

Appendix B

Appeal by Mr David Cochrane

Single storey side extension at 128 Brushfield Road, Chesterfield. CHE/22/00080/FUL

1. Planning permission was refused on 21st April 2022 for a single storey side extension at 128 Brushfield Road. The reasons for refusal were:
The development would introduce a physical form in an area of the application site that has been designed to be left open with soft landscaping where this openness forms the prevailing character of the immediate surrounding area. The proposed extension would therefore result in development that would be at odds with and harmful to the character of the surrounding area contrary to Local Plan policy CLP20 and Part 12 of the NPPF.
2. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
3. The Council raised no objections to the effect of the proposed development on the living conditions of neighbours and the inspector found no reason to disagree. The main issue was the effect of the proposal on the character and appearance of the surrounding residential area.
4. The appeal property is a bungalow on a spacious corner plot at the junction of Brushfield Road and Corve Way. The proposed extension would be 3.0m wide and would extend the full depth of the bungalow. At present the side boundary wall and vegetation is set back approximately 3.0m from the edge of the footway in Corve Way, and as part of the scheme it is proposed to erect a new fence closer to the edge of the footway to incorporate land within the appellant's ownership as additional garden space.
5. Amongst other things, Policy CLP20 of the Chesterfield Borough Local Plan (LP), adopted July 2020, says development should respond positively to the character of the site, surroundings, and local distinctiveness by virtue of its function, appearance, style, landscaping, scale, massing, detailing, height and materials.

6. Arising from the introduction of built form in a currently landscaped area, the incorporation of an area of grass verge within the private garden, and the erection of a new fence closer to the highway, the Council was concerned that the proposal would harm the open and landscaped character of the area around the junction and that of the surrounding area more generally.
7. It is true that the section of Brushfield Road in the immediate vicinity of the appeal site is characterised by wide open verges and unenclosed front gardens. However, further along the road in both directions the grass verges are very narrow, and the frontages of the properties tend to be dominated by parking and other hard landscaped areas. Furthermore, the bungalow plot on the opposite side of the junction is partly enclosed by a low boundary wall and other, varied frontage treatments are found elsewhere on the estate and contribute to the character of the area.
8. Overall, there is no marked consistency or uniformity in the layout of the plots and boundary treatments in the surrounding residential area, including that of comparable corner plots. Although spaciouly laid out with many front gardens being open to view from the street, it is not a wholly 'open plan' estate. In the inspectors view the area is typically suburban in character and exhibits no strong prevailing character or especially local distinctiveness.
9. As the proposed extension would be flush with the front elevation, and no enclosure proposed on that frontage, there would be no adverse impact on the unobstructed views across the generally open front gardens and wide verges in both directions along this part of Brushfield Road. To the side, and although the width of the wide grass verge fronting Corve Way would be significantly reduced by the proposed development, a strip of verge would remain and a sense of spaciousness and open character around the junction would still be maintained.
10. Paragraph 130 of the *National Planning Policy Framework* (the Framework) says planning decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character and the surrounding built

environment. In this case the inspectors overall judgement is that the proposed development would not materially harm the character and appearance of the surrounding residential area. As such, the inspector found no conflict with the relevant criteria of LP Policy CLP20 or the objectives of the Framework Paragraph 130.

Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Layout Rev A, Proposed Elevations Rev A, and Block Plan Rev A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
- 4) Notwithstanding condition 2) above, no development shall take place until details of the proposed fence to the Curve Way frontage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.