



Appeal Decision

Site visit made on 9 September 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 October 2025

Appeal Ref: APP/C1055/W/25/3366910

30 Brunswood Close, Derby DE21 7LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Emma Ratcliffe against Derby City Council.
 - The application Ref is 25/00351/FUL.
 - The development proposed is described as: 'Double extension. At the back of the property, removal of conservatory and garage. Extension to have open plan living / kitchen and larger upstairs.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the Council did not determine the appeal application, in its Statement of Case it has indicated that had it been able to do so it would have refused planning permission for the following reason:

"The Local Planning Authority considers that the proposed two-storey extension, due to its scale and length, would result in an intrusive and overbearing form of development. This would lead to an unacceptable loss of amenity for both existing and future residents at neighbouring properties, specifically at 28 and 32 Brunswood Close. As such, the proposal is contrary to saved policies GD5 and H16 of the adopted City of Derby Local Plan Review, as well as the overarching guidance in the National Planning Policy Framework, which advocates for high standards of design to create well-designed places."

Main Issue

3. The main issue is the effect of the appeal scheme on the living conditions of the occupiers of 28 and 32 Brunswood Close with regard to light and outlook.

Reasons

4. The appeal scheme involves a two-storey extension to the rear of the existing dwellinghouse, an enlarged porch at the front of the dwellinghouse and a small single-storey extension to its south-eastern elevation. The two-storey rear extension would have a pitched roof which would appear to be a continuation of the roof of the existing dwellinghouse and the materials used in the extensions would match the existing materials.

5. Whilst the two-storey extension would extend 5m from the rear wall of the existing dwellinghouse, it would not be readily visible from public vantage points and would not affect the site's boundary. However, the Council has said that the rear extension would fail to respect the 45 degree rule in relation to 28 and 32 Brunswood Close, and the appellant has not disputed this. That being so, the extension would negatively affect the amount of light to neighbouring properties. I also consider that the size and massing of the extension would have an overbearing effect on the occupiers of 28 and 32 Brunswood Close.
6. Thus, the appeal scheme conflicts with saved Policies GD5 and H16 of the City of Derby Local Plan Review (2006) which seek to avoid harmful impacts from development on the occupiers of nearby properties.

Other Matters

7. In her response to the Council's Statement of Case (SoC) the appellant has said that it would be prepared to reduce the size of the proposed extension if necessary. However, I am only able to determine this appeal on the basis of the information that is before me which does not include a smaller proposal.
8. The appellant's SoC details personal reasons for the appeal scheme, including the creation of accommodation for an elderly relative and to enable children to have their own bedrooms. Bearing in mind the appellant's willingness to reduce the size of the proposed extension, I find that this justification does not outweigh the harm that the appeal scheme would cause to the living conditions of the occupiers of the neighbouring properties.
9. Comments have also been made in relation to the Council's handling of the appeal application. However, this is beyond the matters that I may take into account in determining this appeal which are constrained by the legislation.

Conclusion

10. The appeal scheme conflicts with the development plan when taken as a whole and there are no material considerations which suggest that an alternative conclusion should be reached. Therefore, for the reasons given above, the appeal should be dismissed.

P Burley

INSPECTOR