



Appeal Decision

Site visit made on 6 October 2008

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

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Decision date:
28 October 2008

Appeal Ref: APP/B3410/A/08/2080309

Land at 34 Ironwalls Lane, Tutbury, Burton-on-Trent DE13 9NH

- The appeal is made by John and Sandra Goodall under section 78 of the Town and Country Planning Act 1990 against a refusal by East Staffordshire Borough Council to grant planning permission.
- The application Ref PA/00666/009/CEH, dated 20 February 2008, was refused by notice dated 22 April 2008.
- The development proposed is the erection of a bungalow (2 bedrooms) in the back garden of the property.

Decision

1. I dismiss the appeal.

Reasons for the decision

2. The application form describes the development as a bungalow, but throughout the appeal it has been referred to more accurately as a 1½-storey detached dwelling, since it would have a ridge height of about 7m and would make full use of the roof space for living accommodation by incorporating dormer windows and roof lights. The main issue in the appeal is its effect on its surroundings and the amenities of neighbours.
 3. The dwelling would be built at the rear of the back garden of No 34, where it would adjoin the rear gardens of 7, 9 and 11 Chatsworth Drive on one side and 36 Ironwalls Lane on the other. It would share an access from Ironwalls Lane with No 34 and its drive would split off from the shared drive in the front garden of No 34 to pass between the side walls of Nos 34 and 36.
 4. Policy H3 of the East Staffordshire Local Plan supports house building on small previously-developed sites in Tutbury, provided it accords with Policy H6. This policy indicates that infilling in gardens should be sensitively integrated into the townscape without harming neighbours' amenities and not be visually intrusive.
 5. The policies do not distinguish between infilling as frontage development in gaps between houses and infill development at the rear of houses, which is often referred to as backland development where it has its own access or tandem development where it shares an access, as in this case. The Tutbury Village Design Statement, which is supplementary planning guidance, is more specific. It identifies the character of this part of Tutbury as having buildings predominantly set back from the road behind front gardens and driveways and states that any new development should respect this character. The dwelling would be out of keeping with this pattern of development and would look incongruous when viewed from adjoining houses and gardens. It would conflict
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with Policy H6 because it would be visually intrusive here and would not be sensitively integrated into the townscape established by adjacent development.

6. The neighbours whose amenities would be most affected are at No 36. The gap between Nos 34 and 36 is used at present as extra parking space for No 34, but it would be used far more frequently and intensively as a through route to the dwelling. The occupiers of No 36 would experience noise, fumes and vibration from passing vehicles because their side wall and side windows are on the boundary and cannot be screened. The alignment of the front drive to the dwelling would result in disturbance close to the front windows of No 36, including glare from headlights. Policy H6 indicates that permission should not be granted for development on infill sites in these circumstances.
7. The drawbacks identified above significantly outweigh the advantages of making fuller use of previously-developed land in Tutbury for house building and I conclude that the appeal should not succeed. I have taken into account the information provided by the appellants about the appeal decision at 50 Belmot Road, Tutbury, but that decision was based on different considerations than the ones that have led to my decision.

D.A.Hainsworth

INSPECTOR