

2. PLANNING AND OTHER APPEALS

(references beginning with a 9 is planning appeal and references beginning with an E is an enforcement appeal)

Reference	Place	Ward	Result	Cttee/delegated
9/2005/1393	Egginton	Etwall	Dismissed	Committee
9/2005/1504	Findern	Willington/Findern	Dismissed	Delegated
9/2006/0457	Hatton	Hatton	Allowed	Delegated
9/2006/0495	Foston	North West	Dismissed	Delegated



Appeal Decision

Site visit made on 4 January 2007

by **Philip Barton** MCD BA(Hons)

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

PLANNING SERVICES
20 FEB 2007

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Date: 16 February 2007

Appeal Ref: APP/F1040/A/06/2023346

Egginton Hall, Egginton, Derby DE65 6HP

- 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 & Mrs K. Ellis against the decision of South Derbyshire District Council.
- The application Reference 9/2005/1393/F, dated 23 November 2005, was refused by notice dated 14 February 2006.
- The development proposed is to install to garden store with pitched roof, windows and new storage area.

Procedural Matter

1. In my view, the description of development on the decision notice describes the proposed development more accurately and I have, consequently, dealt with this appeal as one for alterations to an existing plant room to form a garden store with storage above.

Decision

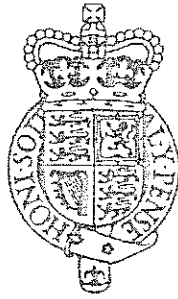
2. I dismiss the appeal.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the countryside.

Reasons

4. Egginton Hall is a small country estate situated outside the settlement boundary of the village of Egginton. The grounds comprise a significant amount of mature broadleaf woodland and are surrounded to the west and south by open fields and water meadows on a river flood plain. To the north and east are residential properties in Fishpond Lane and Church Road. The building proposed for alteration is located on the main driveway and is a sturdily constructed single storey brick structure with a flat roof and small open curtilage surrounded by a high brick wall. It appears to be in a structurally sound condition, although there is some minor damage to the roof and curtilage wall. It is in a relatively secluded location and is clearly visible only from a small number of properties in Fishpond Lane.
5. The proposal seeks to provide daytime accommodation for staff working outdoors and storage space for grounds maintenance equipment. This would be achieved by the addition of an internal staircase and upper storey with pitched roof. There would also be new external openings on both storeys. I note that there are several large, mature broadleaf trees within a few metres of the western elevation of the building. The appellants point out that



Appeal Decision

Site visit made on 4 December 2006

by Karen L Ridge LLB (Hons)

an Inspector appointed by the Secretary of State for
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Date: 5 January 2007

Appeal Ref: APP/F1040/A/06/2021274

Land adjacent to the entry to the cemetery, Common Piece Lane, Findern, Derby

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Derby Self Build Housing Society Limited against the decision of South Derbyshire District Council.
- The application Ref 9/2005/1504/O, dated 20 December 2005, was refused by notice dated 17 February 2006.
- The development proposed is the erection of one property.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The planning application that led to this appeal was for outline planning permission. All matters (siting, access, design, external appearance and landscaping) were reserved for later decisions. In so far as the appeal deals with these reserved matters I shall treat these details as being no more than illustrative of what is proposed.
2. The address provided on the planning application form was incomplete so I have inserted the full address above.

Main Issues

3. I consider that there are two main issues in this case, namely;
 - (i) whether or not the proposal would provide satisfactory facilities for its prospective occupants in terms of open amenity space, access and parking facilities, and
 - (ii) the effect of the proposal on the character and appearance of the immediate area.

Planning Policy

4. The development plan for the area includes the South Derbyshire Local Plan (LP), adopted in 1998. LP Housing Policy 5 provides that new housing development in Findern will be restricted to that which fits into the village confines and is in keeping with the scale and character of the settlement. Housing Policy 11 of the LP concerns layout and design of new housing and stipulates that it should provide a reasonable environment for the public at large as well as safe, functional and convenient layouts and private amenity space, amongst other things.
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5. In addition the Council has Supplementary Planning Guidance entitled *Housing Layout and Design* (SPG), which has been subject to public consultation and adopted by the Council in 2004. I shall therefore accord it significant weight.

Reasons

Whether or not the proposal would provide satisfactory facilities

6. The appeal site comprises a strip of land approximately 20m in length and with a varying width of between about 5.5m to 7m. It is essentially at the edge of the village settlement, immediately adjacent to a longer strip of land which is being developed with a single dwelling and opposite bungalows set in their own gardens. The total site area is in the order of about 104m² and the appellants have indicated that they envisage the provision of a one bedroom bungalow with a floor area of 60m² along with a single parking space in the form of a lay-by to facilitate car parking manoeuvres. Given the quiet location, ample on-street parking and low traffic on Common Piece Lane, I conclude that a lay-by arrangement would provide adequate parking and access arrangements.
7. The Council's SPG purposely does not specify a minimum level of private amenity space provision in order to encourage increased densities. Instead it states that each application will be considered on its individual merits. I consider that a dwelling could be designed to sit on the appeal site with the aforementioned parking arrangement, leaving an adequate area of private amenity open space for use by the occupants. In this respect I conclude that the proposal would satisfy LP Housing Policy 11 and the Council's SPG.

The effect on the character and appearance of the immediate area

8. Common Piece Lane is accessed by passing a Church and village green and exhibits an air of tranquillity. It is a quiet backwater in which modest properties sit comfortably in individual gardens. The small cemetery, located to the rear of the appeal site is on the edge of the settlement where properties appear loosely grouped. Whilst the new dwelling adjacent to the appeal site will be readily assimilated into this part of the village, I do not consider that the same would be true of a dwelling on the appeal site. It would have the appearance of a cramped development at the edge of the village and would obscure views of the cemetery and wider countryside.
9. Immediately in front of the appeal site is a grassed verge containing a relatively young tree. Whilst I do not consider that the loss of the tree would significantly affect the character and appearance of the area, the grassed verge contributes to this pleasant green environment. In my view, any incursion into the grassed area to facilitate access to a property would add to the impression of a cramped development inappropriate in and detrimental to its immediate setting. I conclude therefore that the proposal would be contrary to LP Housing Policy 5 in this regard.

Other Matters

10. Both parties agree that the site is in a sustainable location on the edge of the village where there are local services and I note that the new dwelling could contribute to the variety of housing provision. However, these considerations do not outweigh the harm which I have identified would be caused to the character and appearance of the immediate area. Given the low level of traffic on the lane and plentiful on-street parking I do not consider that

issues of highway safety would arise. I consider that any drainage concerns could be dealt with by a suitably worded condition if I was minded to allow the appeal and I do not consider that the development would impinge on the use of the cemetery.

Conclusions

11. Whilst I have found that a proposed dwelling could provide adequate facilities, this would not outweigh the harm which I have concluded would be caused to the character and appearance of the area. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

12. I dismiss the appeal.

Karen L Ridge

INSPECTOR



Appeal Decision

Site visit made on 4 January 2007

by Philip Barton MCD BA(Hons)

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

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Date: 2 February 2007

Appeal Ref: APP/F1040/A/06/2023887

121 Station Road, Hatton DE65 5EJ

- 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 M Edwards against the decision of South Derbyshire District Council.
- The application Reference 9/2006/0457/FH, dated 12 April 2006, was refused by notice dated 9 June 2006.
- The development proposed is the erection of a 2-storey house extension.

Procedural matter

1. The submitted plan shows an inaccurate street numbering sequence. During my site visit I confirmed that the correct sequence is 117, 119 and 121 Station Road.

Decision

2. I allow the appeal, and grant planning permission for the erection of a 2-storey house extension at 121 Station Road, Hatton DE65 5EJ in accordance with the terms of the application, Reference 9/2006/0457/FH, dated 12 April 2006, and the plans submitted therewith, subject to the following conditions:-
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) All external materials used in the development hereby permitted shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of occupants of 119 Station Road, with particular regard to loss of daylight.

Reasons

4. The appeal property (No. 121) is a 2-storey house situated on a busy classified road which runs through the centre of a village that is surrounded by farmland. The neighbouring bungalow, No. 119, is built between the appeal property and No. 117, which is a 2-storey house. On the northern elevation of No. 119 there are two glazed doors. One leads to the garage and one to the kitchen. There are also two windows, which are the main source of light to the kitchen. This elevation is separated from No. 121 by about 8 metres. The southern elevation of No. 119 is separated from No. 117 by about 2m.

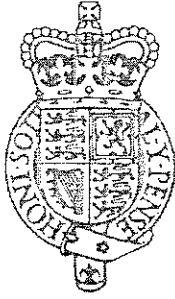
5. The party boundary between Nos. 119 & 121 comprises an imperforate wooden fence of about 2.5m in height. There is a small difference in ground levels, with No. 119 being about 0.5m higher than No. 121. Only the uppermost parts of the doors and windows on the northern elevation of No. 119 are visible above the fence. The northern elevation of No. 119 and the fence are separated by about 1m. During my site visit I noted that the proximity of the windows to the party boundary, their northern aspect, and overhanging fascia and guttering all combine to create an existing situation of restricted daylight at these windows.
6. The central question here is whether the proposed extension would exacerbate the current situation. In my assessment, as a result of its hipped roof design, siting to the north, and distance from the party boundary, the extension would not lead to a significant additional loss of daylight to the kitchen windows at No. 119. It would be sited substantially closer to No. 119 than is recommended by South Derbyshire District Council Planning Services Supplementary Planning Guidance: Extending your Home (SPG), adopted on 15 April 2004, to which I have attributed significant weight. Nevertheless, SPG does allow for the minimum distances it specifies to be reduced where permanent screening can be provided. The existing party boundary does, in my view, constitute such a mutual screen.
7. I find that the proposal would not materially harm the living conditions of occupants of 119 Station Road. It would accord, therefore, with Housing Policy 13 of the South Derbyshire Local Plan (LP), adopted in May 1998, which requires that residential extensions do not detrimentally affect the living conditions of occupants of adjoining properties. Given that the proposal complies with the LP and adequate permanent screening is already in place, I also find that the minimum separation distances referred to in SPG may, in this case, be relaxed. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

8. I have considered the conditions suggested by the Council in the light of the advice in Circular 11/95. Condition 2 is necessary in order to protect the character and appearance of the area.

Philip Barton

Inspector



Appeal Decision

Site visit made on 4 December 2006

by **Karen L Ridge LLB (Hons)**

an Inspector appointed by the Secretary of State for
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Date: 9 January 2007

Appeal Ref: APP/F1040/A/06/2021184

The Coppice, Coplow Lane, Foston, Derby, DE65 5DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs Margaret Martha Peat against the decision of South Derbyshire District Council.
- The application Ref 9/2006/0495/O, dated 20 April 2006, was refused by notice dated 15 June 2006.
- The development proposed is a bungalow.

Decision

1. The appeal is dismissed.

Reasons

2. The planning application that led to this appeal was for outline planning permission. All matters (siting, access, design, external appearance and landscaping) were reserved for later decisions. In so far as the appeal deals with these reserved matters I shall treat these details as being no more than illustrative of what is proposed.
 3. The appeal site is located in Foston, a small settlement clustered along the roadside with no local services or facilities. The site is close to a bus stop which has limited services to Burton and beyond. Due to the lack of services and facilities within the immediate vicinity and limited transport links, it is probable that any occupiers would be largely reliant on private transport.
 4. Development in this location would therefore run contrary to the policy objectives contained in General Development Strategy Policy 1 of the Derby and Derbyshire Joint Structure Plan adopted in 2001 which directs that new development should respect sustainability principles and minimise the overall need to travel by siting development in locations well served by the public transport network. This advice reiterates national advice in both Planning Policy Guidance 3-*Housing* and the newly published Planning Policy Statement 3- *Housing* which encourage development in accessible locations.
 5. I sympathise with the appellant's desire to carry on the long family tradition of enabling her grandson to live in Foston. However this does not constitute a reason for overturning development plan policy objectives and the appellant has not advanced any other compelling reason to justify development in this location. I note that there are other new houses in the settlement but I do not have any details regarding the circumstances of these
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developments. In any event each proposal must be dealt with on its own individual merits. I conclude that allowing the development to proceed would be harmful to the Council's strategy of promoting sustainable development and therefore the

6. appeal should be dismissed.

Karen L Ridge

INSPECTOR