

Appendix B

Appeal by Mr Alan James

Site adjacent to 2 Hazel Drive, Walton, Chesterfield.

CHE/17/00240/FUL

2/1286

1. Planning permission was refused on 24th May 2017 for the development of a single storey dwelling on land between 148 Walton Road and 2 Hazel Drive for the following reasons:

In terms of residential amenity the proposal offers an under provision of private amenity space in respect of its size and utility. It also would offer a poor outlook for the future occupants from the proposed rear facing bedroom windows. The close relationship with No.146 Walton Road and No.2 Hazel Drive would lead to a scheme that would appear to be dominant and overbearing as experienced from these properties and would lead to a loss of light to the kitchen in No.2 Hazel Drive.

In terms of visual amenity the proposal would result in a cramped form of development which would be uncharacteristic compared with the existing pattern of development in the local area.

This ensures that the proposal is considered to be in conflict with Policy CS18 of the Chesterfield Borough Council Local Plan: Core Strategy (2013) and guidance contained within Supplementary Planning Guidance Successful Places: A Guide to Sustainable Housing Layout and Design (2013).

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 proposed development on the character and appearance of the area and on the living conditions of future occupiers of the building and the occupiers of neighbouring dwellings.
5. Hazel Drive is an eclectic mixture of dwellings with no obvious prevailing characteristic other than an absence of terraced properties. In close proximity to the appeal site there are detached and semi-detached properties, bungalows and two storey houses and both pre- and post-war developments.

Many of the properties are set in large plots, but there are exceptions, including the gated development at The Hazelmeres whose entrance is 40 metres or so east of the appeal site along Hazel Drive. The appeal site sits close to the junction between Hazel Drive and Walton Road and is a largely unmaintained plot of land. The site fronts Hazel Drive and appears to have been part of the garden to 148 Walton Road, which is the corner property on the junction. The site is bounded by No 148 to the west, the rear garden of 146 Walton Road to the north, and the front garden and side elevation of 2 Hazel Drive to the east. There is a dry stone wall along the frontage with Hazel Drive and some mature vegetation.

6. The proposed development is for a single-storey two-bedroom property that would be built towards the rear of the site and within two metres or so of the boundary. The bedrooms would be at the rear of the house with the windows facing the boundary. There would be a gate to the western side of the house giving access to a small rear garden area approximately seven metres by four metres together with the space between the rear boundary and the rear elevation. To the front of the house would be a larger area that would comprise garden land and a vehicle hardstanding. The vehicle access would require the removal of part of the existing dry stone wall.
7. There is an extensive history of unsuccessful planning applications for the site and subsequently dismissed appeals. The inspector considered that the current proposal has been carefully designed to address the concerns expressed by Inspectors determining those appeals. The appeal decisions are a material consideration to which significant weight is attached however, the inspector commented that this appeal should be determined on its own merits.

Character and Appearance

8. The proposed building would occupy much of the width of the appeal site, which is a common characteristic of dwellings in the area. The architectural style reflects many of the elements of nearby properties and the inspector concurred with the Inspectors who found that the appearance and principle of development to be acceptable. Two schemes that proposed a

front elevation well forward of neighbouring properties were unsuccessful at appeal as amongst other things the Inspectors considered the pre-existing building line to be an important characteristic. The current proposal would see the front elevation in line with other properties on Hazel Drive which the inspector considered to have resolved this issue. A further concern shared by the Inspectors in each of the previous appeals was that the location of the proposed building within the plot would create a cramped appearance that would be inconsistent with the prevailing character. This concern arose primarily because of the proximity of the building to the rear boundary. The inspector noted from the Council's sketch map showing the proposed location for this and all four previous applications that the building proposed in the scheme subject to this appeal would be closer to the boundary than in previous proposals. The proposed site layout shows the retention of hedges to the front boundary and a small hedge and gate to the western side of the property that would give access to the small side garden. While the previous schemes would have provided a small and cramped rear garden, the current proposal effectively forgoes a rear garden in favour of a small garden to the side of the property and a larger garden to the front. The inspector noted the Council's Supplementary Planning Document 2013 'Successful Places' recognises the occasional need for small gardens. The SPD is a material consideration to which the inspector attached significant weight. Paragraph 3.11.17 of the SPD suggests that small gardens should be orientated to receive the afternoon sun or where possible developments should provide an alternative sitting out area such as at the front of the property. The proposed garden area at the front would meet both of these criteria as it would face in an approximately southerly direction and would benefit from direct sunlight for much of the day.

9. The proposal presents an opportunity to improve an unmaintained area of land that currently detracts from the appearance of the street scene. Given the eclectic nature of housing in the locality, the inspector considered that the design of the proposed building would not have any detrimental effect on the character and appearance of the area. While the size of the plot is significantly smaller than its immediate neighbours, it is not exceptional in the locality and

therefore the inspector considered it would not appear cramped in comparison. However, the inspector also considered that the positive contribution that would result from development of the plot would be sufficient to outweigh any concerns about the compact nature of the site.

Living Conditions – Future Occupiers

10. The plans indicate windows to the bedrooms would be in the rear elevation, which will sit close to the boundary. The resulting outlook from these rooms would be of limited appeal. However, the principal daytime-use rooms, namely the living room and the kitchen, would have a southerly aspect that would look across the front garden and the street. The Inspectors that determined previous appeals found that the limited appeal of the bedroom outlook would be insufficient to warrant dismissal on its own. While this proposal differs in terms of the proximity to the boundary, nothing in the evidence before the inspector led him to a different conclusion. The inspector also considered that any detriment would be outweighed significantly by an improvement to the appearance of the development plot.

Living Conditions – Neighbouring Occupiers

11. The proposed dwelling is a single-storey building and would sit close to the boundaries with the garden to No. 146 and the side elevation of No. 2. The garden at No. 146 is relatively long and shares a short boundary with the appeal site. Appropriate boundary treatments could ensure that there is no overlooking. The inspector considered that the modest size of the proposed building would not be an overbearing feature when viewed from the garden of No 146 and would reflect a common feature in the area of houses built parallel to the rear gardens of other properties. The proposed building would be no closer to the side elevation of No. 2 than No.2 is to the side elevation of 4 Hazel Drive. The appeal site does sit slightly higher than the plot at No. 2, but not to the extent that it would result in the proposed dwelling overshadowing its neighbour. For the reasons above, the inspector considered that the modest impact that would result from the scheme would not be detrimental to the living conditions of the occupiers of the proposed dwelling or the occupiers of neighbouring properties. The inspector concluded that the proposed development would be in accordance with Policy CS18 of the Chesterfield

Borough Council Local Plan: Core Strategy 2013, as informed by the Successful Places Supplementary Planning Document 2013, which together seek to ensure that developments respect the character and appearance of the site and surrounding area and have an acceptable impact on the amenity of users and neighbours.

Conditions Schedule

- 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: 05 Proposed Site Layout and 06 proposed Plan and Elevations.
- 3) Notwithstanding condition 2 no development shall take place until details of the external materials and boundary treatments have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which shall have previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development takes place. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development takes place.
- 5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These

approved schemes shall be carried out before the development is resumed or continued.

6) Development shall not commence until drainage works for surface water dispersal shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

7) The dwelling hereby permitted shall not be occupied until space for the parking of vehicles has been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.

8) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with details that shall first have been submitted to and approved in writing by the local planning authority for the storage of refuse and recycling bins and that space shall thereafter be kept available for the storage of bins.

9) No works, including delivery of materials and operation of any plant or machinery, shall take place on the development site before 0800 hours on Mondays to Fridays and 0900 hours on Saturdays nor after 1800 hours on Mondays to Fridays and 1700 hours on Saturdays, or at any time on Sundays or on Bank or Public Holidays.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be erected or installed and no fences, gates or walls, extensions, outbuildings or garages shall be erected within the curtilage of the dwellinghouse hereby permitted other than those expressly authorised by this permission.