

## Appeal Decisions

### SUMMARY

1. A summary of the appeal decisions taken in the last month.

### RECOMMENDATION

2. To note the decisions on appeals taken.

### SUPPORTING INFORMATION

- 3.1 Appendices 2 and 3 give details of decisions taken.
- 3.2 The intention is that a report will be taken to a Committee meeting each month.

**For more information contact:** Paul Clarke 01332 255942 e-mail paul.clarke@derby.gov.uk  
**Background papers:** Planning application files  
**List of appendices:** Appendix 1 – Implications  
Appendix 2 – Summary of appeal decision(s)  
Appendix 3- Decision letter(s)

<b>IMPLICATIONS</b>
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**Financial**

1. None.

**Legal**

2. None.

**Personnel**

3. None.

**Equalities Impact**

4. None.

**Corporate objectives and priorities for change**

5. None.

**Appeal against refusal of Planning Permission**

Code No	Proposal	Location	Decision
DER/11/09/01398	Change of use from outhouse to two self contained flats	155 Normanton Road, Derby.	Dismissed

**Comments:**

This appeal follows the delegated refusal of a proposal to create two flats in a redundant former storage building at the rear of 155 Normanton Road, Derby. The proposal was considered unacceptable as it would result in a form of backland development which would have a poor relationship with surrounding buildings and was incapable of providing a high quality living environment. As such the proposal failed to meet criteria (d) and (e) of policy H13 of the adopted City of Derby Local Plan Review.

The Inspector considered that the main issue of the appeal was the adequacy of the living conditions created in the proposed flats.

The Inspector noted that the outlook from the single aspect flats proposed would be severely restricted by the surrounding buildings. These buildings also dominate the yard in front of the flats making it unsuitable for amenity space.

In the Inspector's opinion the access, by a narrow enclosed passage or gated area from nearby car park were not safe or secure, particularly at night and this failing could not be overcome by security lighting. In commenting on the appellant's suggestion that the occupation of the building would help to reduce the risk of anti social behaviour the Inspector concluded that this benefit was insufficient to outweigh the concerns about the poor quality of the living environment which would be created.

Accordingly she concluded that the proposal did not meet with criteria (d) and (e) of Policy H13 of the CDLPR and dismissed the appeal.

**Recommendation:** To note the report.



# Appeal Decision

Site visit made on 6 July 2010

by **Jane Miles BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**12 July 2010**

**Appeal Ref: APP/C1055/A/10/2125439**  
**155 Normanton Road, Derby DE23 6UR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Irfan Younus against the decision of Derby City Council.
- The application ref: DER/11/09/01398/PRI, dated 25 November 2009, was refused by notice dated 18 February 2010.
- The development proposed is described as 'change of use application, from outhouse to self-contained flats'.

## Decision

1. I dismiss the appeal.

## Reasons

2. The main issue in this case is the adequacy of the living environment that would be created for future occupiers of the proposed flats.
3. The 'outhouse' the subject of the appeal is a pitched roof, two storey building behind the principal frontage building at no. 155. The submitted plan indicates single aspect flats, with windows facing south-westwards across a yard area directly towards the principal building's rear elevation, the nearest part of which is only around 8m away. The height and proximity of that building, together with the enclosing impact of other buildings abutting the north-west and south-east boundaries, would severely restrict outlook from the proposed flats, especially at ground floor level. The surrounding buildings also enclose and dominate the yard area, making it unsuitable for use as outdoor amenity space which might have provided some compensation for a very poor outlook from within these very small flats.
4. In addition, neither pedestrian access via a very narrow and enclosed passage from Normanton Road, nor a shared access via a wider gated route from the car park area to the south (across land outside the appeal site), strike me as providing good access in terms of safety and security, especially at night. Given the particular nature of the appeal site and its surroundings, I am not convinced that this is something which could satisfactorily be addressed with security lighting.
5. I recognise that the proposal would bring a disused building back into beneficial use, improve its appearance, and provide residential accommodation in a convenient location close to the city centre. In his statement the appellant suggests that a residential use would act as a deterrent to intruders, helping to

counter problems of misuse and antisocial behaviour. It seems to me that such problems would make it all the more important for any new residential accommodation to have good access and security and, in this particular site context, I have serious doubts about whether that could be achieved. Thus, in relation to a residential use of the building, there would be insufficient benefits to outweigh my concerns about the poor living environment.

6. I note also the appellant's stated intention to occupy the accommodation himself, but that could change in the future and it does not, in any event, obviate the need to ensure an adequate living environment. I have had regard to all other matters raised but, overall, I conclude that the proposal would fail to create an adequate living environment for future occupiers. It would not amount to a high quality design or living environment, and would conflict in particular with criteria (d) and (e) of Policy H13 of the City of Derby Local Plan Review. It follows, therefore, that the appeal must fail.

*Jane Miles*

INSPECTOR