

Appeal Decisions

Appeal against refusal of Planning Permission

Code No	Proposal	Location	Decision
DER/11/09/01367/PRI	Extension to dwelling house	15 Pendlebury Drive, Mickleover	Allowed conditionally
<p>Comments: This appeal follows the refusal of a substantial two storey extension which proposed the creation of a second gable on the front elevation of a detached dwelling house. In the opinion of the City Council the proposed extension was contrary to policies H16, GD4 and E23 due to its size and prominent design which would not appear to be subservient to the original dwelling house and which failed to respect the urban grain of the area.</p> <p>The Inspector considered that the main issue of the appeal was the impact of the proposal on the character and appearance of the dwelling and the street scene.</p> <p>In the Inspector's opinion the proposal would not represent a disproportionate addition to the dwelling, although the proposed new gable would increase the width of the dwelling by almost half. The resultant dwelling would be a broadly symmetrical large detached house which retained the fundamental character of the larger houses in the area.</p> <p>Noting the generous plot size, the Inspector concluded that the extended property would not appear to be cramped and would not have a detrimental impact on the neighbouring dwelling house. Also, whilst there were smaller bungalows near the appeal site there were also other substantial dwellings nearby, therefore the extended dwelling would not be materially different from those. Indeed other extensions in the area convinced the Inspector that it would be possible to permit this large proposal.</p> <p>Therefore the Inspector concluded that the proposal did not have a significant adverse effect upon the character of the dwelling house or the street scene or any negative impact on the living conditions of adjoining occupiers. Consequently he disagreed with the delegated decision and concluded that the proposal did accord with saved policies GD4, H16 and E23 of the City of Derby Local Plan Review and allowed the appeal with the standard conditions for time and materials.</p>			

Recommendation: To note the report.

Code No	Proposal	Location	Decision
DER/10/09/01222/PRI	Change of use from workshop to dwelling house	24 Connaught Road.	Dismissed
<p>Comments: This appeal followed the delegated refusal of a proposal to convert a workshop to a single dwelling in the rear garden of this property. The site currently houses a detached outbuilding which is used for the restoration of cars. The proposal was refused, as it was considered that the creation of a dwelling in isolation would be out of keeping with the pattern of development in the area and would be detrimental to the amenities of nearby residents. The proposal was therefore considered to be contrary to policies GD4, GD5, H13, and E23 of the adopted City of Derby Local Plan Review (CDLPR).</p> <p>The Inspector considered that the main issues surrounding the appeal were the impact of</p>			

Appeal Decisions

the proposal on the surrounding area and the living conditions of the nearby residents.

The character and pattern of development in the locality was carefully described by the Inspector who noted that there was little evidence of backland development in the rear gardens of the existing properties. He was concerned that the proposed dwelling would have little private amenity space being built close to the existing boundaries and that the long drive would be accessed through a tight entrance. For these reasons he considered that the proposed dwelling would be an intrusion into the peaceful gardens surrounding the site which would not be a 'positive response' to the local context. The Inspector considered that the proposal would materially harm the character of the area and was therefore contrary to policies GD4 and H13 of the CDLPR.

Turning to the living conditions of nearby residents the Inspector commented that the vehicular activity from the proposed dwelling close to the existing dwelling house and the boundaries of the Albany Road properties would detract from the level of quietness the occupiers might reasonably expect to enjoy. The proposal was, as a result of this, contrary to the aims of policies H13 and GD5.

In conclusion the Inspector commented that the accumulation of harm from the proposal was such that the decision of the Local Planning Authority should be upheld and the appeal was dismissed.

This decision is topical, in the light of the recent changes to PPS3 outlined by the new Government. However it does demonstrate that inappropriate tandem or rear garden development is resisted by the City Council where the proposal is considered to be harmful to the amenities of nearby residents and /or out of character with the pattern of development in the area.

Recommendation: To note the report.

Code No	Proposal	Location	Decision
DER/10/09/01195	Extension to dwelling house	220 Max Road, Chaddesden,	Allowed Conditionally

Comments: This appeal follows the refusal of planning permission for a two storey side extension. The appeal site has been subject to a number of applications, one of which resulted in the detached dwelling which sits beside 220 Max Road and is the location for the proposal. The application was refused by the City Council as it was considered that it would be overbearing and intrusive for the adjoining properties and would detract from the setting of the area. It was therefore contrary to policies GD5, H16 and E23 of the City of Derby Local Plan Review (CDLPR).

The Inspector considered that there were two main issues of the appeal: the character and appearance of the surroundings and the impact on the living conditions of the occupiers of nearby dwellings.

When considering the character of the area the Inspector noted that the appeal property

Appeal Decisions

was not typical of dwellings in the area and the proposed extension was not of a style found locally however he commented that there were examples of more modern detached dwellings in the street and the appeal proposal would simply be another example of such. It was therefore not a harmful intrusion and not contrary to the aims of policies H16 and E23 of the CDLPR.

Turning to the living conditions of nearby occupiers the Inspector commented that the proposal would not have a significant effect on the nearby bungalows as they stand well away from their rear boundary and although it would be possible to look obliquely over their rear gardens such a degree of over looking was not uncommon in built up areas. In his opinion the proposal was therefore, not contrary to policies GD5 and H16 of the CDLPR.

For the reasons stated above the Inspector disagreed with the assessment of the Local Planning Authority and allowed the appeal with the usual conditions relating to duration of the permission and details of the approved plans and one additional condition requiring no additional windows to be inserted on the east side elevation, to protect the amenities of nearby residents.

Recommendation: To note the report.