



Appeal Decision

Site visit made on 27 January 2009

by Colin Blundel BSc(Hons) MSc DipTP
MRTPI

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

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Decision date:
16 February 2009

Appeal Ref: APP/C1055/A/08/2088327

3 Cottisford Close, Littleover, Derby DE23 3SL

- 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 Soresby against the decision of Derby City Council.
- The application Ref DER/08/08/01242/PRI, dated 1 August 2008, was refused by notice dated 9 October 2008.
- The development proposed is a loft conversion with dormers to habitable accommodation and a rear single storey extension.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The elevation plans submitted with the application contained some inconsistencies. For the purposes of this appeal, amended plans, numbered 20a0808 1 of 2 and 20a0808 2 of 2 and both labelled Revision A, have therefore been considered.

Main issue

3. The main issue is the effect of the proposed roof extension and dormer windows on the character and appearance of the dwelling and the street scene.

Reasons

4. The appeal property is a bungalow in a cul-de-sac location in a 1980s housing estate on the outskirts of Derby. There is a bungalow to one side and a semi-circle of 6 two-storey detached houses to the other. The design of the appeal property does not match the surrounding properties. The proposal is to raise the ridge height of the roof by increasing the roof slope and installing 2 large front-facing dormer windows and roof lights to the rear. A single-storey extension is proposed to the rear.
5. The roof extension proposed would raise the ridge of the roof almost to the height of the adjacent two-storey houses and would increase the enclosed feeling when entering Cottisford Close. The proposed slope of the roof would appear out of character with the other houses in the cul-de-sac and would, in my view, harm the street scene. Having looked around the estate, I did not see any dormer windows of the style proposed. Those that are present on 4 houses on Datchet Close are small side dormers on gable-ended properties. Due to the difference in design and orientation of the houses, I consider that

they do not set a precedent for development of the type of dormer window proposed at the appeal property. I conclude that the size and design of the proposed dormer windows would be such that they would give a top-heavy and overbearing appearance to the property and would have a detrimental impact on the character and appearance of the street scene due to their prominence.

6. The proposed single-storey rear extension would have a ridge height higher than the existing ridge. In my view, this part of the proposal could not, therefore, be built in isolation.
7. In view of the issues raised above, I consider that the proposals would conflict with policies GD4, E23 and H16 of the City of Derby Local Plan Review that was adopted in 2006. These policies require, amongst other things, developments to respect the urban grain of the surrounding area, adopt a high standard of design that complements the surrounding area, and seek to avoid adverse effects on the character and appearance of the street scene.
8. National guidance on design is contained in Planning Policy Statement 1 (PPS1) *Delivering Sustainable Development*. The proposal does not accord with paragraph 34 of the guidance, which says 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 should not be accepted.
9. On the other matters raised concerning the spacing between the appeal property and houses on Datchet Close, the houses are about 20m apart and the Datchet Close properties are at a slightly higher level than the appeal property, thus reducing any impacts. Because of this I consider that there would not be significant issues of overlooking, overshadowing or loss of outlook.
10. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led to my conclusion.

Colin Blundel

INSPECTOR



Appeal Decision

Site visit made on 9 February 2009

by **C Hughes BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
12 February 2009

Appeal Ref: APP/C1055/A/08/2089415

124 Mansfield Road, Chester Green, Derby DE1 3RA

- 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 Helen Robinson against the decision of Derby City Council.
- The application Ref DER/05/08/00823/PR1, dated 15 May 2008, was refused by notice dated 9 September 2008.
- The development proposed is a new uPVC front door to replace existing broken white uPVC door.

Decision

1. I allow the appeal, and grant planning permission for a new uPVC front door to replace existing broken white uPVC door at 124 Mansfield Road, Chester Green, Derby in accordance with the terms of the application, Reference DER/05/08/00823/PR1, dated 9 September 2008.

Reasons

2. A direction made under Article 4(2) of the Town and Country (General Permitted Development) Order 1995 requires that planning permission is obtained for alterations to doors on any elevation which faces a highway in the Little Chester Conservation Area, within which the appeal property is situated.
3. As the new door has been installed, I am treating the appeal application as a retrospective application for a replacement door.
4. The front door faces Mansfield Road and is clearly seen in a terrace of houses opposite a public open space. Although not of traditional materials, it is a replacement for a uPVC front door which, reportedly, was of poorer condition. Its panelled design and incorporation of a small fanlight are an improvement on the replaced door and more in keeping with the similar door at No 128.
5. The new door preserves the character and appearance of the Conservation Area. The appeal proposal does not conflict with policies intended to preserve or enhance the character or appearance of the Conservation Area. Because of the particular circumstances of this replacement door the proposal would not set a precedent for development which would fail to achieve the objectives of Conservation Area policies.

C Hughes



Appeal Decision

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by **Colin Blundel** BSc(Hons) MSc DipTP
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Decision date:
16 February 2009

Appeal Ref: APP/C1055/A/08/2088559
58 Allestree Lane, Allestree, Derby DE22 2HR

- 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 Huddleston against the decision of Derby City Council.
- The application Ref DER/07/08/01039/PRI, dated 10 July 2008, was refused by notice dated 28 August 2008.
- The development proposed is a loft conversion.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The appellant contends that planning permission is not required for the appeal proposal under the new permitted development regulations. Whether or not planning permission is required is not a matter for me to determine in the context of an appeal made under section 78 of the above Act. It is open to the appellant to apply for a determination under sections 191/192 of the above Act to determine this matter. My determination of this appeal does not affect the appellant's rights in this regard.

Main issue

3. The main issue is the effect of the proposed dormer windows on the character and appearance of the dwelling and the street scene.

Reasons

4. The appeal property is one of a pair of semi-detached houses on Allestree Lane. It is one of a small group of similar properties with hipped roofs. The houses along the rest of the street vary greatly in size and design. The proposal is to install two large dormer windows to the side and rear roof slopes to create rooms in the roof space.
5. It is unclear, from the submitted plans, whether it is intended that the proposed rear dormer would be hipped or have a gable end. In either case, it is my view that the size and design of the proposed dormers would give an unbalanced appearance to this pair of semi-detached houses. Such an imbalance is clearly visible at the nearby 62 Allestree Lane, where front and side dormers have been installed. I also consider that the side dormer would be very conspicuous in the street scene. In view of these points I conclude that the proposed development would have a detrimental effect on the

appearance of the appeal property itself, and on the character and appearance of the street scene.

6. As a result, the proposal would conflict with Policies E23 and H16 of the City of Derby Local Plan Review, adopted in 2006. Amongst other matters these require development proposals to be of a high standard of design, complement the surrounding area, and have no significant adverse impact on the character and appearance of the dwelling or the street scene.
7. The proposal would also be at odds with national guidance in Planning Policy Statement 1 (PPS1) *Delivering Sustainable Development*, paragraph 34 of which indicates 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 should not be accepted.
8. Although I have noted the appellant's comments concerning the consistency of decision making with regard to the various roof extensions which exist in Allestree Lane and the surrounding streets, it is nevertheless the case that the planning policy framework has changed in recent years, with more importance now being attached to good design. Moreover, on the basis of the evidence before me, it appears that the other extensions referred to (including that at 25 Fairway Crescent specifically mentioned by the appellant) were all constructed prior to the adoption of the Local Plan Review in 2006. It is against the policies of this document that I am required to assess this proposal. In any case, with regards to 25 Fairway Crescent the designs of the dormers are different to those proposed in this appeal, and in my opinion do not, therefore, weigh in support of the appeal proposal.
9. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

Colin Blundel

INSPECTOR