

Appendix E

Appeal by Mr Ian Hooper

Detached Garage at 1 Oakfield Avenue, Chesterfield.

CHE/21/00909/FUL

1. Planning permission was refused on 4th February 2022 for a detached garage at 1 Oakfield Avenue. The reasons for refusal were:

The development is considered to present an incongruous addition to the streetscene which is noted to be characterised by a tree lined street with built form set back from the highway. The proposed garage is therefore considered to be at odds with the established character of the area at the junction of Oakfield Avenue and Linden Avenue at the entrance to the Park. As such the proposal is contrary to the requirements of Policy CLP20 of the Adopted Local Plan and Part 12 of the NPPF in seeking a form of development that identifies and responds positively to the character of the site and surroundings, respecting the character, form and setting of the site and surrounding area by virtue of its siting, appearance and scale.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issue in this case was the effect of the proposed development on the character and appearance of the surrounding area.
4. The appeal property is a large, detached, cream rendered two storey property. Although the appeal property contributes to the varied design character of the wider area, like many of the detached properties in the vicinity, it is set back from the highway with hard surfacing to the front and side along with a front lawn area. This, combined with the tree lined street and the park adjacent to the appeal property gives the area a verdant and spacious feel at this prominent location opposite the junction of Oakfield Avenue and Linden Avenue.
5. The proposed double garage would be positioned to the front of the property on an existing area of lawn. The gable end of

the garage would face the street with the two garage doors positioned on the western elevation. Whilst the inspector recognised that the proposal has been reduced in size from a previous application, it would still remain large and appear prominently in this location, reducing the openness currently experienced at the front of this property. Furthermore, there is a strong building line to the four properties adjacent to the appeal site, with no buildings or garages forward of the principal elevation. This sense of space at the front of dwellings is a prevailing characteristic of the area, which would be eroded by the proposal, detracting from the character and appearance of the area at this spacious location.

6. The inspector acknowledged that the building line on the same side of the road as the appeal site has been disrupted by a large, detached garage prominently positioned at the front of number 17 Oakfield Avenue. Whilst there are some design similarities between this and the proposal, the inspector was not persuaded that this example, which is one of seven examples of garages to the front of properties, along or off from Oakfield Avenue that the appellant directed the inspector towards, serves to justify the proposal.
7. Regarding the other examples, the inspector considered these to be more of an exception to the prevailing character of the vicinity rather than the norm. Of the further six highlighted, two of them are on a cul-de-sac off Oakfield Avenue, some distance from the appeal property where the character of the properties are different and it is not in as prominent a location, whilst another is set back considerably from Oakfield Avenue and not readily visible in the streetscene. Number 21 Oakfield Avenue is an integral garage as part of a bungalow, marginally protruding from the front elevation and another is a single garage at number 4A Oakfield Avenue, and therefore these are not comparable in scale or design to the appeal proposal. The example at number 6 Oakfield Avenue, whilst sharing some design similarities with the appeal, the inspector found does not justify the proposal, nor is it in as prominent location as the appeal proposal before me.

8. The inspector recognised that the potential for a replacement tree would assist in screening the proposal, however this would only provide partial visual mitigation, and it would still in all probability be more visible during the winter months in particular, if the tree sheds its leaves. Screening from the tree would not be permanent and therefore would not mitigate against the visual harm of the garage.
9. For the reasons outlined above, the inspector found the proposal would have an adverse impact on the character and appearance of the surrounding area and consequently fails to accord with Policy CLP20 of the Chesterfield Borough Local Plan (2020) which seeks to ensure that development respects the character and appearance of the area.
10. No concerns were raised by the Council in relation to the living conditions of the occupiers of the neighbouring property. From the evidence before the inspector and his observations on site, as a result of its siting and the existing boundary treatment he had no reason to disagree with this conclusion. However, the inspector confirmed this did not outweigh the harm that he had already identified.