. The appeal site is in an elevated position compared to the neighbouring properties at 31 and 33 The Knoll, a pair of two storey semi-detached houses which are located to the side of the appeal site. To the rear of the appeal site is 1 Holmesfield Close which is sited at a slightly higher level than the appeal site and backs onto The Rocks. Number 76 The Knoll is a two storey dwelling located on opposite side of The Knoll, where the ground level is lower than at the appeal site.
5. The appeal property is a single storey detached dwelling which has a light coloured render to its front elevation and a brick finish to the side and rear

elevations. There is some variation in the design and appearance of surrounding properties, but, aside from number 37 The Knoll, a single storey dwelling in an elevated position located beyond The Rock, they are predominantly stone built, two storey dwellings.

6. Although the appeal dwelling has a different appearance to other dwellings in the vicinity, its current scale and proportions do not appear significantly at odds with surrounding development. This is due to the changes in topography to each side, and to the rear of the appeal site, which assist the transition and assimilation of the single storey appeal dwelling within the street scene of The Knoll.
7. Whilst the proposal would not alter the footprint, orientation or position of the existing dwelling, the proposed first floor extension would add significant bulk and height to the existing dwelling, altering its proportions. This additional mass would result in the property having a bulky and top-heavy appearance and as such, the extended dwelling would be viewed as incompatible with the proportions of surrounding properties. The first floor extension, along with the proposed dormer windows, would appear as incongruous additions to the appeal property.
8. I have had regard to the details submitted of planning permissions for a nearby property at 7 The Rocks¹. The submitted plans show dormer windows approved on the rear elevation of this property. During my site visit I could not see any dormer windows on 7 The Rocks from the public highway. Furthermore, I did not see any other examples of dormer windows in the vicinity of the appeal site.
9. The appeal proposal includes dormer windows on the front and rear elevations. Due to the location of the appeal property, at the corner of two roads, both the front and rear dormer windows would be visually prominent. I therefore do not find the example at 7 The Rocks to be directly comparable to the appeal proposal, which I have considered on its own merits.
10. The proposed plans show the extended dwelling would be finished in a light coloured render on all elevations. This would not be in keeping with the wider street scene which is characterised predominantly by stone. Whilst I accept the front elevation of the appeal dwelling is currently finished in this way, the site's prominent and elevated position means the proposed rendered finish to all elevations would further add to the dwelling's incongruous appearance. The resultant harm would not be mitigated by the proposed inclusion of more traditional features such as stone cills and lintels, a stone porch, external stone chimney and inclusion of a slate roof. It follows, that the height, scale, form and design of the proposal would be viewed as an incompatible and therefore, harmful addition to street scene of The Knoll.
11. I am aware that the previously mentioned planning permissions at 7 The Rocks also included a light rendered finish, which I observed on site. However, this property occupies a different position in a different street scene, and, in any event, its presence does not justify the appeal proposal in light of the harm I have found.
12. Taking all of the above into account, I conclude that the proposal would therefore harm the character and appearance of the host dwelling and the surrounding area. As such, it would conflict with policies PD1 and HC10 of the Derbyshire Dales Local Plan (2017) (LP). Together these policies seek high quality design which

¹ Application references 18/00272/FUL and 17/01232/FUL

respects the character of the area and require extensions to be of a height, scale, form and design in keeping with the scale and character of the original dwelling, and the site's wider setting and location.

Living Conditions

13. The rear elevation of the appeal dwelling is located in close proximity to the side elevation of 1 Holmesfield Close. The side elevation of 1 Holmesfield Close has first floor windows serving a bedroom and a landing. The bedroom is a habitable room, and I observed on my site visit that it does not benefit from any other windows. These windows currently have an outlook above the roof of the appeal property. However, the height of the proposed first floor extension would result in the outlook from these windows being unacceptably dominated by the extended dwelling. As such I find that the close proximity, scale and height of the proposed first floor addition would have an overbearing effect and would result in the loss of daylight to the first floor side elevation windows of 1 Holmesfield Close.
14. The proximity of the two dwelling means that the proposal would, in my judgement, also result in intervisibility between the proposed rear dormer windows and the first floor side elevation windows of 1 Holmesfield Close. This would result in a significant loss of privacy for the occupants of 1 Holmesfield Close.
15. Turning to the effect on 33 The Knoll, whereby the appeal property lies to the side of it, is set further back in its plot and at a higher ground level. Due to the height of the proposed extension, and the appeal dwelling's elevated position and siting in relation to number 33, I find that it would have an overbearing effect and would unacceptably dominate the outlook from the nearest first floor rear window and the rear garden of that property. Therefore, the proposal would also result in a harmful loss of outlook for the occupants of number 33 The Knoll and have a detrimental impact on the enjoyment of their rear garden.
16. The appellant states that the proposed windows have been positioned in order to avoid overlooking although this has not been demonstrated on the submitted plans. Nevertheless, whilst closely spaced properties are not an uncommon feature of the immediate setting, in this case, given their proximity, the proposed rear dormer window would, in my judgement, also lead to overlooking from the appeal site to 1 Holmesfield Close and to the rear amenity area of 33 The Knoll. However, I accept that, due to their proximity to each other, there is a degree of mutual overlooking between properties in this area. I note that the outdoor amenity areas of these two properties already experience some overlooking from the first floor of other neighbouring properties.
17. The outdoor amenity space for 76 The Knoll is located to the side of the dwelling and adjacent to the highway, and would, in my judgement, be overlooked from the proposed front dormer windows. However, on my site visit, I observed that this space is largely visible from the public highway over low boundary walls and there is already a degree of overlooking from the dwellings on the opposite side of The Knoll due to their elevated position in relation to number 76.
18. Given the distance between the appeal property and 37 The Knoll, the change in topography between the two properties and the orientation of the proposed first floor windows, the proposal would not, in my view, result in unacceptable overlooking to the amenity areas of this property. I therefore find that the appeal proposal would not unduly affect the privacy of the outdoor amenity spaces of

surrounding properties compared to the current situation. However, the absence of concern in this respect does not override nor justify the harm I have otherwise previously identified.

19. Having regard to all of the above, I conclude that the proposal would harm the living conditions of occupiers of neighbouring properties, with particular regard to number 1 Holmesfield Close in relation to outlook and privacy and number 33 The Knoll in relation to outlook. As such it would conflict with Policy PD1 of the LP which requires, amongst other things, development to provide a satisfactory relationship to adjacent development and not cause overlooking or overbearing effects.

Other Matters

20. The appellant refers to a two storey structure at 1 Holmesfield Close located at the boundary of the appeal site. It is suggested that no concerns were raised about that development being overbearing. I have not been provided with details of how this structure came to exist, and in any case, its presence is not justification for the harm that would otherwise arise from the proposal before me.
21. I understand the proposed extension has been sought to increase the size of the appellant's family property. However, this point has not been further substantiated. In any event, the extension would be permanent, as would the harm identified, which would not be the case for the needs of the current occupier. I have also taken into account that the consultation responses included letters of support for the proposal. However, the positive weight afforded in those respects is also outweighed by the fact that the extended dwelling would be a permanent feature to which I have found harm.

Conclusion

22. 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