



Appeal Decision

Site visit made on 24 October 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/R1038/W/25/3370988

Land Adjacent 62 Gosforth Lane, Dronfield, Derbyshire S18 1PR

- 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 Joseph Allen against the decision of North East Derbyshire District Council.
 - The application Ref is 25/00116/FL.
 - The development proposed is described as “erection of a self-build two-storey detached dwelling with basement and integral garage (resubmission).”
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I was unable to undertake my site visit as an ‘Access Required Site Visit,’ as scheduled, but I was nevertheless able to see the site sufficiently from the driveway and from surrounding public areas.

Main Issues

3. The main issues are:
 - whether adequate living conditions could be provided for future occupiers of the proposed development, with particular regards to noise, natural light and outlook; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living conditions

4. The appeal site comprises a parcel of land which is to the east of the Unstone-Dronfield flyover (A61), accessed from a driveway alongside 62 Gosforth Lane. The proposed dwelling has been orientated so that the principal elevation, and the windows of the ground floor lounge and kitchen and first floor bedrooms, face away from the flyover and toward the rear of dwellings along Gosforth Lane.
5. Noise from the A61 was clearly audible on my site visit. The ‘Environmental Noise Impact Assessment’ (December 2024) (NIA) measured background noise in the corner closest to the A61 as within ‘Noise Risk Category 1’ for daytime and nighttime noise, which suggests a low level of risk. However, during the night (23:00hrs to 07:00hrs) there were ten recordings of noise levels of >80 dB. On the

principal elevation of the dwelling, noise levels would be up to 58 dB during the daytime, falling to a low of 54 dB at night. To achieve a required noise level of L_{Aeq} 16-hour 35 dB for habitable rooms in the daytime and L_{Aeq} 8-hour 30 dB for bedrooms at night, the NIA specifies double glazing and Mechanical Ventilation with Heat Recovery (MVHR) to all rooms.

6. The NIA does not recommend that windows should be fixed shut, and the occupiers of the proposed dwelling could choose to open the windows, or not. However, whilst road noise is often continuous, the background noise survey shows numerous noise events during the night, so at times when people tend to be more sensitive to noise as they are trying to sleep. Even allowing for façade attenuation, with the windows open, the NIA calculates the internal noise would be at a level at which sleep disturbance would occur. Therefore, the windows of the dwelling are most likely to be kept closed during sleeping hours.
7. In such circumstances, the NIA recommends that a detailed assessment is undertaken to establish the potential for overheating. Such an assessment was also requested by the Council's Environmental Health Officer, but it is understood the appellant was not given the opportunity to undertake one. The first-floor bedrooms would each have a dormer window which would be northeast facing and would get little to no afternoon sun. However, the only other first-floor windows are small rooflights. In the absence of MVHR details, or an assessment of potential overheating, I cannot be sure that sufficient ventilation and excessive heat dissipation could be achieved to ensure a comfortable, healthy living environment for the occupiers of the dwelling.
8. The appellant has suggested a planning condition which would require a scheme for protecting future occupiers from traffic noise be approved by the Council prior to commencement of development. However, I have no persuasive evidence before me that such a condition would make the development acceptable in terms of its noise environment, without substantive design changes to the dwelling.
9. The proposed dwelling would have bifold doors on the northeast elevation between the kitchen and an external patio area. The NIA assesses that the noise level for this area would be <55 dB, which the WHO¹ identify as 'serious annoyance, daytime and evening' for outdoor living areas. This is the part of the garden which you would expect to be most used. It would be difficult to mitigate the elevated road noise, but even with a 2.5m screen, much of the rest of the garden would have a noise level of <57 dB, above the WHO upper guideline.
10. The appellant, and other occupiers, would be aware of the A61 when choosing to live in the dwelling, and it is not uncommon for housing to be located close to sources of noise. Nevertheless, because of the road noise, the garden of the proposed dwelling would not have an acoustic environment which would allow it to be enjoyed as intended. Existing dwellings along Gosforth Lane are set further away from the A61 than the proposed dwelling, with intervening landscaping, and I have little evidence that noise levels experienced in the gardens are similar.
11. Subject to the glazing specification and MVHR, the NIA concludes that the proposal would result in a 'No Observed Effect Level,' namely the level below which no effect can be detected. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected.

¹ World Health Organisation 'Guidelines for Community Noise' (1999)

However, on the evidence, overall, I find the noise environment would result in significant disturbance to the occupiers of the dwelling, and changes in behaviour, such as not using the garden at certain times of day, or keeping windows closed.

12. The proposed dwelling has been designed with two bedrooms at basement level which would not benefit from windows and therein would be afforded no outlook. The Proposed Plans show that there would be an inset void in the ground floor office and dining room to provide light to the bedrooms below. Full height windows are proposed on the southwest elevation which would serve the office and dining room, but these would be very close to the 1.8m boundary fence and would be below the overhanging eaves of the roof. Therefore, it is unlikely, particularly given their depth, that the basement bedrooms would achieve an adequate level of natural light. In combination with a lack of any outlook, this would result in a dark, oppressive living space.
13. Moreover, although basement living may be a conscious design choice which the appellant is comfortable with, I am mindful that paragraph 135 of the National Planning Policy Framework (the Framework) requires that planning decisions should ensure that developments create places with a high standard of amenity for existing *and* future users.
14. Therefore, I conclude that overall, the proposed development would not provide adequate living conditions for future occupiers, with particular regards to noise, natural light and outlook. Consequently, it would conflict with Policy SDC12 of the North East Derbyshire Local Plan 2014-2034 (2021) (LP) and Policy D3 of the made Dronfield Neighbourhood Plan 2016-2034 (2019) (NP). Together, these require that new development does not adversely impact on general amenity and creates a good quality of amenity for future occupants. As NP Policy HOU1 does not explicitly refer to amenity or living conditions, I do not find it to be determinative to this main issue.

Character and appearance

15. The appeal site comprises a small triangular parcel of land used for storage, accessed off a driveway which runs round the rear of a row of dwellings fronting Gosforth Lane. The surrounding area is predominantly residential in character consisting of a mixture of two-storey dwellings and bungalows of differing but typically traditional design, roof form and fenestration detail.
16. To ensure appropriate separation distances, the proposed dwelling has been sited in one corner of the site with its principal elevation facing northeast broadly towards the rear of dwellings further along Gosforth Lane. The two-storey front gable elevation would face the driveway and would include an integral garage at basement level stepped back from the main entrance of the dwelling. The dwelling would be contemporary in design with a steeply pitched roof with areas of vertical glazing which would extend right up to the eaves. From the driveway, rather than appear 'top-heavy' as suggested by the Council, the roof design and stepped elevation would add articulation and visual interest to the dwelling.
17. From the first-floor windows at the rear of dwellings along Gosforth Lane, the dwelling would be seen at an angle from a reasonable distance away and views would be softened by the existing vegetation along the edge of the driveway.

18. The proposed dwelling would be set well back from Gosforth Lane, and from here only part of the front elevation would be visible with the height of the A61 flyover and its columns prominent behind. Whilst the roof pitch would be distinctive, it would be viewed alongside the asymmetric roof pitch of 62 Gosforth Lane, the staggered roofline of the rest of the row, and the wide gable of the bungalow at 64 Gosforth Lane. The proposed overhanging eaves and vertical narrow window openings are not typical, but I observed examples close-by of contemporary fenestration and the dwelling would assimilate with the varied design, height and roof forms in the surrounding area.
19. The existing mature trees on the south-west boundary of the appeal site would be removed, and the dwelling would therefore be visible from the footpath below the A61 and the public open space alongside it. From here, the long roof plane would be prominent, but the dwelling would appear relatively modest in scale, proportionate in bulk and massing to the staggered row of dwellings behind and the vegetated embankment which rises to the A61.
20. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would accord with LP policies SS7 and SDC12 and made NP policies HOU1 and D3. Together, these support windfall housing which is well integrated within the surrounding area, is appropriate in scale and design and reflects the built character, making good use of the site characteristics and surroundings including siting, height, massing and orientation.

Planning Balance and Conclusion

21. The delivery of a dwelling would make a small but valuable contribution to local housing supply. Moreover, the proposal would make efficient use of an under-utilised site within a well-established residential area, with good accessibility to a range of services and facilities including by modes other than the private car.
22. The proposed dwelling would be a self-build. LP Policy LC4 encourages the development of self-build dwellings, and the Framework supports small sites to come forward for self-build and custom-build housing, recognising that people wishing to commission or build their own homes are a group whose housing need should be assessed and reflected in planning policies. The Self-Build and Custom Housebuilding Act 2015 also requires the Council to keep a register of those seeking to acquire serviced plots of land for their own self-build, and to give enough permissions within three years of registration to meet demand.
23. I have no up-to-date information to confirm the number of applicants still actively seeking self-build plots. However, the Council do not contest the appellant's evidence that for the year to the end of October 2023, there was a shortfall of 17 self or custom build permissions to meet the demand of entries registered, which would increase to 86 by the end of this year. Further, where specified, applicants have identified the north of the district as a preferred location for a self-build.
24. These are matters which clearly weigh in favour of the appeal proposal, but the delivery of a self-build dwelling should not be to the detriment of the living conditions of the occupiers of that self-build. Consequently, the above benefits are not sufficient to overcome the harm to living conditions that I have found.

25. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it.
26. For the reasons given above, I conclude that the appeal is dismissed.

R Gravett

INSPECTOR