



Appeal Decision

Site visit made on 31 March 2026

by K Craddock BA (Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Appeal Ref: APP/C1055/D/26/3377876

70 Brackens Lane, Derby DE24 0AP

- 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 Baljinder Mann against the decision of Derby City Council.
 - The application Ref is 25/01253/FUL.
 - The development proposed is a single storey rear extension, alterations to roof including installation of dormer window and erection of outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used a simplified version of the description of development on the decision notice for clarity.
3. The Council does not dispute the single storey rear extension or outbuilding and the reason for refusal relates only to the proposed roof alterations and dormer window. Therefore, the subject of this appeal is the proposed rear dormer window and roof alterations.

Procedural Matters

4. The appellant has submitted a plan with the appeal showing amendments to the dormer window. This plan did not form part of the original planning application and the Council has not had the benefit of assessing it nor has it been subject to a public consultation. For these reasons, I cannot take it into consideration in determining this appeal.
5. Furthermore, it has been suggested that, were the dormer to be amended, it would comprise "permitted development" and granted planning permission under the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). However, it is not for me, under a Section 78 appeal, to determine whether alterations or extensions would comply with the GPDO or are lawful. It is open to the appellant to apply to the Council for a separate determination under Sections 191/192 of the Act regardless of the outcome of the appeal.
6. The Council and appellant have provided me with a number of policies from within the Development Plan. I have taken these into account only insofar as they are relevant to the determination of this appeal.
7. The Emerging Local Plan has undergone consultation and I attach limited weight to the draft policies therein.

Main Issue

8. The main issue is the effect of the roof alterations and dormer window on the character and appearance of the area.

Reasons

9. The appeal property is a two-storey semi-detached dwelling in an established residential area, with a hipped roof that matches that of its adjoining neighbour, No 72. It is located on the end of a row of houses at the junction of Brackens Lane and Matthew Street. The rear garden is generously proportioned and its boundary treatment consists of close-boarded fencing, approximately two metres in height, with some additional hedge planting around the front corner. The surrounding area is characterised by dwellings with hipped roofs, mostly semi-detached pairs with a few detached houses. This creates a continuity in the appearance of the streetscene, which makes a positive contribution to its character.
10. Policy CP3 of the Derby City Local Plan (Part 1 Core Strategy January 2017) requires new development to achieve high quality design that is well integrated into its setting. Policy CP4 expects new development to respond appropriately to its context and make a positive contribution to the character of the area through, amongst other things, suitable building form, scale, massing and architectural features.
11. Saved Policy H16 of the City of Derby Local Plan Review (January 2006) seeks for housing extensions to ensure they do not have any significant adverse effect on the character and appearance of the dwelling or the streetscene.
12. The proposed development would alter the main roof of the property from a hipped design to a gable and construct a flat roof dormer on the rear roof plane. The proposed gable end extension would fundamentally change the appearance of the dwelling, appearing incongruous when viewed as a pair alongside No 72. This would result in these semi-detached dwellings looking imbalanced. The property is highly visible from the side along Matthews Street and this would exacerbate its prominence in the streetscene, to the detriment of its character and appearance.
13. The proposed rear dormer would increase the bulk of the roof and introduce a further incongruous feature that would be particularly visible from Matthew Street. Combined with the changes to the main roof, this would result in an unacceptable adverse effect on the streetscene.
14. The appellant has referred to other properties in the surrounding area that have been altered in a similar manner to that which is proposed. I observed a number of these on my site visit. Although I do not have the full details of the background in relation to these extensions to other properties, they are crucially in different contexts to that of the appeal property. Some of the examples I observed also served to confirm the harm that can be done in relation to inappropriate extensions. I have also, in any event, determined the appeal on its own individual planning merits.
15. For the reasons given above, I find that the proposed development would be harmful to the character and appearance of the appeal property and the streetscene due to its incongruous appearance and the unbalancing visual effect with No 72. Accordingly, it would conflict with Policies CP3 and CP4 of the Derby

City Local Plan (Part 1 Core Strategy January 2017) and Saved Policy H16 of the City of Derby Local Plan Review (January 2006).

Conclusion

16. For the reasons given above, having considered the development plan as a whole and having regard to all other matters, I conclude that the appeal should be dismissed.

K Craddock

INSPECTOR