



Appeal Decision

Site visit made on 7 February 2023

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01st March 2023

Appeal Ref. APP/P1045/D/22/3310051 3 Sunnybank, Rowsley, Matlock DE4 2DX

- 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 Pheasey against the decision of Derbyshire Dales District Council.
 - The application ref. 22/00892/FUL, dated 29 July 2022, was refused by notice dated 26 September 2022.
 - The development proposed is "*Proposed demolition of existing sun room and proposed extension over existing garage.*"
-

Decision

1. The appeal is dismissed.

Procedural matters

2. In the heading above, I have taken the name of the appellant from the householder application form. The planning appeal form included the agent's name in sections A and B, the former being reserved for the appellant's details.
 3. Surprisingly, the description of the proposed development given on the householder application form, the planning appeal form, the Council's decision notice and the Council's delegated report fails to acknowledge that a ground floor extension would be built at the rear on the footprint of the existing sun room which is to be demolished. It is shown on the plans and referred to in the Design and Access Statement. Still, it is apparent from the main body of the Council's delegated report that the Council gave consideration to this proposed rear ground floor extension. I shall do likewise and the description of the proposal in the heading above can be considered to be amended accordingly.
 4. Generally, the householder appeal procedure is based on the assumption that a decision can reasonably be made on the basis of the plans which were before the Council when it made its decision, in the knowledge that the process does not allow any opportunity for the Council to comment on the grounds of appeal or for third parties to make any additional comments. My decision therefore focusses on those plans. Whilst detailed revised plans have not been submitted with the appeal, I am aware that the appellant has sought to evolve the scheme as part of his appeal submission. I will turn to that matter later in my decision.
-

Main issue

5. The Council had no objections to the proposed ground floor rear extension, having found that it would have a simple form and reflect the detailing and materials of the host dwelling. I see no reason to reach a different view. The main issue is therefore the impact of the proposed extension over the existing garage upon the character and appearance of the house and its surroundings.

Reasons

6. Paired with 5 Sunnybank, the appeal property is a semi-detached 2-storey house with a garage on the other side linked to the garage at 1 Sunnybank. It falls within a pleasant residential area of fairly recent origin, where the houses follow a compact layout around a series of cul-de-sacs and exhibit traditional and distinctive design features including stone elevations, red brick detailing, steeply pitched roofs laid with small plain tiles and garages that are generally well set back from the front facades.
7. The original character of nos 1, 3 and 5 remains substantially intact. Together they make a positive contribution to the street scene close to the entrance of Sunnybank from Hinckley Court which goes on towards Peak Village, a sizeable and popular shopping destination with a nature reserve. Given the location of the appeal property, its rear elevation, including the rear roof slope over the garage, is open to public views from Riverbank, the cul-de-sac a short distance to the north, from a section of Hinckley Court and when exiting Peak Village.
8. The principle of extending the house is not at issue. However, the National Planning Policy Framework advises that good design is a key aspect of sustainable development; so development should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to local character and establish or maintain a strong sense of place. I consider that the appeal scheme is ill-judged in these important respects.
9. The proposed extension over the existing garage would be of limited overall size and massing, utilise matching fenestration detailing and be lower than the main 2-storey building. Even so, it is apparent that building up over the garage in the manner proposed would introduce an elongated section of flat roof behind a rather stunted portion of sloping roof. The Council is correct to refer to a hybrid design. There would be a direct and awkward clash of roof forms. Moreover, having regard to the flat roof's degree of projection and its alignment with the existing first floor rear window, the development would appear as a somewhat incongruous first floor flat-roofed rear addition rather than as a dormer window set unobtrusively into the roof slope.
10. The design throws up other unfortunate features. The proposed flat roof would overlap a corner of the main rear roof. The front pitched roof would appear as a visually weak and ill-proportioned feature between the roof of the host property and the roof over the garage to no. 1. The narrow band of existing garage roofing left below the front of the extension would appear awkward. Cladding all sides of the extension in vertical roofing tiles would depart too far from the traditional stone finish of the host property and the others positioned close by.
11. I consider that the proposed extension over the existing garage would not be an example of high-quality design or present a visually attractive solution that

- would add to the overall quality of the area. The development would not be sufficiently respectful of or complementary to the existing building's character, design and form, the local character and the wider setting of the site.
12. I saw that some of the properties on the same estate have been extended and altered. The appellant has drawn my attention to 3 such properties. The 4 photographs supplied appear to relate to 6 Sunnybank (photograph 1), 5 Devonshire Drive (photograph 3) and 2 Schofield Court (photographs 2 and 4). I have not been provided with the precise details of these sites including whether or not planning permissions have been granted for the extensions and alterations that have taken place. It is possible that permitted development rights may have been exercised for some of the works. In any event, on my site visit, I could not detect any extension project identical to or even very similar to what is proposed under this appeal scheme. There are no binding local precedents for the appeal proposal in the available evidence before me.
 13. I find on the main issue that the proposed extension over the existing garage would harm the character and appearance of the house and its surroundings. There would be conflict with the aims of Policies PD1: *Design and Place Making* and HC10: *Extensions to Dwellings* of the adopted Derbyshire Dales Local Plan 2017 which, amongst other things, seek developments that contribute to local distinctiveness and sense of place and require that the height, scale, form and design of any extension to a dwelling be in keeping with the scale and character of the original dwelling and the site's wider setting and location. There would also be a failure to respect the key design themes in the National Planning Policy Framework that relate to achieving well-designed places.
 14. The appellant points to possible amendments that he says would follow suggestions made by the Council's planning officers. These would relate to constructing the front of the extension over the garage in natural stone and extending the rear upward slope of the proposed extension so that it meets up with main rear roof slope of the existing house. Stone coloured render is also suggested for the side and rear walls of the extension. Such suggestions are not referred to in the Council's delegated report or in a footnote to the decision. A sketch impression has been submitted with the appeal but no revised plans as such. The extension would also appear to be set flush with the front of the garage on that sketch. Viewed as a whole, the scheme would be so markedly changed from the scheme before the Council when it made its decision that I have decided not to consider these suggestions. If such a scheme is to be pursued a fresh application would need to be made to the Council in the first instance whereupon any interested third parties would have an opportunity to comment.
 15. Local representations were also made about the implications of the construction for the neighbouring garage at no. 1. The responsibility for the safe development of the site rests with the appellant who would need to comply with the building regulations and arrange for a party wall agreement before commencing works. The appellant's architect is confident that all works would take place "...inside of the boundary of the extension."
 16. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material

considerations, including the wish of Mr and Mrs Pheasey to extend their home to meet the demands of their work life. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR