
Appeal Decision

Site visit made on 3 October 2016

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 20 October 2016

Appeal Ref: APP/B3030/W/16/3151094

**Land adjacent to 74 Westbrook Drive, Rainworth, Nottinghamshire
NG21 0FH**

- 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 Mrs Kathryn Naylor against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00240/FUL, dated 5 February 2016, was refused by notice dated 6 May 2016.
 - The development proposed is detached dwelling (2/3 bed).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposed development on:
 - the provision of open space within the surrounding area; and
 - the character and appearance of the surrounding area.

Reasons

Provision of Open Space

3. The appeal site forms part of a network of open spaces within the surrounding housing estate in Rainworth, created to provide, amongst other things, informal public open space for recreation. The development plan and government planning policy attach importance to the provision and protection of open spaces in contributing to the health and well-being of communities.
 4. Spatial Policy 8 of the Newark and Sherwood Core Strategy (2011) (the Core Strategy) stipulates that the loss of existing leisure facilities, including public and amenity open space, will not be permitted unless it can be demonstrated that alternative provision has been made elsewhere and that there is sufficient open space in the area. This is supported by paragraph 74 of the National Planning Policy Framework (the Framework) which establishes that existing open space should not be built on unless an assessment has been undertaken which shows the open space to be surplus to requirements or the resulting loss would be replaced by equivalent or better provision.
 5. The proposed development would result in the loss of some 220 square metres (sqm) of open space. I note the appellant's view that the loss of this amount of open space would not affect existing public open space provision in the
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surrounding area. Whilst I saw from my site visit that there are other open spaces within the area, these appeared to form part of the original network of public open space within the estate, designed to meet the recreational needs of its community. No evidence has been provided, by way of an assessment or otherwise, to demonstrate that the appeal site is now surplus to those requirements or that there would be sufficient open space remaining within the area if this site were developed. I am also not aware that alternative provision of open space would be made available elsewhere to compensate for the loss of this site.

6. Therefore, on the basis of the evidence before me, I find that the loss of open space which would result from the proposed development would cause unacceptable harm to the provision of open space within the surrounding area. Accordingly, it would also be contrary to Spatial Policy 8 of the Core Strategy and paragraph 74 of the Framework.

Character and Appearance

7. The triangular wedge of open space in which the appeal site is located forms part of a larger green corridor running north-south across Westbrook Drive, bisected by a public footpath which links to the wider network of open space within the area. It forms an integral part of the landscape, design and layout of the surrounding estate in addition to its value for recreation. The open space is mainly laid to grass, but is landscaped with mature trees and shrubs and evidently well maintained. The landscape and visual qualities of the space make an important contribution to the character and appearance of the surrounding area, providing openness and a physical break within the built up area of the estate.
8. The proposed dwelling would occupy the south eastern corner of the open space where it fronts Westbrook Drive. Whilst on plan the building would align with the dwelling opposite at 65 Westbrook Drive, when viewed from the street it would reduce the width of the open space at its frontage onto Westbrook Drive by around a quarter. As such the proposal would result in a significant and harmful visual intrusion into the open space, compromising the overall size, shape and design of the green wedge and its contribution to the quality of the local environment.
9. I recognise that the proposed bungalow design of the dwelling would serve to reduce its visual impact. However, the footprint of the bungalow would still occupy a significant portion of the open space and even its single storey height and scale would partially obscure views of the space and key elements of its landscaping.
10. For these reasons, I conclude that the proposed dwelling would cause harm to the character and appearance of the surrounding area. Consequently, it would fail to comply with Core Policy 9 of the Core Strategy and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013), which expect new development to reflect local distinctiveness and character and complement existing built and landscape environments. It would also conflict with paragraph 58 of the Framework, which seeks to ensure development adds to the quality of the area and responds to local character.

Other Matters

11. I understand that the proposed bungalow is intended to meet the care and living needs of a disabled occupant. Whilst I am sympathetic to this need, I have not been provided with evidence to demonstrate why the need cannot be met within the existing housing stock in Rainworth or by a similarly designed new build property on land allocated for housing in the area. Accordingly, I am not persuaded that the need for the dwelling outweighs the harm which would result from it being built on this open space site.
12. I have considered the other matters raised in representations from neighbouring occupiers. These include the effects of the proposal on privacy, sunlight and daylight enjoyed by the occupiers of nearby properties, on traffic and parking in Westbrook Drive, and on the nearby Lime tree and public footpath. However, none of these effects would be such as to give rise to a level of harm which would add further material weight against the proposal.

Conclusion

13. For the reasons given above, and having taken all other matters into account, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR