



Appeal Decision

Site visit made on 8 August 2025

by **A. Graham BA(Hons) MA**ed IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/A1015/D/25/3367199

79 Newbold Back Lane, Chesterfield S40 4HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Henman against the decision of Chesterfield Borough Council.
 - The application Ref is CHE/25/00115/HOU.
 - The application is for outline planning application for single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal upon the living conditions of neighbours.

Reasons

3. The appeal property is a two-storey bay fronted semi-detached house that likely dates to around the 1930's. To the rear there is a long garden that extends downhill and an original detached garage behind a covered driveway to the side. The property, along with its adjoining neighbour has a slight projection to their drive side gable end that protrudes slightly beyond the rear elevation within which is located the kitchen. The adjoining property has a window within this protrusion but at the appeal site it is blank. Patio doors give access from the dining area into the rear garden.
4. There is currently a single panel of fencing with lattice to its top that marks the boundary with number 81 Newbold Back Lane and extends the initial two metres or so into the garden from the rear elevation. Extending from this there is a high beech type hedge that runs the majority of the boundary length. There is also a tree within the hedge. The appeal property is located to the southeast of number 81 with a northeast facing garden. I saw on my site visit that morning sun was likely to these rear elevations, although by midday any direct sunlight had extended beyond the house and as such the rear elevation was in shade.
5. The proposal before me seeks permission to extend from the existing dining area with a single storey extension which would be largely of brick with an 'ultraframe ultra tiled roof' that would be pitched. The extension would be around 3.3 metres wide leaving a walkway between the extension and the existing garage and would extend by up to 5 metres in length. It would be located adjacent to the common boundary with number 81 Newbold Back Lane and to this elevation the extension would contain a solid brick elevation that would extend slightly over the height of

the existing fence. The pitch of the roof would extend the overall height slightly higher than this.

6. I inspected the site from the neighbouring property at number 81 which is an almost identical house with double doors giving access from the dining area onto a small patio and long garden beyond. Like the appeal site, to the opposite, driveway, side of the plot there is an existing garage outbuilding. This, together with the screen fence and hedge create a rather enclosed rear patio area similar to that of the appeal site.
7. In assessing this appeal, I am aware of the Council's Policy CLP14 of the Chesterfield Borough Local Plan, which seeks to protect the living conditions of neighbours through contextual and respectful new development. In this case, the boundary hedge and fencing would remain, and this would have a softening effect on the extension. However, despite this, the extension would still noticeably change the existing situation through the erection of a more solid boundary treatment here.
8. This would have the effect of creating a much more solid and permanent structure immediately adjacent to the boundary. The extension would, as such, be of a scale and prominence that would enclose the rear garden of number 81 to a much greater degree, making this part of the garden darker. Its existing height and 5 metre length would cause more harm both through the added sense of enclosure and the length of the extension along the boundary. Although morning sun would currently be blocked by much of the fence and the existing hedge, the establishment of a long, high wall here would make this situation worse, and the area would not even receive mottled light unless the sun was high enough to permeate.
9. This is a finely balanced decision but, based upon the particular orientation of the properties, the existing tight grain of enclosure that currently exists and upon the proposed length of 5 metres, I consider that the scheme would cause harm to the living conditions of those living at number 81 Newbold Back Lane through an added sense of enclosure and the introduction of a more dominant structure upon this boundary.
10. It is not within my gift to provide solutions in order to help relieve these impacts, but I am confident that a solution could be found to extend the appeal site that would lessen the impacts upon those at number 81. However, based on the proposal before me I consider that Policy CLP14 cannot be met and that there would be a tangible adverse impact upon the living conditions of neighbours. As such, this appeal must fail.

Conclusion

11. For the reasons given above, and taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR