

APPENDIX A

Appeal by Mr Gary Fountain

Outline for dwelling on land at 21a Walton Crescent, Boythorpe, Chesterfield.

CHE/18/00027/OUT

2/3815

1. Planning permission was refused on 15th August 2018 for outline permission for a dwelling on land at 21a Walton Crescent, Boythorpe for the following reasons:

In the opinion of the Local Planning Authority the proposal is considered to result in an over-intensive development of the plot which fails to reflect the surrounding context. The proposed development plot size is considered to be of an inadequate size to accommodate a new dwelling and is uncharacteristic of the surrounding area. As a result of the siting of the proposal it is considered that the development would be an incongruous feature in the streetscene. It is not considered that the proposal can provide an acceptable quality of amenity space which would be detrimental to potential future occupiers and does not accord with the provisions of the 'Successful Places' SPD, Core Strategy CS2 and CS18 of Chesterfield Local Plan: Core Strategy 2011 - 2031 and the wider 2018 National Planning Policy Framework.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues are:-
 - (a) the effect of the proposal on the character and appearance of the surrounding area, with particular regard to the size of the plot, and intensification of use; and
 - (b) whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to private outdoor space.

Character and appearance

4. The appeal site is located close to a bend in Walton Crescent. The site is small and broadly triangular shaped. It comprises an area of hardstanding, some landscaped planting and a mature oak tree to the western boundary. The surrounding area consists predominantly of residential properties, including two storey detached, semi-detached and terraced properties. These properties are mainly set in moderate sized plots and slightly set back from the road frontage. Some of the properties have grassed front gardens whereas others have off road parking for a number of vehicles.
5. Broadly to the north of the site are a pair of small semi-detached houses, Nos. 21a and 21b Walton Crescent, which are more modern properties sitting in smaller plots. Nos. 21a and 21b are set back from the highway with hardstanding in front for car parking. Broadly to the west and south of the site are the rear gardens of residential properties on Tunstall Way and Hunloke Avenue respectively, which are bounded by a close boarded fence.
6. The proposal is for the erection of a two storey dwelling. The inspector observed that the site was highly visible when turning into Walton Crescent from Hunloke Avenue. This was partly due to the appeal site lying slightly lower than Hunloke Avenue coupled with the curvature of Walton Crescent. When travelling in a broadly southerly direction along Walton Crescent towards Hunloke Avenue, views of the site were more limited due to the siting of Nos. 21a and 21b coupled with the curvature of Walton Crescent.
7. The proposal would give rise to a more intensive, residential use of a small plot. Whilst the proposed dwelling would have a small footprint overall, it would occupy a significant portion of the entire plot width. Furthermore, from the indicative plans, it would be sited considerably in front of 21a and 21b and would therefore appear as an uncomfortable and cramped addition that would dominate the appeal site and not relate well to the neighbouring properties. Through introducing built form, it would also restrict views of the existing mature trees and landscaping in and around the site that contribute to the verdant character of the area. Accordingly, the inspector found that a residential unit on the appeal site would harm the established character and appearance of the site and its surroundings.

8. The appellant drew attention to Nos. 20 & 6 Walton Crescent both of which are set further forward than the remainder of the terraced block. However, both of these properties appear to have been originally designed to form a comparatively small bookend to each run of terraced properties. The proposed dwelling, in contrast, would be much wider than both No. 21a and No. 21b and would therefore appear as a much more dominant feature in the street scene rather than as a bookend. Accordingly, the inspector considered that Nos. 20 & 6 provide a justifiable precedent for the development proposed.
9. In addition, the appellant has argued that newer infill developments such as Tunstall Way and Tunstall Green have much smaller plot sizes than the older properties in the area. The inspector had not been provided with any other information on these other sites and was therefore unaware of the planning history associated with them. In any event, each site must be considered on its individual merits and that is the approach the inspector had taken in determining this appeal.
10. For the above reasons, the inspector considered the development would harm the character and appearance of the area, contrary to Policy CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 (CS). Amongst other matters, this policy seeks to ensure that development respects the character, form and setting of the site and surrounding area. It would also not be consistent with the Framework, which places an emphasis on good design.

Living conditions for the occupiers of the proposed development

11. The Successful Places Supplementary Planning Document (SPD) (2013), which has been adopted by four LPAs including Chesterfield Borough Council, provides advice on residential design. A one of two bedroom house should normally provide not less than 50 sq. m of outdoor amenity space. The SPD also seeks to ensure that where small gardens are necessary, that these are orientated to help benefit from afternoon sun and that gardens facing northerly directions benefit from being longer to compensate for overshadowing. The Council notes that around 26 sq. m of amenity space would be provided, and this figure is not disputed by the appellant. The amenity space would be limited to a small triangular area of amenity space that would be overshadowed by adjacent trees and boundary treatments. Future occupiers would not be able to benefit fully from afternoon sun. The inspector

considered that there are no substantive reasons as to why less than 50 sq. m of private amenity space should be provided in this instance.

12. Whilst the appellant has stated that there are flats in town centres that have no private or shared amenity space, no details were provided to the inspector. In any case, the SPD differentiates between flats and houses in terms of how much amenity space should be sought, with less amenity space sought for flats. The appellant refers to circumstances where a small garden may be appropriate, such as a dwelling for an elderly person who cannot maintain a garden area. There is no information before me, nor any specific mechanism, that would secure the dwelling for a particular group of people. Therefore, the inspector gave this very little weight. Although there are public open space and sports facilities within easy walking distance of the appeal site, this would not compensate for the inadequate private amenity space.
13. Taking all these matters into account, the inspector concluded that inadequate amenity space would be provided for the future occupiers of the proposed dwelling. This would be contrary to Policies CS2 and CS18 of the CS, and also the SPD. Amongst other matters, these seek to ensure that proposals do not have an unacceptable impact on the amenity of users, and that outdoor amenity space is proportionate to the type of accommodation and location that is provided.

Other Matters

14. The inspector acknowledged the site is in a residential area close to local facilities and public transport facilities where, in principle, residential development is acceptable. Furthermore, an additional dwelling would be provided that would make more efficient use of land and would help with the mix of housing through providing a smaller housing type. However, this does not overcome the harm the inspector identified above with regard to the effect on character and appearance of the area, and the insufficient amenity space that would be provided.