

Appendix A
Appeal by Miss S McManus and D Hill
Two Storey extension at 26 Netherthorpe Close, Staveley,
Chesterfield.
CHE/22/00742/FUL

1. Planning permission was refused on 6th January 2023 for a two storey side extension at 26 Netherthorpe Close. The reasons for refusal were:

The proposed extension fails to show full consideration to the architectural style and character of the host dwelling and surrounding streetscene. The proposal seeks to introduce a two storey side extension resulting in visual terracing, insufficient visual subservience and a large dominant and incongruous wall to the side. The proposed extension in respect of its size, proximity to the boundary and orientation of the site is considered to have an adverse impact on the amenity of the occupants of No 25 resulting in overbearing impacts with outlook onto a blank two storey wall immediately to the north of No. 25. The proposed extension will therefore create an unacceptable relationship with the existing property. The proposal would have an adverse impact on the visual amenity and character of the area and an adverse impact on the amenity of the residential neighbour at No 25. The proposal therefore does not accord to policy CLP14, CLP20 of the Chesterfield Borough Local Plan 2018 - 2035 and the wider National Planning Policy Framework (2021) and the "Successful Places" Supplementary Planning Document (2013).

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues were the effect of the proposal on the character and appearance of the existing dwelling and the streetscene; and the effect on the living conditions of the occupants of the neighbouring dwelling at number 25 Netherthorpe Close (number 25), with regard to outlook.

4. The appeal property is a semi-detached two storey dwelling, which is situated in a residential cul-de-sac. Other properties in Netherthorpe Close are of a similar scale and appearance, although some have been altered and extended over the years. These extensions mainly include single storey additions on the sides of the houses, although there are also two-storey side and front extensions. The inspector noted that the appeal property has a single-storey addition at the rear. Notwithstanding the presence of other extensions, a distinctive characteristic of the streetscene is the relatively wide gaps between properties at first-floor level. These gaps provide a degree of spaciousness to the streetscene.
5. The appeal proposal is to construct a two-storey side extension, with a hipped roof, that would cover the width of the existing driveway and extend the full length of the dwelling. The extension would add significantly to the mass of the property and it would narrow the width of the existing gap between it and number 25, notwithstanding the fact that number 25 is positioned further back and is more in line with the rear wall of the appeal dwelling. In the inspectors opinion, the extension would have an unacceptably harmful effect on both the existing dwelling and the streetscene, because of its dominant appearance and the absence of any relief between it and original property.
6. Policy CLP20 of the Chesterfield Borough Local Plan 2018-2035 (LP) seeks to ensure (amongst other things) that all new development responds positively to the character of the site and surroundings. This is consistent with Paragraph 130 of The National Planning Policy Framework 2021. In addition, the Council's Supplementary Planning Document – Successful Places reflects this requirement, although the guidance appears to be directed more at larger developments. For the reasons given above, the inspector considered that on this issue, the proposal is unacceptable and conflicts with Policy CLP20 of the LP.

Living Conditions

7. Policies CLP14 and CLP20 of the LP both require new developments to have an acceptable impact on the amenity of neighbours. The Council contends that the proposed extension would have an overbearing impact on number 25, because the outlook from the front windows of number 25 would be towards the two-storey side wall of the extension.
8. Whilst the side of the extension would be prominent when viewed from the windows of number 25, it would be separated by the driveway of the neighbouring property. Given this separation and the angular relationship between the front windows of number 25 and the proposed extension, the inspector was not persuaded that the proposal would be unacceptably harmful. Consequently, he did not find against the proposal on this issue.
9. In reaching the decision, the inspector considered and acknowledged the benefits to the appellants in providing additional accommodation for the family. He also noted that they have suggested an amended design, which would result in the extension being set-back of 2.5m at first-floor level. In the inspectors opinion, it may be possible to design an extension that would both benefit the appellants and address the Council's concerns. However, that would require the submission of a new planning application and it is a matter between the two parties.