



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: 03 JUNE 2025

Appeal Ref: APP/C1055/W/24/3357393

56 Field Rise, Littleover, DERBY DE23 1DW

- 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 Jonathan Bill against the decision of Derby City Council.
 - The application Ref is 24/00549/FUL.
 - The development proposed is described as: New dwelling (Class C3)
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the proposal differs from the application form to the decision notice. That above has been taken from the decision notice, which adequately describes the proposal and omits wording that is not a description of development.

Main Issue

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

Reasons

4. The appeal site is in a residential area where the prevailing form of development is of two and three storey detached dwellings set in generous plots with frontage parking areas and spacious rear gardens. The proposed dwelling would be seen in the context of the street scene on Rowley Lane. Houses on Rowley Lane, whilst varying in appearance, are predominantly two and three storey houses of typical domestic design and construction, finished in brick with tiled pitched roofs.
5. The proposed dwelling would be located in the rear garden of 56 Field Rise and would have access from Rowley Lane. Although there is a variety of plot shapes and sizes in the area, the two resulting plots would be smaller than others in the vicinity of the appeal site.
6. The amount of amenity space that would be provided for the proposed dwelling and 56 Field Rise meets the Council's minimum requirements. However, the garden area for the proposed dwelling would be to the front of the building, with no space provided to the rear. This would be at odds with the prevailing layout of development in the area where I observed garden spaces are predominantly located to the rear of dwellings.

7. The side and rear elevations of the proposed dwelling would be sited close to the site boundaries. This would result in a cramped form of development, particularly when viewed in the context of surrounding properties which have generous plots and spacious rear gardens.
8. The proposed dwelling has a contemporary and asymmetric design. It would be single storey, finished in brick with a part mono pitch roof finished in steel and part sedum-covered flat roof. The site would be enclosed with a boundary fence and access gates which would obscure views of much of the proposed dwelling from the public highway. However, when the access gates are open, it would be visible from Rowley Lane.
9. The appellant contends that the dwelling has been designed to appear as an outbuilding to 56 Field Rise and that the proposed sedum roof would minimise the impact on the street scene. However, the proposed dwelling would have its own access to Rowley Lane and would be separated from 56 Field Rise by a boundary fence. Therefore, it would not, in my judgement, appear as an outbuilding. Furthermore, the scale, design and appearance of the proposed dwelling would not reflect the character of the street scene in this part of Rowley Lane and would appear as an incongruous addition to the area.
10. Taking all of the above into account, the proposal would result in considerable harm to the character and appearance of the area. As such, it would conflict with Policies CP3 and CP4 of the Derby City Local Plan – Part 1: Core Strategy (2017) (CS) and saved Policy H13 of the City of Derby Local Plan Review (2006) (LP). Together these policies require new development to be of high quality design and a satisfactory form which contributes positively to character, distinctiveness and identity. It would also conflict with the National Planning Policy Framework (the Framework) which seeks well designed places which are sympathetic to local character.

Other Matters

11. I appreciate that the proposal has support from some neighbours and would not be detrimental to highway safety or the living conditions of neighbouring occupiers. However, these matters are neutral factors and weigh neither in favour of, nor against the appeal proposal.
12. My attention has been drawn to three examples of single dwellings with planning permission in the same local planning authority area. Based on the evidence submitted, I have found that these examples have different circumstances to the appeal site in terms of their design and position within the street scene. Moreover, their distance from the appeal site, means that they cannot be viewed in the same context. In any event, they do not justify the appeal proposal, which I have determined on its own merits.
13. I understand 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.

Planning Balance

14. I have found that the proposal would conflict with Policies CP3 and CP4 of the CS and Policy H13 of the LP. These policies are consistent with the Framework in so far as it seeks well designed places which are visually attractive as a result of good layout and are sympathetic to local character. Therefore, the conflict between the proposal and Policies CP3, CP4 and H13 should be given significant weight in this appeal.
15. As there are no policies which favour development of this kind and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
16. The Council has confirmed that it cannot currently demonstrate a five year supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. The balance in paragraph 11 d) ii) of the Framework is therefore engaged.
17. Paragraph 11 d) ii) states planning permission should be granted unless “*any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Having particular regard to key policies for...securing well-designed places*”.
18. The Framework seeks to significantly boost the supply of homes. The Council's evidence identifies a supply of 3.88 years which is a considerable shortfall. I acknowledge the appeal site is in a sustainable location where the principle of residential development is acceptable. I also acknowledge the appellant's intention to utilise sustainable construction methods and note that construction would contribute to the local economy. Whilst the Framework does recognise the contribution that small sites can make to meeting the housing requirement for an area, a single dwelling would make a minor contribution to the overall supply of housing. I therefore attribute these benefits limited weight.
19. However, in my judgement, the adverse impacts of granting permission on the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

20. For the reasons given above, the proposal conflicts with the development plan overall and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

A O'Neill

INSPECTOR