
Appeal Decision

Site visit made on 3 May 2016

by Zoe Raygen Dip URP MRTPI

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

Decision date: 31 May 2016

Appeal Ref: APP/F1040/D/16/3147930

Cherry Tree Cottage, 18 Sutton Lane, Hilton, Derbyshire DE65 5FT

- 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 Mark Swift against the decision of South Derbyshire District Council.
 - The application Ref 9/2015/1176, dated 8 December 2015, was refused by notice dated 23 March 2016.
 - The development proposed is erection of side extension to provide garage and first floor study and creation of new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of side extension to provide garage and first floor study and creation of new vehicular access at Cherry Tree Cottage, 18 Sutton Lane, Hilton, Derbyshire DE65 5FT in accordance with the terms of the application, Ref 9/2015/1176, dated 8 December 2015 subject to the conditions set out in the schedule to this decision notice.

Procedural matter

2. I have amended the description to include reference to the creation of the new vehicular access.

Main Issues

3. The main issues are firstly, the effect of the proposal on the character and appearance of the host dwelling and the area and secondly, the effect of the proposal on the living conditions of the occupiers of 2 Cherry Tree Close with particular regard to outlook, light and privacy.

Reasons

Character and appearance

4. 18 Sutton Lane is a detached house sited at right angles to a residential street. Surrounding properties are semi-detached houses and detached bungalows set within a variety of plot sizes. No 18 is older than most of the surrounding properties and has a unique design within the street scene with a varied roof scape and building form. As a result the area has a mixed character and appearance.

5. The proposed extension would be to the rear of No 18, set back about 5 metres from the road and separated from the main dwelling by a link element which would be lower than the main part of the extension. These factors together with the slightly lower height of the extension than the host dwelling ensures that the extension as a whole, although large, would remain subordinate to No 18. It would therefore be in accordance with the South Derbyshire District Council Supplementary Planning Guidance Extending Your Home (the SPG) which advises that where side extensions are acceptable, particularly if higher than single storey, care should be taken to make sure that they look like a smaller part of the main dwelling.
6. The extension would not be seen from the south as it would be screened by No 18. From the north it would be viewed in the context of the host dwelling. The replication of the roof pitch, eaves detailing and materials of No 18 on the extension together with its subordination means that it would sit comfortably in the street scene and maintain the varied roof scape of the dwelling.
7. No 18 sits within a large plot and while the extension would lead to the built form covering a large proportion of the north west of the plot, there would be sufficient space maintained to ensure that the character of the area was not harmed. Moreover the extent of the built form would be similar to that covered by the semi-detached houses in the area and therefore it would not look out of place.
8. For the reasons above I conclude that the extension would not be harmful to the character and appearance of the host dwelling or the area. There would therefore be no conflict with saved Housing Policy 13 of the South Derbyshire Local Plan 1998 (the Local Plan) or the guidance in the SPG which requires that proposals are of a scale and character in keeping with the property and not detrimental to the general character of the area.

Living conditions

9. 2 Cherry Tree Close is a dormer bungalow sited to the north east of No 18. It has a garden area to the rear accessed from patio doors, which wraps around the side of the dwelling. The extension would be sited close to the boundary with the side garden, but further away and at right angles to the main rear elevation of No 2. The extension would be one and a half storeys high, but because of the reduced ground level at No 18 would appear lower when viewed from the garden of No 2. There are no windows in the west side elevation of No 2 with main windows contained within the rear elevation. The SPG requires that two storey extensions do not breach a minimum distance along a 45 degree line drawn from the centre of the nearest ground floor 'primary' window of the neighbouring property. The appellant has submitted a plan showing that the extension would not breach the protected splays to the windows in No 2 as required by the SPG. However, the plan only confirms the contents of the Council's application report and therefore raises no new issues.
10. The SPG does not cover any impact on garden areas. The side garden of No 2 is laid to grass and I saw that there is a sitting out area adjacent to the blank side gable elevation. The extension would be close to the side garden of No 2. However, it would be oriented such that while it may lead to a small amount of shading this would not have a significant impact over and above that already occurring due to trees on the north-west boundary of No 2. Therefore there would not be an unacceptable or overbearing effect. Furthermore due to the

distance of the extension away from the boundary, it would not overshadow the open southern aspect of the garden area to the rear of No 2.

11. I conclude therefore that given the orientation, height and siting of the extension in relation to No 2, and its garden, it would not lead to an unacceptable loss of light or be unduly overbearing.
12. There would be two roof lights inserted into the roof of the extension facing no 2 at a height of 1.7 metres above the floor level. The height of the rooflights would ensure that there would be little opportunity for overlooking towards No 2. Should dormer windows be inserted in the future then, as they would be on the side elevation of the property, they would require planning permission if they were to be clear glazed.
13. The rear elevation of the extension is blank and therefore there would be no opportunity for overlooking to the garden of No 2. However I consider it necessary to remove permitted development rights for windows to be inserted in the rear elevation to prevent the potential for overlooking to occur in the future. Subject to the imposition of this condition I do not consider that the occupiers of No 2 would suffer any unacceptable loss of privacy due to the proposal.
14. For the reasons above I conclude that the proposal would not be unduly harmful to the living conditions of the occupiers of 2 Cherry Tree Close. There would therefore be no conflict with saved Housing Policy 13 of the Local Plan or paragraph 17 of the National Planning Policy Framework which require that proposals should always seek to secure high quality design and a good standard of amenity for all existing occupants of land and buildings.

Conditions

15. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. In the interests of clarity it is appropriate that there are conditions requiring that the development is carried out in accordance with the approved plans and that materials accord with the details in the application. This would also ensure that the rooflights are provided in accordance with the named plan and therefore a further condition is not necessary.
16. Details of eaves and verge details have been provided on the drawings and therefore I do not consider it necessary to impose conditions in this respect. I have imposed conditions 3, 4, 5 and 6 in the interests of highway safety.

Conclusion

17. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF 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: 277/1, 277/2, 277/3, 277/4, 277/5, 277/6 Rev A.
- 3) The development hereby permitted shall be carried out in accordance with the materials detailed in the application form.
- 4) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted extension until details of the access have been submitted to and approved in writing by the local planning authority. The new access shall be implemented in accordance with the approved details prior to the completion of the extension.
- 5) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted extension until details of a scheme to close the existing access and reinstate the kerb has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first use of the new access.
- 6) No structure exceeding 600mm in height relative to the nearside carriageway edge shall be placed for a distance of 2m into the site from the highway boundary.
- 7) There shall be no gates within 5m of the highway boundary.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be installed on the rear north elevation of the extension.