



# Appeal Decision

Site visit made on 16 March 2007

by **John Westbrook BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for  
Communities and Local Government

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Date: 29/03/2007

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**Appeal Ref: APP/F1040/A/06/2031049**

**4 The Green, Findern, Derby, DE65 6AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by J A House against the decision of South Derbyshire District Council.
- The application Ref 9/2006/0393/O, dated 7 April 2006, was refused by notice dated 1 June 2006.
- The development proposed is a chalet style bungalow for own use to live in retirement using part of the garden plot of 4 The Green.

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## Procedural Matter

1. This is an outline application with all matters reserved for approval at a future date.

## Decision

2. I dismiss the appeal.

## Reasons

3. The appeal site is an area of land to the rear of Nos 3 and 4 The Green. It currently comprises a garden area and a large garage with parking in front. Access to the garage is via a driveway to the side of No 3. No 4 The Green would appear to comprise a ground floor shop unit with a dwelling to the side, rear and above. No 3 comprises a ground floor flat with a hairdressing business above. The entrance to the hairdressers is a door in the south elevation.
  4. Access to the appeal site is from The Green, a classified road with a speed limit of 30mph. There are no parking restrictions on the road outside of Nos 3 and 4 and there is a bus stop opposite. The footway at the point of access to the appeal site is some 3.1 metres wide at the northern point and 2.2 metres at the southern point. This conforms to the x dimension required for small groups of dwellings indicated in *Places, Streets and Movement*. To the north, there is unobstructed visibility for more than 90 metres, but there is a sharp bend in the road some 20 metres to the south. The appellant contends that the bend effectively restricts the speed of vehicles travelling north outside of the appeal site to no more than 20mph. This may be the case, but the y distance indicated in *Places, Streets and Movement* should be a minimum of 33 metres at this speed. The visibility available is well below even this reduced figure.
  5. The driveway is 4.8 metres wide at the back of the footway reducing to 4.5 metres some 5 metres further back. There is room for two vehicles to pass each other in the driveway, although the presence of the door to the hairdressers business could result in some conflict
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between vehicles and patrons of the business. Furthermore, it would not appear possible to provide an adequate pedestrian intervisibility splay to the north of the access point owing to the location of No 3 at the back of the footway.

6. The appellant contends that the access is already in existence and that current occupiers of the dwellings and business premises could use the site more intensively, thus increasing the vehicular usage of the site and access. However, this is not justification for using existing parking facilities for the construction of an additional dwelling that would effectively reduce the available parking and turning facilities available to existing and future occupiers of the combined properties. In my opinion this would increase the likelihood of vehicles reversing onto or off the highway and/or increased pressure for on-road parking. I find, therefore, that the proposal would result in inadequate space for off-road manoeuvring of vehicles associated with the properties, to the detriment of highway safety. It would therefore conflict with Transport Policy 6 of the adopted South Derbyshire Local Plan (LP).
7. The appeal site measures some 270 square metres in extent and its use for a separate dwelling would reduce the amenity space for the occupiers of Nos 3 and 4 to a patio area and a small strip of land across the rear of the properties. It would also take away any parking or manoeuvring space from these properties. Although the application is in outline only, I am not satisfied that a detached dwelling could be built on the appeal site whilst providing adequate amenity space and privacy for both the occupiers of that dwelling and the occupiers of Nos 3 and 4. Moreover, the space available would be further restricted by the need to provide both parking and turning space within the curtilage. It would also appear that there are public sewers crossing the site. Whilst these could be diverted, their existence anywhere within the site would impose further constraints on the available land to build a dwelling on the site. In these respects, I consider that the proposal would conflict with policy H11 of the LP which relates to privacy and amenity space around buildings, and advice relating to overlooking in the Council's Supplementary Planning Guidance document: *Housing Design and Layout*.
8. In conclusion, I find that the proposal would result in a range of deficiencies relating to access, parking and turning facilities. These deficiencies, taken together with the harm to residential amenity caused by development of an additional dwelling within the existing complex of buildings, would result in an unsatisfactory development with regard to both highway safety and the privacy and amenity of the occupiers of the proposed dwelling and existing properties at Nos 3 and 4 The Green.
9. The appellant has claimed that the proposed dwelling would be for his personal use and is necessary due to family circumstances. Whilst I sympathise with Mr House and his situation, I do not consider that the proposal is the only solution to the problems noted, and in any case these circumstances do not outweigh the fundamental concerns that I have relating to the amenity and highway issues raised above.

*J D Westbrook*

INSPECTOR