

Appendix A
Appeal by Mr Cutts
Extension to rear of 10 The Green, Hasland, Chesterfield.
CHE/19/00744/FUL
2/5549

1. Planning permission was refused on 29th January 2020 for permission for an extension to the rear of “Rock Paper Scissors”, 10 The Green, Hasland for the following reasons:

The proposal does not comply with policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 and therefore the wider National Planning Policy Framework. The overall rearwards projection of the proposed extension and existing adjoining extension would result in an overbearing built form which is excessive in scale, contrasting with the existing low level boundary wall and adversely impacting the amenity of the adjoining occupiers at No 8 The Green. The proposed extension is located to the south of No 8 The Green and as such will result in overshadowing to the amenity space of the adjoining occupiers. The proposed extension combined with the existing extension, outbuilding and built form would result in the overdevelopment and over intensive use of the site.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues considered were i). the effect of the proposal upon the living conditions of the occupiers of No. 8 The Green with regard to outlook and light; and ii). the character and appearance of the surrounding area.

Living Conditions

4. The appeal site comprises a two-storey, mid-terrace currently occupied by a hair and beauty salon. The surrounding area is characterised by residential properties and retail premises. The appeal scheme seeks to further extend an existing flat roof rear projection. Both the appeal site and No. 8 are an ‘L’ shape and have a projection to the rear with a gable roof. No. 8 is a residential property and it has a rear window, close to

the boundary. There are also patio doors on the original rear elevation.

5. The Council stated the existing rear extension measures approximately 2.9m in depth and the proposed extension would also measure approximately 2.9m in depth. Thus, the proposed extension, together with the existing extension, would project approximately 5.8m beyond the rear elevation of No. 8. The extension would be adjacent to the existing boundary wall and would have a height of approximately 3m. The appellant did not dispute these figures. The height of the boundary wall is considerably lower than the existing and proposed extension. The outlook from the rear window would be dominated by a large blank wall and would result in an oppressive form of development. Consequently, the development would have a detrimental impact upon the outlook from within No. 8's habitable room because of the height and depth of the extension located in proximity to the window.
6. The terraces have narrow, small rear gardens. The proposal, together with the existing built development, would therefore result in a large amount of the site being developed. Thus, a large proportion of the rear garden of No. 8 would also be dominated by a high blank wall due to the siting, height and depth of the extension, and because of the size of the garden.
7. The inspector visited the appeal site late morning and observed that part of the rear garden was already shadowed. Nevertheless, the proposal would further reduce the amount of light which would reach the rear garden because of the scale, massing and siting of the extension.
8. The appellant states that the extension would only be 1m higher than a permitted 2m garden fence. However, the inspector considered the scale and massing of a 2m garden fence would be significantly less than the proposed extension.
9. The inspector noted that the current occupiers of No. 8 did not object to the proposal and the owner considers that the scheme would benefit them as it would provide privacy to their rear garden. The Council highlighted that the submitted support letter is from the owner of No. 8 and they live

elsewhere and the role of the planning system is to consider the effects of development on both current and any prospective future occupiers. The inspector considered that this consideration did not outweigh the harm identified.

10. For the reasons given above, the inspector considered that the proposed extension would result in the living conditions of the occupiers of No. 8 The Green being adversely affected, with regard to outlook and light. Consequently, the proposal would conflict with Policies CS2 and CS18 of the Chesterfield Borough Council Local Plan: Core Strategy 2011-2031 (2013) (LP). These Policies collectively seek, amongst other matters, to ensure new development has an acceptable impact on the amenity of adjoining occupiers. The development would also be at odds with guidance in the Framework relating to amenity.

Character and Appearance

11. The Council was concerned that the proposal would result in the overdevelopment and over intensive use of the site, against the grain of the surrounding buildings. In addition to the existing rear extension, to the rear of the appeal building there is a canopy leading to toilets located in an outbuilding. The development would result in a reduction of undeveloped space.
12. However, the inspector considered that the scheme would not be detrimental to the character and appearance of the surrounding area. He considered that garden sizes are not a key visual characteristic of the area as they are well screened by existing development. The extent of built development would not be apparent from public vantage points because of the surrounding terraces. Thus, the scheme would maintain the character and appearance of the area. For these reasons, the inspector concluded that the proposed development would accord with Policy CS18 of the LP.

Other Considerations

13. The Council raised other areas of concern with the proposal, relating to the canopy being unauthorised and materials of both the existing extension and proposed extension. Given that the inspector dismissed the appeal he confirmed he had not considered these matters further as they would not be

determinative to his decision. In any event, it would only be possible to condition the materials of the proposed extension and any unauthorised development is a matter for the Council. Furthermore, the canopy does not form part of the development proposed and therefore a condition seeking its removal would not satisfy the six tests outlined in the Framework.

14. The lack of harm on the second issue did not mitigate or outweigh the harm found on the first issue. Thus, although the scheme would not cause harm to the character and appearance of the area, the scheme would adversely affect the living condition of the occupiers of No. 8 to which the inspector attached significant weight.