

Appendix C

Appeal by Mr Keith Aston

Site at plots 1 and 2, 246A Ashgate Road, Chesterfield.

CHE/17/00119/MA

2/310

1. Planning permission was refused on 26th April 2017 under s73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted. The application had sought planning permission for residential development – reserved matters application CHE/13/00507/OUT without complying with a condition attached to Permission CHE/15/00514/REM dated 27th October 2015. The condition in dispute was No 1 which states that:

All external dimensions and elevational treatments shall be as shown on the approved plans, 15/532/2 Rev A, 15/532/10, 15/532/20, 15/532/30, 15/532/40 and 15/532/50, with the exception of any approved none material amendment.

2. The application sought retention of plots 1 and 2 on the site at 246a Ashgate Road as built. The application was refused by planning committee against the advice of officers for the following reasons:

In the opinion of the local planning authority the design of the buildings constructed on plots 1 and 2 are inappropriate having regard to the details and proportions of the windows and the additional brickwork between the upper floor windows and eaves level. The consequential increased eaves and ridge heights present an overbearing impact to the detriment of the amenities of the neighbours to the east on Churston Road. The local planning authority consider therefore that the development does not respond to and integrate with the character of the local area and is therefore at odds with policies CS2 and CS18 of the Core Strategy 2011 - 2031 and the National Planning Policy Framework.

3. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
4. The main issues are the effect of the amendments on, firstly, the character and appearance of the host properties and the surrounding area and, secondly, the living conditions of neighbouring occupiers with regard to an overbearing effect.

Character and appearance

5. The proposed amendments include an increased eaves and ridge line height to the dwellings at plots 1 and 2, and a reduction in the size of the first floor windows. In combination, these amendments result in taller dwellings with a greater expanse of brickwork between the first floor windows and the eaves. The amendments to the design of the dwellings are most apparent when viewed from the rear gardens of the properties fronting Churston Road. The reduction in the size of the rear facing first floor windows results in a more squat appearance compared to the original window design. However, the difference in size is limited and does not harm the appearance of the dwellings in the inspectors view. Whilst the amendments result in a larger expanse of brickwork above the first floor rear windows, this was also a feature of the approved scheme and in part reflects the 2.5 storey design of the properties. The amendments result in only a small increase in this expanse of brickwork, which in any case has limited visibility from public vantage points. The proposed amendments also increase the height of the dwellings by 211 mm according to the submitted plans. However, this is a relatively modest increase that is not readily perceptible in the surrounding area. Whilst the Council state that the previously approved heights were regarded as maximums, it is unclear why this is so, or what harm arises from the additional height in this case.
6. The surrounding area is not uniform in character and includes a number of different property styles and types. The appeal development also occupies an atypical backland plot. In this context, the amendments would not be at odds with the character of the surrounding area.

7. For the above reasons, the inspector concluded that the amendments do not significantly harm the character and appearance of either the host properties or the surrounding area. They therefore accord with Policy CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031 (2013). This policy seeks to ensure, amongst other things, that development responds to and integrates with the character of the site and its surroundings.

Living conditions

8. The dwellings at plots 1 and 2 are around 32 metres from the rear of the properties fronting Churston Road (according to the submitted drawings). At this distance, the increased height of the dwellings and the greater expanse of brick work above the first floor windows are not readily perceptible. The amendments do not significantly reduce the outlook of these properties in the inspectors view. Separately, the proposed reduction in the size of the rear facing first floor windows would provide a modest privacy benefit to these properties, compared to the previously approved scheme.
9. For the above reasons, the inspector concluded that the amendments do not significantly harm the living conditions of neighbouring occupiers with regard to an overbearing effect. They therefore accord with Policy CS2 of the Chesterfield Local Plan: Core Strategy 2011-2031 (2013). This policy seeks to ensure, amongst other things that new development has an acceptable impact on the amenity of adjoining occupiers.
10. In allowing the appeal the inspector substituted condition 1 with the following new condition:
 - 1) All external dimensions and elevational treatments shall be as shown on the approved plans, 15-532-05D, 15-532-21B and the Cross Section Drawing Plot 2 to No 11 Churston Road, with the exception of any approved non material amendment.