



Appeal Decision

Site visit made on 28 May 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 09 July 2025

Appeal Ref: APP/M1005/W/25/3360925

29 Moor Rise, Holbrook, Belper, Derbyshire DE56 0TR

- 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 & Mrs K Carter against the decision of Amber Valley Borough Council.
 - The application Ref is AVA/2024/0819.
 - The development proposed is a new bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A similar proposal (Ref. AVA/2024/0454) was approved by the Council at the appeal site. The permission is for a residential annex in a similar location and of similar size, form and materials as the appeal proposal.
3. During the application process the appellant submitted revised plans to the Council. While the decision notice does not refer specifically to which plan the decision was based on, information in the Council officer's report indicates that drawing no 0924/24340 – 2 rev B formed the basis of their assessment. As the Council determined the application on the basis of this plan, I have done likewise.
4. There has been no change to the development plan, the Council's planning guidance and, insofar as it relates to the appeal proposal, no substantive changes to the National Planning Policy Framework (the Framework). I have had due regard to what the Council previously considered to be acceptable in determining this appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is part of a small development of predominantly two-storey, semi-detached houses that are well-spaced and set toward the centre of their plots. The houses are built along clear building lines and have an overall traditional form and appearance. They are generally constructed from red brick with hipped, clay-tiled roofs. As such, the area has a consistent residential character derived from, among other things, the form and scale of buildings, the materials employed in their construction and the distinct pattern of development.

7. 29 Moor Rise (No 29) is half of a pair of semi-detached, two-storey houses occupying a corner plot at the end of a row of similar houses. These houses follow a stepped building line terminated by No 29. Most of the garden to No 29 is to the side of the house with hardstanding for vehicle parking to the front. The garden visually combines with an adjacent public open space, planted with semi-mature trees, to give an open, verdant character to the end of the row. The garden is separated from the public open space by a timber boundary fence and from the road by a dense hedge.
8. The proposal would broadly subdivide the garden to No 29 in half. The proposed bungalow and its private amenity space would occupy the front, roadside half. The existing drive and hardstanding to the front of No 29 would become shared space accessed from the bungalow by a set of steps. The drive would provide vehicle parking for both No 29 and the proposed bungalow, along with bin storage for both properties.
9. The bungalow would be sited forward of the front elevation of No 29 and would interrupt the established building line formed by the existing houses. Furthermore, it would disrupt the open, verdant character of the corner plot. While the location of the bungalow within its plot draws reference from the orientation of No 29 it would be inadequately separated from No 29 to reflect the spaces seen between other houses in the area. As a result, it would fail to respect the existing pattern of development and represent a cramped form of development. Moreover, compared with the height of existing houses, the proposed bungalow would be at odds with the scale of other buildings in the area.
10. The external boundary fence to the public open space and the hedge to the front of the site would be retained. However, the side boundary to the development site, separating the current garden from the drive, would be punctuated by the proposed access to the bungalow.
11. The existing external boundaries to the site would limit views of the proposed development. However, the front elevation would be prominent in views across the shared drive due to the topography of the site and the proposed opening in the existing boundary fence to allow access. Furthermore, the addition of bin storage and vehicle parking within views of the front elevation would result in a cluttered appearance.
12. The appellant has drawn my attention to the fallback position presented by the extant permission at the appeal site referred to in the preliminary matters. The extent of the fallback position is clearly defined by the approved plans and decision notice of the Council. There is a greater than theoretical possibility of this development being implemented if this appeal is dismissed and so the fallback position is a relevant consideration in my assessment.
13. The fallback position would be similar in respect of location, scale, form and materials. However, the fallback would be wholly contained within the boundaries of its host property and ancillary to its use. Whereas the appeal development would have a distinct presence in the street scene, served by a separate entrance and dedicated parking area and bin storage, and subject to the comings and goings of independent occupation. As such, the fallback position carries significant weight but, by nature of the differences described above, would not justify the harm I have found.

14. Having regard to the particular effects of the proposal and the context to the appeal property, including the fallback position described above, I conclude that the development would result in significant harm to the character and appearance of the area. Hence it would conflict with Policies LS3, EN15 and H12 of the Amber Valley Borough Council Local Plan, 2006 (the Local Plan). Among other things, these seek to ensure that development is well-related to existing patterns of development, respects the character of the locality and the spaces between and around buildings. Furthermore, it would also conflict with the aims of the Framework where it seeks to ensure that development is sympathetic to local character including the surrounding built environment.

Planning Balance

15. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the Local Plan, with the associated conflict reflecting harm to the character and appearance of the area. For these reasons, the development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
16. There is no dispute that the policies which are most important for determining the appeal are considered out-of-date. I find no reason to conclude otherwise. Paragraph 11d) of the Framework explains that in these circumstances there should be a presumption in favour of sustainable development. Therefore, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. However, my attention has been drawn to the latest position on housing land supply which indicates that, as of 1 April 2024, there is 8.71 years housing land supply. I attach considerable weight to this position.
18. The proposed development would be in a named settlement within the Local Plan, within reach of local services and facilities and with associated social and economic benefits. In these respects, the development is in a sustainable location. However, the extent of development proposed means the benefits to housing provision of a single one-bedroom dwelling would be limited, particularly given the current significant housing land supply.
19. Given the above, the adverse impacts as a result of the harm to the character and appearance of the area would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Other Matters

20. I note the appellant's statement that they consider the Council has been inconsistent in its approach to decision-making with regard to a similar application. However, I note that the permission referred to is not within the same area as the appeal site or directly comparable to the context of the appeal development before me. As circumstances vary from one site to another, I have considered this appeal on its merits.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above I conclude the appeal should be dismissed.

C Mayes

INSPECTOR

