



# Appeal Decision

Site visit made on 17 May 2010

by **Graham Garnham BA BPHIL MRTPI**

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

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Decision date:  
**25 May 2010**

**Appeal Ref: APP/C1055/D/10/2125766**

**15 Pendlebury Drive, Mickleover, Derby, DE3 9SS**

- 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 L J Collis against the decision of Derby City Council.
- The application Ref DER/11/09/01367/PRI, dated 16 November 2009, was refused by notice dated 18 January 2010.
- The development proposed is single storey rear extension and two-storey and single storey side extensions to a dwelling.

## Decision

1. I allow the appeal, and grant planning permission for a single storey rear extension and two-storey and single storey side extensions to a dwelling at 15 Pendlebury Drive, Mickleover, Derby, DE3 9SS in accordance with the terms of the application Ref DER/11/09/01367/PRI, dated 16 November 2009, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

## Main issue

2. I consider that this is the effect of the proposal on the character and appearance of the existing building and street scene.

## Reasons

3. No.15 Pendlebury Drive is a good-sized, modern detached house. The proposal would add a 2 storey gabled extension to the west end. This would replace part of the width of the existing pitched-roof double garage. I estimate that the gabled extension would increase the width of the main part of the building by about a half. Although this would be significant, I consider that it would not in principle be harmful so long as the design would be in keeping with the existing structure. Also, the rest of the garage would be replaced by a single storey side extension. This side extension would be lower than the existing garage. Thus overall, I consider that the proposal would not represent a disproportionate addition to the mass or outline of the present building.

4. The gabled extension would match that at the east end of the house, in size, proportions and detailing. I consider that, if I impose a planning condition to ensure that materials match the existing, the extension would complement the design of the original house. The outcome would be a broadly symmetrical, large detached dwelling, with a centrally placed front door and a single garage incorporated in the 2 storey extension. The house would have an enlarged appearance, but would retain its fundamental character as one of the larger houses in the locality.
5. The placing of the lean-to side extension next to no.17, and the generous size of the garden, would ensure that the enlarged house would not appear cramped in relation to its plot or the next door property. For reasons given in paragraph 3 above, I consider that the overall increase in the profile of the building would not appear disproportionate when seen from the road. The bungalows to the east are a smaller scale of development, and many of the detached houses further into the Drive are smaller than the appeal property. However, I consider that the scale of the house as enlarged would not be materially different from that at no.19 nearby or some others in the vicinity. The extension would certainly be seen on the skyline moving up the road. However, I do not count this against the proposal, as I have found the design and the scale of the extended house to be acceptable.
6. I viewed all the other sites referred to me in the locality. None seems to match exactly the circumstances of this appeal. Nonetheless, those that have been completed indicate to me that it can be possible to permit quite large extensions where the design and setting are appropriate. I have found this to be the case with the proposal before me.
7. I consider that the proposal would not have a significant adverse effect on the character and appearance of the building or the street scene. It would reflect the urban grain of the area, and the changes to the building would be in character with the surrounding area. I have identified no problems with the rear extension, and no adverse effect on the living conditions of the adjoining occupiers.
8. I conclude that the design of the proposal is acceptable and that the enlarged house would be in keeping with the character and appearance of the existing building and street scene. There would be no material conflict with saved policies GD4, H16 & E23 in the City of Derby Local Plan Review (2006).

*G Garnham*

INSPECTOR



# Appeal Decision

Site visit made on 17 May 2010

by **Graham Garnham BA BPHIL MRTPI**

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Decision date:  
**25 May 2010**

**Appeal Ref: APP/C1055/A/10/2121889**  
**24 Connaught Road, Derby, DE22 3LU**

- 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 J Taylor against the decision of Derby City Council.
- The application ref DER/10/09/01222/PRI, dated 15 October 2009, was refused by notice dated 7 December 2009.
- The development proposed is change of use from workshop to dwelling.

## Decision

1. I dismiss the appeal.

## Main issues

2. I consider that these are the effects of the proposal on firstly, the character of the area; and secondly, the living conditions of the occupiers of nearby properties.

## Reasons

3. The building that is the subject of this appeal was erected further to a planning permission given in 1989. This was subject to a condition that required the garage to be used only for the storage of private motor vehicles and other purposes incidental to the enjoyment of the dwelling house, and not used in connection with any business or for habitation. The appellant says that he has used the building as a light engineering workshop for 20 years, to restore vintage vehicles, without any objections from neighbours. I am not in a position to come to a view on this claim. However, it is evident from the plans and the site visit that the appeal building is accessed for vehicles through the detached garage at no.24, and on foot across the back garden, and is an integral part of a single property.

## *First main issue – effect on character of the area*

4. Connaught Road and the adjoining roads of Trowels Lane, Thornhill Road and Albany Road, form a rectangle of frontage residential development. The buildings are mainly detached or semi-detached, mostly of 2 storeys and many apparently of inter-war origin. Properties are served by driveways and form regular building lines along the roads. Several have relatively small buildings to the rear, typically garages close to the house, as at no.24. Apart from these and the appeal building, there appear to be no substantial backland buildings within the open space that is formed by good length rear gardens and is largely surrounded by the frontage development.

5. The appeal building has the appearance of a small bungalow, which the change of use would reflect. However, it would introduce an independent dwelling into a secluded backland area. It would have only very restricted space to the rear and sides, being built close to the boundaries at the end of the garden. There would be a limited amenity area at the front, where there would also be parking and manoeuvring space for 2 vehicles. The long driveway would run much of the length of the southern boundary of the plot, and emerge onto Connaught Road through a tight space at the side of no.24. I consider that the independent use of the building as a dwelling, the other works associated with this, and their intrusion into an area of peaceful back gardens would be a material change in character that would detract from the surroundings.
6. I find that the proposed establishment of an independent dwelling in a secluded backland area would not be a positive response to the local context. It would neither preserve or enhance local distinctiveness, nor respect the prevailing urban grain in terms of its layout, having a restricted backland plot. I conclude that the proposal would materially harm the character of the area by virtue of its unsatisfactory relationship to nearby property. This would be contrary to the provisions of saved policies GD4 & H13 in the City of Derby Local Plan Review (2006).

***Second main issue – effect on living conditions***

7. The proposal would bring the vehicular activity of an independent household along the full length of the southern side and the back of the reduced curtilage of no.24. The driveway to the new dwelling would abut the side wall of the existing house. Although the ground floor side windows could be bricked up, the comings and goings associated with a 3 bedroom dwelling would still be quite close to the front room window and back room patio doors. The new driveway would also abut the rear boundaries of no.s 20-26 Albany Road, and detract to some extent from the level of quietness their occupiers may expect to continue to enjoy. I consider that this would fall short of the high quality living environment that is among the objectives of local plan policy H13.
8. I conclude that the proposal would detract from the living conditions of the occupiers of nearby properties, contrary to local plan policies H13 & GD5.

***Conclusion***

9. I understand the benefits that might accrue to the appellant from the change of use. In addition, it is to be expected that incoming occupiers to no.24 would be aware of the consequences of the proximity of another dwelling to the side and rear of their curtilage. Nonetheless, I consider that the accumulation of harm I have identified in relation to the 2 main issues means that the proposal would overall have an unacceptable outcome, which could not be overcome by the imposition of planning conditions. On balance I give greater weight to this consideration, which I derive from enduring local plan policies.
10. Given the balance of my findings in relation to the main issues, I consider that planning permission should be withheld. For the reasons given above I conclude that the appeal should be dismissed.

*G Garnham*  
INSPECTOR



# Appeal Decision

Site visit made on 19 May 2010

by **G M Hollington MA, BPhil, MRTPI**

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for Communities and Local Government

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Decision date:  
**26 May 2010**

**Appeal Ref: APP/C1055/D/10/2125480**

**220 Max Road, Chaddesden, Derby, Derbyshire, DE21 4HB**

- 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 Brian Yule against the decision of Derby City Council.
- The application Ref. DER/10/09/01195/PRI, dated 5 October 2009, was refused by notice dated 25 November 2009.
- The development proposed is an extension.

## Decision

1. I allow the appeal, and grant planning permission for an extension at 220 Max Road, Chaddesden, Derby, Derbyshire, DE21 4HB in accordance with the terms of the application, Ref. DER/10/09/01195/PRI, dated 5 October 2009, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no. 746 MR 001.
  - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows shall be constructed on the east side elevation.

## Main Issues

2. I consider the main issues in this appeal to be the effects of the proposed development on:
  - (a) the character and appearance of the surrounding area; and
  - (b) the living conditions of the occupiers of adjacent dwellings, with particular reference to light, visual impact and privacy.

## Reasons

### (a) Character & Appearance

3. The appeal building stands alongside the house at 220 Max Road and bears the name The Glens. Its relatively tall and narrow front elevation is unusual for Max Road, nearby parts of which comprise predominantly semi-detached and terraced houses, although there are some elderly persons' bungalows to the east.

4. The proposed full height extension, spanning a vehicle access, would not be of a style found in the vicinity and the resulting dwelling would occupy the width of the site. Nevertheless, interspersed with the predominant forms of housing are some detached houses, of varied designs, which appear to be relatively recent additions to the street. The proposed building would be another example of such development. The extended house would not stand forward of its neighbours and it would not be unduly prominent in the street scene.
5. My conclusion on this issue, therefore, is that the proposed development would not harm the character and appearance of the surrounding area. It would not conflict with the aims of policies H16 and E23 of the City of Derby Local Plan Review, adopted January 2006.

(b) Living Conditions

6. The side wall of the proposed extension would stand on the boundary with the gardens of the neighbouring elderly persons' bungalows. The bungalows stand well away from the boundary and so the extended house would not have any material effect on light reaching the nearest bungalow, no. 214. Nor would it greatly affect the outlook from this bungalow or its neighbours, because of their spacing and the presence of the existing house.
7. The extended house would have some effect on the neighbours' quality of life by having a visual impact on users of the garden area but I note that one of the previously permitted developments on the appeal site was a detached house, the flank wall of which would also have stood on the boundary. The effect of the current proposal would not differ significantly from this.
8. From the rear window of the proposed extension, it would be possible to look obliquely towards the rear elevations of the adjacent bungalows and over their gardens. This would cause some reduction in privacy but not to an extent which would be harmful, given the angle of view and the distance to the rear elevations. Furthermore, it is not uncommon for there to be a degree of overlooking within built-up areas.
9. In these circumstances, I conclude on this issue that the proposed development would not result in unacceptable harm to the living conditions of the occupiers of adjacent dwellings, with particular reference to light, visual impact and privacy. It would not conflict with the aims of Local Plan policies GD5 and H16.

Conditions

10. I have considered the need for conditions in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. In order to avoid direct overlooking of the neighbouring properties, a condition is needed to prevent the formation of any windows in the side elevation. It is necessary for the development to be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

*G M Hollington*

INSPECTOR