

Appeal Decisions

RECOMMENDATION

1. Committee is asked to note the decisions on appeals taken in the last month.

SUPPORTING INFORMATION

- 2.1 The attached appendix 2 gives details of decisions taken.
- 2.2 The intention is that a report will be taken to a Committee meeting each month.

For more information contact:
Background papers:
List of appendices:

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See application files
Response to appeal decision

IMPLICATIONS

Financial

1. None.

Legal

2. None.

Personnel

3. None.

Corporate objectives and priorities for change

4. None.

APPEALS DECISIONS

Appeals against planning refusal

Code No	Proposal	Location	Decision
DER/08/08/001242	Extension to dwelling house	3 Cottisford Close, Littleover, Derby	Dismissed

Comments: This proposal included a lounge and kitchen extension and raising the roof height of this single storey dwelling to create rooms in the roof space plus the installation of dormers on the front elevation. The application was refused by the City Council on the grounds that the bulky design and overbearing impact would be detrimental to the visual appearance of the street scene and the dormers in particular would be an incongruous feature and have a harmful impact on the existing character.

The Inspector considered that the main issue of the appeal was the effect of the proposed roof extension and the dormer windows on the character of the dwelling and the street scene.

In the Inspector's opinion the design of the roof extension, which would raise the roof height to almost that of the neighbouring two storey house, would be out of character with other houses in the cul-de-sac and harm the street scene. He noted that there was no precedent set in the area for the type of dormer windows proposed and concluded that they would give a top heavy and overbearing appearance to the property and therefore have a detrimental impact on the character and appearance of the street scene. By virtue of the design of the proposal it would not be possible to build the rear single storey extension in isolation.

The Inspector concluded that in his opinion the proposal was contrary to the policies in the CDLPR and noted particularly that these sought to respect the urban grain of the area and adopt a high standard of design that compliments the surroundings. He also commented that the proposal did not accord with PPS1 paragraph 34. This states that inappropriate design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

Taking all these factors into account the Inspector dismissed the appeal.

Code No	Proposal	Location	Decision
DER/05/08/00823	Retention of a replacement door	124 Mansfield Road, Derby	Allowed

Comments: This application sought permission to retain a replacement uPVC front door in a terraced property in the Little Chester Conservation Area. The application property is covered by an Article 4 direction. The door being replaced was also uPVC.

The Conservation Area Advisory Committee recommended refusal on the grounds that the white uPVC material either preserved or enhanced the character of the Conservation Area.

I carefully considered the impact of the proposal in my report to Committee, noting that while the material and design were not appropriate in a Conservation Area the harm in replacing one uPVC door with another was somewhat limited. I pointed out that there were numerous examples of inappropriate doors in the area. If the application were to be refused and enforcement action taken by the City Council, this could only insist on the reinstatement of the previous uPVC door which was equally unacceptable. It could be argued therefore that whilst the proposed door did nothing to enhance the character of the Conservation Area it did at least preserve the existing situation. I therefore concluded that the proposal did meet policy requirements and recommended approval.

However, Members will recall that the application was refused when considered by Committee on 4 September 2008.

In a particularly short report the Inspector noted that whilst the door was not made of traditional materials, it replaced a door in a poorer condition. The panelled design and small fan light were an improvement to previous and similar to a nearby door.

He considered therefore, that the door preserved the character and appearance of the Conservation Area. Because of the particular circumstances of this case the proposal could not be considered to set a precedent for development which would fail to achieve the objectives of Conservation Area policies. Accordingly the Inspector allowed the appeal.

Code No	Proposal	Location	Decision
DER/07/08/01039	Formation of room in roof space	58 Allestree Lane, Allestree, Derby	Dismissed

Comments: This application concerned the formation of a room in the roof space of the property and included dormer windows in both the side and rear elevations. The application was refused by the City Council because of the resulting unbalancing of a pair of semi-detached dwellings being considered detrimental to the character of the property in the street scene.

The Inspector agreed that the main issue in this appeal was the effect upon the character and appearance of the dwelling and the street scene. He agreed with the City Council opinion that the dormers would lead to an unbalancing of the pair of houses and the imbalance would be clearly visible from nearby property, plus the side dormer would be conspicuous in the street scene. The proposal would therefore have a detrimental impact on both the appeal property and the street scene.

The Inspector noted the proposal was contrary to policies in the adopted Local Plan and at odds with national guidance on sustainable development. He also

commented on other extensions in the area which the appellant had sited in support of his case. These were largely approved before the adoption of the present Local Plan and therefore could not be judged against the same criteria. The Inspector particularly noted that the planning policy framework had changed considerably in recent years with much more emphasis now being placed on the importance of good design. Accordingly in his opinion, they did not weigh in support of the proposal and therefore he dismissed the appeal.

RECOMMENDATION: To note the report.