



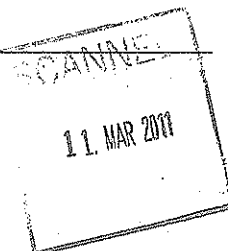
Appeal Decision

Site visit made on 23 February 2011

by **Mark Dakeyne BA (Hons) MRTPI**

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

Decision date: 7 March 2011



Appeal Ref: APP/C1055/A/10/2140448

**Land at the rear of the former Blue Pool Public House, Stenson Road,
Derby DE23 1HG**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
- The appeal is made by Westleigh Developments Ltd against the decision of Derby City Council.
- The application Ref DER/01/10/00010/PRI, dated 5 January 2010, sought approval of details pursuant to Condition Nos 1, 2, 7 and 9 of a planning permission Ref DER/04/07/00701/PRI, granted on 2 January 2008.
- The application was refused by notice dated 26 July 2010.
- The development proposed is the erection of 15 dwelling houses, formation of vehicular access, boundary treatments and erection of garden sheds.
- The details for which approval is sought are layout, scale, appearance, landscaping, including boundary treatments, and energy conservation measures.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The outline planning permission granted in January 2008 included means of access from Bosworth Avenue. The reserved matters application indicated that approval was sought for the layout, scale and appearance of the dwellings. Subsequently it has been confirmed that approval is also sought for landscaping which is fully detailed on the submitted plans.
3. The reversed matters application was amended following submission to the Council but prior to its determination. The changes, shown on revised site plans, floor plans and elevations, resulted in a reduction in the number of dwellings from 17 to 15 and design amendments. I have determined the appeal on the basis of these revisions which are reflected in the description of development as used on the decision notice and appeal form.

Main Issues

4. I consider that the main issues are:
 - (1) the effect on the character and appearance of the area; and,
 - (2) the effect on the living conditions of neighbouring occupiers, with particular reference to visual impact, sunlight, privacy and noise and disturbance.

Reasons

Character and Appearance

5. The appeal site was formerly the garden and car park for a public house which has recently been converted to a convenience store. The site is enclosed by surrounding development which includes a mix of twentieth century housing. The predominant form is two-storey semi-detached houses fronting distributor and estate roads. There is variation in the density and design. For example older properties front the majority of the through route of Sunnyhill Avenue to the north and east of the site. In contrast the cul-de-sac of Bosworth Avenue contains 1970s style houses with hipped and mansard roofs and generally smaller gardens than the older dwellings in the area.
6. The proposal would also be predominantly semi-detached housing of similar scale to the surrounding development. There would be some variation in the house types, including taller buildings on Plots 5 and 6 and a terrace of three properties, but the small development would have a coherent overall form. The scale and appearance of the dwellings would not be out of place in the context of the surrounding area. The houses on the approach road of Bosworth Avenue do not have any locally distinctive qualities that ought to be carried through into the development.
7. The density of the development would be higher than most of the surrounding development. However, it would be comparable to that of Bosworth Avenue. I also noted other higher density infill developments within the wider area such as that at the south-eastern end of Sunnyhill Avenue. The proposed dwellings would be closer to the access road than elsewhere but a relatively compact street scene would be acceptable on this enclosed site and would prevent a highway dominated scheme. The layout would provide a visual stop at the end of the cul-de-sac. Roadside planting would soften the impact of frontage parking and the other hard surfaced areas.
8. The creation of the access would lead to the loss of the trees at the end of Bosworth Avenue, including a preserved ash tree. However, this was accepted when outline planning permission was granted for the housing development. Some other trees in poor condition would also be removed, including two of the group of preserved ash trees in the south-east corner of the site. Otherwise the layout would allow for the retention of the remainder of the group of ash trees and some of the boundary trees and hedges. New landscaping would supplement existing vegetation. Boundary treatments, comprising a combination of existing and new hedges and fences, would be acceptable.
9. I conclude that the proposal would have an acceptable impact on the character and appearance of the area and would comply with Policies GD4 and E23 of the *City of Derby Local Plan Review (LP)* as the development would respect and complement the urban grain of the area.

Living Conditions

10. Nos 12 and 14 Sunnyhill Avenue lie close to the north-east corner of the site. They have short rear gardens. The gable end of the house on Plot 9 would be a minimum of some 13m from the main rear elevation of No 14. The existing and proposed dwellings would be on different axis and there is a hedge on the common boundary. However, the largely unrelieved mass of the flank elevation would appear overbearing when seen from the rear facing windows

and back garden of No 14. Although it is intended to retain the boundary, hedge, some cutting back would be necessary. Its effectiveness as a means of softening the visual impact would be reduced. The orientation of the dwellings on Plots 7-9 would also lead to some loss of afternoon and evening sun to the gardens and rear elevations of Nos 12 and 14.

11. There would be the potential for overlooking from the rear aspect of Plot 9 into the private garden of No 12 as there would only be about 8m between the rear elevation and the shared boundary. However, the use of obscure glazing to the north-east face of the oriel window would prevent a significant loss of privacy.
12. The other surrounding dwellings are further away from the site boundaries or do not face directly onto the site. Therefore, the relationships between existing and proposed houses elsewhere would be satisfactory.
13. The use of the road by the occupiers of a further 15 dwellings would increase noise and disturbance for existing occupiers. There may be some additional inconvenience. However, the amount and character of traffic serving the completed development and passing the affected houses would not be materially different to that found in the nearby residential areas or in other schemes throughout the country. The impacts caused by the passage of vehicles and their fumes and headlights would not be unusual. It would remain as a residential area. Moreover, the principle of serving the development from Bosworth Avenue has already been agreed at outline planning permission stage. Disruption during construction would be temporary and could be mitigated by considerate working practices.
14. A triangle of open space in the south-western corner of the site, adjacent to No 28 Bosworth Avenue, would be formed to provide space for the ash trees to grow. Natural surveillance would be limited as it would be no principal elevations facing onto it. As a result there would be a greater risk that the area could become a place for youths to gather and cause noise and disturbance to nearby properties through anti-social behaviour, a concern raised by the Derbyshire Constabulary.
15. I conclude that the proposal would unacceptably impact on the living conditions of the occupiers of Nos 12 and 14 Sunnyhill Avenue due to loss of sunlight, and the occupiers of No 14 Sunnyhill Avenue due to visual impact. As such there would be conflict with Policy GD5 of the LP and in particular Criteria b. and c. I also conclude that unacceptable noise and disturbance would be likely to arise due to the lack of natural surveillance of the open space. Criterion e. of LP Policy H13 would not be met as a good standard of security would not be achieved by the layout of the development. In other respects the impact on the living conditions of surrounding residents would be satisfactory.

Other Matters

16. Access via Bosworth Avenue has already been agreed. The 4.8m width is fairly typical for an estate road of this nature. Although parked cars narrow the road, it would provide an appropriate means of access for a development of 15 dwellings. A new improved turning head for the existing avenue would be provided within the appeal site. The availability of on-street parking would not be significantly affected. Sufficient off-road parking would be provided within the scheme. Based on the information before me, the local highway network, including the junction of Sunnyhill Avenue with Stenson Road, would be able to safely accommodate the traffic arising from the development.

17. A detailed drainage scheme has been submitted which includes on-site attenuation to reduce the surface water flows to a combined public sewer in Stenson Road. There is no evidence that the development would exacerbate any localised drainage problems off-site. The possibility of damage to the private sewer at the head of Bosworth Avenue during construction is a civil matter.
18. The scheme would achieve at least a 25% improvement on the requirements of Building Regulation Document L for the conservation of fuel and power and a minimum of Level 3 in the Code for Sustainable Homes. Therefore, the proposed energy conservation measures would be acceptable pursuant to Condition No 9 of the governing planning permission and Policy E10 of the LP.

Conclusions

19. I conclude that the proposal is unacceptable in respect of two detailed matters. In other respects I find the proposal satisfactory. In arriving at this conclusion I have regard to the benefits of the scheme in providing much needed affordable housing and making efficient use of previously-developed land in a relatively sustainable location. However, similar benefits could be achieved by a scheme designed to overcome the unsatisfactory elements of the proposal.
20. For the reasons given above I conclude that the appeal should be dismissed.

Mark Dakeyne

INSPECTOR



Appeal Decision

Site visit made on 2 March 2011

by Michael R Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 21 March 2011

Appeal Ref: APP/C1055/D/11/2145180

3 Crich Avenue, Littleover, Derby DE23 6ET

- 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 Mrs Mohinder Kaur against the decision of Derby City Council.
 - The application Ref. DER/08/10/00989/PRI, dated 6 August 2010, was refused by notice dated 17 November 2010.
 - The development is described as '*regularisation of works approved under previous application 01/09/0041; windows to bedrooms reduced in size; rear kitchen door repositioned to side; side kitchen window reduced in size; double garage reduced in size; and detached store at rear of garden*'.
-

Application for costs

1. An application for costs was made by Mrs Mohinder Kaur against Derby City Council. This application will be the subject of a separate Decision.

Procedural Matters

2. The application at appeal seeks to regularise the 'as built' development. It varies in a number of respects from a similar scheme that was granted planning permission by the Council in 2009 under ref. DER/01/09/00041, and which is therefore material to my decision.
3. Various drawings accompany the appeal papers. For the avoidance of doubt, my decision is based on Drawing Nos. 1 (Rev. B) and 2 (Rev. B).
4. Notwithstanding the description of development set out above, which is taken from the planning application form, I shall use an abridged form of wording in the interests of clarity and conciseness.

Decision

5. The appeal is allowed, and planning permission is granted for the erection of a two-storey side extension, single-storey rear extension and garage and store in rear garden at 3 Crich Avenue, Littleover, Derby DE23 6ET in accordance with the terms of the application Ref. DER/08/10/00989/PRI dated 6 August 2010, and subject to the following condition:

Within three months of the date of this decision, the brick quoin detail on the front (north-east) corner of the two-storey extension hereby permitted shall be completed in accordance with Drawing No. 2 (Rev. B). The bricks used in the construction of the quoin detail shall match those used in the existing building.

Main Issues

6. The main issues in this case are the effect of the development on:

- the character and appearance of the area; and
- the living conditions of neighbouring occupiers.

Reasons

Character and appearance

7. The appeal site lies in a predominantly residential area characterised by family dwellings set on spacious plots complemented by mature landscaping. The subject property has been extended to the side with a two-storey addition that includes an undercroft to provide vehicular access to the back garden. The development also includes a single-storey rear extension and a double garage and a store located close to the rear boundary.
8. Consistent with national policy in Planning Policy Statement 3: *Housing* (PPS3), saved Policies GD4 and E23 of the adopted *City of Derby Local Plan Review* include a requirement for new development to respect the urban grain of the area in terms of scale, layout, height, massing and architectural style and incorporate high standards of design. Similar objectives are contained in saved Policy H16, which permits extensions to residential properties provided that, amongst other things, the character and appearance of the dwelling or the street scene are not harmed in terms of design, massing, prominence or proportions. It also requires the first floor of a two-storey side extension to be set back from the front elevation to avoid a terraced or cramped effect.
9. The side extension is set back from the front elevation of the dwelling and the ridge line is lower. As a result, it is a visually subordinate addition that sits comfortably alongside the main house and is not out of keeping with its surroundings, where I noted a number of extensions of a similar scale and form, albeit without undercrofts. However the undercroft at the appeal property is not an unduly incongruous feature that materially harms the appearance of the dwelling or the street scene, and the extension does not compromise the symmetry of Nos. 1 and 3 Crich Avenue to any significant degree. Although the windows in the front and rear elevations do not accord with the approved drawings, they are not out of character with the fenestration in the host building.
10. The rear extension is not conspicuous and is in keeping with the dwelling in terms of scale, massing and architectural style. The garage and store are of a traditional design and constructed of materials appropriate to the locality. Although they are located towards the rear of the garden unlike most other garages in the area and together are larger than the previously approved garage, they are not excessive in size or unduly prominent from public viewpoints. They do not therefore have an overbearing presence in the street scene.
11. For these reasons, I conclude on the first issue that the development does not materially harm the character and appearance of the area, and does not therefore conflict with Policies GD4 and H16 of the Local Plan Review or PPS3.

Living conditions

12. The decision notice refers to the detrimental effect of the development on the residential amenities of adjoining properties. In this respect, I note that saved Policy GD5 of the Local Plan Review seeks to safeguard the amenity of nearby areas with reference to, amongst other things, loss of privacy, outlook, sunlight and daylight.
13. The two-storey extension contains no window openings in the side elevation adjacent to No. 5, and the first floor windows at the front and rear do not result in undue overlooking of nearby properties. The window and door in the side of the single-storey extension overlook the boundary fence and flank wall of the garage to No. 5, and do not therefore compromise the neighbours' privacy. Similarly, the other openings in the extension do not overlook adjoining properties to any material degree, whilst the garage and store do not contain windows or doors adjacent to neighbouring boundaries.
14. There is a ground floor window in the side elevation of No. 5 adjacent to the appeal site, and the development has some effect on the outlook from this opening and the daylight and sunlight reaching it. Likewise, the garage and store at the rear of the site affect the living conditions of adjoining residents to some degree. However I do not consider the impact of these structures to be so materially harmful as to warrant dismissal of the appeal on these grounds.
15. Accordingly, I conclude on the second issue that the development does not result in unacceptable harm to the living conditions of neighbouring occupiers. As such, there is no conflict with Policy GD5 of the Local Plan Review.
16. I now turn to other matters raised in representations. The development as built varies only slightly to that permitted under the earlier permission, with the exception of the store building, which did not form part of the approved scheme. Nevertheless, taken together the amendments are not so materially different as to render the development unacceptable.
17. The parking of domestic vehicles in the rear garden of the property would not harm the character of the area or seriously prejudice neighbours' living conditions. As to concerns regarding the use of the garage and store or other areas of the site for commercial purposes and the parking of associated vehicles, if this were to arise it is open to the Council to pursue further action if deemed appropriate. The extension of the hardstanding to the front of the property and removal of vegetation are not matters before me in this appeal.
18. No clear evidence has been provided to show that ground levels have been raised on the site nor were changes in levels apparent at my site visit. The location of the soil vent pipe at the front of the dwelling and the position of rainwater goods do not adversely affect the appearance of the dwelling or the street scene. The quality of building work and the structural integrity of the development are matters for control under other legislation and have no bearing on the planning merits of the case. Concerns regarding the Council's handling of the application relate to procedural matters that are not for me to comment on and do not affect my decision.
19. The Council has suggested planning conditions in the event that the appeal succeeds. As the development has been substantially completed and the materials employed are a reasonable match to those used in the original

dwelling, it is not necessary to impose the statutory time limit condition for the commencement of development or require the use of matching materials.

20. Reference has been made to the omission of the brick quoin detail on the front corner of the two-storey extension, which the appellant has suggested can be remedied by condition. This detail is a characteristic of the existing dwelling and other properties in the vicinity, and should be incorporated into the development in the interests of visual amenity. I shall impose a condition accordingly, which also requires the use of matching bricks.
21. I have had regard to all other matters raised, but find nothing of sufficient weight to alter my decision to allow the appeal.

Michael R Moffoot

Inspector



Appeal Decision

Site visit made on 23 February 2011

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 3 March 2011

Appeal Ref: APP/C1055/D/11/2144754

14 Rona Close, Sinfen, Derby DE24 9LE

- 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 Philip Huish against the decision of Derby City Council.
 - The application Ref DER/09/10/01157/PRI, dated 21 September 2010, was refused by notice dated 30 November 2011.
 - The development proposed is a two-storey side extension with front porch.
-

Decision

1. I dismiss the appeal.

Reasons

2. I consider that the main issue is the effect of the proposal on the street scene.
3. Apart from one detached dwelling (No 22), Rona Close is an avenue of evenly spaced semi-detached houses. On the south side of the road most of the dwellings have flat roofed garages to the side. Gaps of about 2m separate the garages. On the northern side of the avenue garages are set back behind the houses. Driveways provide the separation between the buildings. The gaps and space above the garages give the street scene a reasonably spacious feel.
4. The two-storey extension would fill most of the gap at first floor level between the existing flank wall and the side boundary. It would lead to an erosion of the even spacing which is an attribute of the street scene. Views of the sky, landscape features and other buildings obtained between the houses would be reduced. If the proposal were to be repeated elsewhere in the street, the spaciousness would be further eroded. The dwellings could become akin to terraced properties.
5. A subordinate design has been sought by setting back the first floor element by some 0.5m from the front face of the original dwelling and keeping the ridge below the height of the main roof. I note that the only other two-storey side extension in the avenue is at No 22 Rona Close where a set back approaching 1m has been achieved. The Council indicates that it would be satisfied with a similar approach in the case of the appeal proposal. However, in my view, the extension at No 22 detracts from the street scene. The appeal proposal's set back would be even less. It would not retain the spacing which is an integral part of the street scene and which has generally been preserved.

6. I conclude that the proposal would unacceptably detract from the street scene. There would be conflict with Policy H16 of the *City of Derby Local Plan Review* as there would be a significant adverse effect on the street scene in terms of the massing of the extension. I acknowledge that the first floor of the extension would be set back as required by Criterion d. of Policy H16 but such a design device would not, in this case, avoid the potential for a terraced or cramped effect in the street scene. The Council's *Design Note 1- House Extensions and Alterations* indicates that particular care needs to be taken with two-storey side extensions to avoid spoiling the street scene generally. Although reference is made to the advantage of setting the extension slightly back, the guide does not imply that two-storey side extensions are always appropriate.
7. The porch is acceptable but, as it is physically linked to the remainder of the development, it would not be possible to issue a split decision.
8. For the reasons given above I conclude that the appeal should be dismissed.

Mark Dakeyne

INSPECTOR



Appeal Decision

Site visit made on 2 March 2011

by **Michael R Moffoot DipTP MRTPI DipMgt MCMI**

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

Decision date: 23 March 2011

Appeal Ref: APP/C1055/A/10/2141630

279 Morley Road, Oakwood, Derby DE21 4TD

- 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 Kedleston Homes against the decision of Derby City Council.
 - The application Ref. DER/11/09/01330/PRI, dated 14 November 2009, was refused by notice dated 20 July 2010.
 - The development proposed is erection of 2 double garages at 279 Morley Road, with conversion of integral garages within previously approved scheme (application no. 06/08/00949).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises part of a small, part-built housing development located in the predominantly residential suburb of Oakwood on the north-eastern side of the city. To compensate for the loss of garaging that would arise from the conversion of the integral garages to habitable accommodation in the approved dwellings on plots 03 and 04, two double garages are proposed to the front of the site adjacent to the busy Morley Road. No details have been provided of the proposed bin store between the buildings.
4. The deep frontages to properties along this stretch of Morley Road impart a sense of spaciousness that enhances the area and is complemented by mature landscaping on many sites. Due to their scale, siting and proximity to one another, the proposed double garages would dominate the open frontage of the appeal site and would be highly prominent and discordant features in the street scene; particularly when approaching from the south-west on Morley Road. The buildings would fail to respect the prevailing urban grain and would not satisfactorily integrate with their surroundings. Scope to provide effective landscaping would be somewhat limited, and it would be likely to be several years before the planting volunteered by the appellant would provide any degree of maturity and screening to offset the harm that I have identified.
5. I have taken into account garages located to the front of dwellings referred to by the appellant, including those at 2 Smalley Drive and 269 Morley Road, as well as the garage recently permitted at No. 281 adjacent to the appeal site. I

have also been provided with details of a double garage permitted on the appeal site in October 2010. In my view, these examples erode the area's sense of spaciousness to some degree. However the proposed double garages would, in combination, be perceived as far bulkier structures and as a consequence would be more assertive features in the street scene. Other garages I noted in the area were also smaller than the combined size of those promoted in the appeal scheme. Accordingly, comparison with these examples has only a limited bearing on my decision.

6. I therefore conclude that the proposed development would materially harm the character and appearance of the area. As such, it would clearly breach saved Policies GD4, E23 and H13 of the adopted *City of Derby Local Plan Review* which, amongst other things, require development to complement its surroundings, positively contribute to good urban design, preserve or enhance local distinctiveness and respect the surrounding urban grain in terms of scale and layout. It would also conflict with national policy in Planning Policy Statement (PPS) 1: *Delivering Sustainable Development* and PPS3: *Housing*, which state that "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".
7. As to other matters raised in representations, I have seen no technical evidence to show that the development could not be satisfactorily drained. Concerns regarding the Council's public consultation for the application relate to procedural matters that have no bearing on the planning merits of the case.
8. I have considered all other matters raised, but there is nothing of sufficient weight to alter my decision that the appeal should fail.

Michael R. Moffoot

Inspector



Appeal Decision

Site visit made on 16 March 2011

by Chris Hoults BA BPhil MRTPI MIQ

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

Decision date: 23 March 2011

Appeal Ref: APP/C1055/D/11/2146695

4 Sherwood Avenue, Chaddesden, Derby, DE21 6NP

- 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 R Wain against the decision of Derby City Council.
 - The application Ref DER/11/10/01360/PRI, dated 10 November 2010, was refused by notice dated 17 January 2011.
 - The development proposed is a rear and side extension.
-

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with regard to the outlook from no. 120 Reginald Road South.

Reasons

3. The appeal property is a suburban bungalow with a large rear garden. The extension would widen it by some 2.4m and extend it to the rear by around 9.1m, close to, though offset from the boundary fence with nos. 2 Sherwood Avenue and 120 Reginald Road South. A similar proposal was the subject of an application which was dismissed on appeal in September 2010. The Inspector considered its effect on the outlook from these properties, as well as on that to the rear of the garden, no. 3 Woodthorpe Avenue. He concluded that the effect on no. 2 was limited given that occupiers' outlook is mainly towards existing buildings and that no harm would arise to the outlook from no. 3 given the degree of separation between it and the extension. However, he considered that the outlook from no. 120 would be unacceptably harmed, given its visual dominance arising from the extent to which it would project to the rear.
4. The proposal subject of the appeal before me involves the same extension in terms of its width and depth. However, instead of finishing in a gabled elevation, the roof of the rear part of the extension would be hipped. This would, it is argued, reduce the ridge length and roof mass and thus address the harm identified by the Inspector and, while visible from no. 120, it would comprise only a small part of the outlook. I was able to view the proposal from the rear of the dwelling and the rear garden to no. 120.
5. The Inspector highlighted "its excessive and disproportionate projection" as the primary reason for finding that harm would arise to the outlook from no. 120.

That would not change under the proposal before me. The outlook from the rear of no. 120 and from its garden is presently an open one of the converging rear gardens. The extension would intrude into a substantial part of this outlook. There would be some reduction in the extent of the roof mass visible above the boundary fence. However, this would not be enough to offset the harm which would arise from the extent to which the sheer depth of the extension in foreground views from the property would be visually dominant and overbearing. The fact that the side elevation facing no. 120 would consist of a mass of solid brickwork relieved only by a small window (which would be partly visible above the boundary fence) would add to this perception.

6. The appellant argues that the rear extension would intrude into only a small part of the outlook, reducing the openness of views by some 7° from the horizontal. He also refers to a separation distance of some 18.5m. Taking the latter first, the previous Inspector came to the view he did while recognising the separation distance to the rear of no. 120 itself. The main effect of the extension would be in relation to views from the garden, where it would introduce the significant presence of solid built form over a considerable distance close to the boundary between the properties. That it might cut across only a small component of views of open sky from the garden does not alter the fact that it would intrude greatly into the presently open views of the rear gardens. These factors combine to result in material harm to the outlook.
7. With regard to the examples of other schemes to which my attention is drawn, in the case of the larger-scale development at Jubilee Road, Derby, I have no details regarding the location or context. The plan appears to show a high density scheme in an urban setting with an appreciable amount of affordable housing which, on the face of it, is not comparable with the spacious suburban context of the proposal before me. As to the examples of individual extensions, I have no details of the Council's reasons for granting permission and so cannot comment on claims with regard to inconsistencies of approach. However, any failure by the Council to protect the amenity of neighbouring occupiers elsewhere cannot be a basis for justifying not doing so in the proposal before me. I therefore attach little weight to these examples as material considerations which might outweigh the harm which I have identified.
8. Accordingly, I conclude that, in spite of the modifications to the proposal, it would continue to give rise to harm to the outlook from no. 120 and therefore to the living conditions of occupiers. To that extent, it would conflict with criterion (a) of saved Policy H16 of the City of Derby Local Plan Review in relation to house extensions and with the wider requirements of saved Policy GD5 with regard to amenity considerations. For these reasons, I conclude that the appeal should be dismissed.

C M Hoult

INSPECTOR