



# Appeal Decision

Site visit made on 21 February 2023

by **Samuel Watson BA (Hons) MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

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**Appeal Ref: APP/C1055/W/22/3308404**

**Markeaton Pharmacy, Kedleston Road, Derby City, Derby DE22 1FX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Raj Suddhi against the decision of Derby City Council.
  - The application Ref 22/01169/FUL, dated 17 July 2022, was refused by notice dated 7 September 2022.
  - The development proposed is the erection of 3 no. one bedroomed flats.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on:
  - The character and appearance of the surrounding area; and,
  - The living conditions of neighbouring occupiers, as well as whether the proposal would provide suitable living conditions for future occupiers.

## Reasons

### *Character and Appearance*

3. The appeal site is an area of hardstanding, used for vehicle parking, to the rear of a pharmacy on Kedleston Road and to the side of a residential terrace on Bromley Street. The site is accessed from, and read in relation to, Bromley Street. Bromley Street is characterised by a largely uniform pattern of terraces and semi-detached dwellings which, whilst showing different architectural styles, shared similar building heights, long plots and a strong building line.
4. The proposed block of flats would develop the majority of the parking area resulting in the loss of the gap to the rear of the pharmacy, and characteristic of the transition between the development along Kedleston Road and the adjoining side roads. The proposal would be further incongruous with its surroundings by way of the small scale of the plot which would jar with the pattern of long, albeit narrow, plots in this area. The overall height of the building would exceed that of the neighbouring property and terrace, and would not appear appropriate with the height of the street scene in general on this side of the road. When taken cumulatively with the overall scale of the proposal in relation to the plot, the proposed height would further exacerbate the sense of a cramped development.

5. Although I am mindful that the proposed building would incorporate features that reflect the style and appearance of the other dwellings within the street scene, such as the bay windows, string courses and front-facing dormers, these are not sufficient to outweigh the harm identified above. Moreover, whilst the proposal would result in the removal of a poor quality parking area, the loss of the characteristic gap would be, as noted above, harmful.
6. The proposal would result in harm to the character and appearance of the surrounding area as a result of its siting and design and would therefore conflict with Policies CP3, CP4 of the Core Strategy (the CS, January 2017) and saved Policy H13 of the City of Derby Local Plan Review (the LPR, January 2006). These policies, amongst other matters, require that developments are of a high-quality design that integrates with, and responds to, its setting including the urban grain, height and siting. The proposal would also conflict with Chapter 12 of the National Planning Policy Framework (the Framework), including Paragraph 130 which seeks for developments to be sympathetic to its surroundings, maintain a sense of place and add to the overall quality of the area.

### *Living Conditions*

7. The proposal would result in three one-bedroom flats accessed from the rear of the site. The building would retain a narrow gap between it and the site boundaries, but no garden area has been provided. The Council has made reference to the optional standards set out within the Technical Housing Standards – Nationally Described Space Standards (the THS). The THS sets out, amongst other things, the minimum floorspace for new dwellings. However, it appears from the submissions before me that the Council have not adopted the THS as part of their local plan. Nevertheless, it can still provide a useful starting point for the assessment of what amounts to a reasonable sized dwelling.
8. The submitted drawings have been annotated with the floorspace of each flat, the ground and first floors would provide 28m<sup>2</sup> whilst the second floor would provide 32m<sup>2</sup>. As such, all three flats would be noticeably smaller than the minimum standards for a single person occupancy and would be significantly smaller than the standards for a two-person occupancy, 37m<sup>2</sup> and 50m<sup>2</sup> respectively.
9. Although some storage space has been shown on the plans, the layout of furniture can only be considered indicative, and I cannot be certain that there is sufficient space for the storage of personal belongings, clothing or larger items such as a vacuum cleaner or drying rack. It is clear that even with the limited storage space shown on the plans that the rooms would be tight spaces and this would only be made worse in the likely event that future occupiers provide additional wardrobes or other storage solutions. I find it likely, therefore, that future occupiers would find the flats cramped and that it would be difficult for them to carry out their daily needs comfortably. In this regard the proposal would provide a poor standard of living accommodation detrimental to the living conditions of future occupiers.
10. As noted above, the proposal would also not provide any useable outside space for future occupiers. Whilst the flats are unlikely to be occupied by families with children, I find that individuals and couples would still typically use outside space. The appellant has referred to a nearby park, but I have not been

provided with its location and so I cannot be certain that it would be readily accessible to future occupiers or that it would allow for occupiers to sit outside, socialise and relax. Although blocks of flats are often not served by outside spaces, as the flats themselves are small and it has not been suitably demonstrated that there is a useable public space, I find the proposal would provide an unacceptable standard of amenity space.

11. Whilst I am mindful that the habitable rooms serving each flat would be provided with a good standard of natural light and outlook, these would not outweigh the harm identified above as a result of the cramped internal space and lack of external space.
12. The appeal site is within a relatively dense urban area where, given the existing pattern of development, a degree of overlooking is to be expected. As such, and given the orientation and relationship of the proposal to the neighbouring properties, there would be no unacceptable loss of privacy as a result of the proposal. Moreover, its relationship to the neighbouring properties would not result in any unacceptable loss of outlook from, or natural light to, these properties or their associated gardens. Consequently, I do not find that the proposal would result in any harm to the living conditions of neighbouring occupiers.
13. Nevertheless, the proposal would provide a poor standard of accommodation for future occupiers to the detriment of their living conditions and in conflict with CS Policy CP3 and LPR Policies H13 and GD5 which collectively, and amongst other matters, require that developments result in pleasant, high-quality living environments. It would also conflict with Paragraph 130 of the Framework that seeks for developments to promote well-being and provide a high standard of amenity for future users.

### **Planning Balance and Conclusion**

14. There is no dispute that the Council is unable to demonstrate a five year housing land supply. The Government's objective is to significantly boost the supply of housing and the proposal would provide three new dwellings and contribute towards the Council's housing land supply. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract moderate weight.
15. Conversely, the proposal would result in harm to the character and appearance of the surrounding area and would provide unsatisfactory living conditions for future occupiers. These impacts are contrary to both local and national planning policy to which I give considerable weight.
16. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of Paragraph 11d of the Framework does not indicate that permission should be granted, and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations above do not justify making a decision other than in accordance with the development plan.

17. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR