

Appeal Decision

Site visit made on 30 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 26 October 2016

Appeal Ref: APP/X3025/W/16/3152744

224 Chesterfield Road South, Mansfield, Nottinghamshire NG19 7EJ

- 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 Andrew Whalley against the decision of Mansfield District Council.
 - The application Ref 2016/0066/NT, dated 8 February 2016, was refused by notice dated 5 April 2016.
 - The development proposed is the construction of a new two bedroom detached chalet bungalow.
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Decision

1. The appeal is dismissed.

Procedural matter

2. At the site visit, I viewed the site from 222 Chesterfield Road South with the consent of the occupiers of this adjacent property and did so unaccompanied.

Main issues

3. The main issues are the effect of the proposed development, firstly, on the living conditions of the occupiers of 222 Chesterfield Road South with particular regard to visual impact and privacy; and secondly, on the character and appearance of the local area.

Reasons

4. The proposal is to erect a detached dwelling within the rear garden of the appeal property, which is a detached house that occupies a corner plot at the junction of Chesterfield Road South and Beech Hill Drive within a predominantly residential area.

Living conditions

5. The new dwelling would address Beech Hill Drive, from which access would be taken, with its rear elevation facing the back garden of 222 Chesterfield Road South, which is a detached dwelling that stands alongside the appeal property. With its relatively low eaves and the first floor accommodation set into the roof space, the proposal has been designed to reduce its visual impact on the occupiers of this neighbouring property. That the new dwelling would also be sited at a similar ground level to that of Nos 222 and 224 would also lessen its
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- visual impact on the occupiers of No 222 than would otherwise be the case if it occupied an elevated position due to the difference in ground levels.
6. Nevertheless, the new dwelling would be considerable in scale and bulk and it would be sited close to the site's shared boundary with No 222. Views from the rear windows of No 222 and its rear garden, which provides the main outdoor space for the occupiers of this neighbouring property, would include the rear and sidewalls and an expanse of roof slope of the new development. Having viewed the site from No 222, I am persuaded that the proximity of what would be a substantial amount of new built form close to the rear garden of this adjacent property, would have an unduly imposing presence to the extent that it would be overbearing. It would unacceptably harm the neighbours' reasonable enjoyment of their property, especially their rear garden.
 7. A new boundary fence would largely screen views from the ground floor rear windows of the proposed dwelling towards the rear of No 222. To overcome overlooking problems, the new first floor rear window would need to include obscure glazing and be fixed shut, which could be achieved through the imposition of a condition. However, even with these measures in place, the occupiers of No 222 would still perceive that the space at the back of their house would be overlooked because the new first floor rear window would be clearly in view especially from their rear garden.
 8. Some overlooking is often a characteristic of the relationship between dwellings in residential areas. It is a feature to the rear of Nos 222 and 224 and I saw several examples close to the site in which overlooking would occur between the occupiers of properties that back onto each other. In one case, views from a rear dormer window of a nearby dwelling towards several rear gardens of others along Beech Hill Drive would be direct and at close range. However, the loss of privacy that would result from the perception of being overlooked would be particularly strong in this case and it seems to me that additional harm cannot be justified on the basis that some harm already exists. Based on my observations from the rear of No 222, I am in little doubt that the proposal would significantly diminish the value of the rear garden of this adjacent property due to a perceived loss of privacy. This would be difficult to effectively mitigate by, for example, taller boundary treatment because such a feature would then in itself become visually dominant, which could be oppressive, in views from the rear of No 222.
 9. Taken together, I conclude that the proposed development would seriously harm the living conditions of the occupiers of No 222. Accordingly, it conflicts with Policy H2 of the Mansfield District Local Plan (LP) insofar as it aims to safeguard residential amenity. It would also fail to adhere to a core principle of the National Planning Policy Framework (the Framework), which is to always seek to secure a good standard of amenity for all occupants of buildings.

Character and appearance

10. The proposed dwelling would front Beech Hill Drive, which is characterised largely by 2-storey semi-detached and detached properties that vary in style, size and appearance. Consequently, there is some variety in the scale and appearance of existing properties in the area that surrounds the site.

11. The new addition would be modest in scale and it would stand comfortably within the plot, with adequate space for a back garden, on-site parking, and for the storage of refuse. Although the plot size and depth for the new dwelling and the amount of rear garden would be less than some existing properties nearby, this would not be readily evident from the road. Sufficient space would surround the new building so that it would not appear unduly cramped in terms of layout nor would it amount to overdevelopment even though the subdivision of the plot would be evident from the rears of some properties close to the site.
12. The new dwelling would broadly align with front building line of the adjacent dwelling, which is 2 Beech Hill Drive, with a similar plot width. The proposal would be noticeably less substantial in built form and lower in height than the properties on either side of the site, with its position at a lower ground level than No 2 visually accentuating that difference. Nevertheless, the contrast with the scale, height and style with the buildings on either side would not be so great as to be obtrusive. Furthermore, I observed several instances in which existing dwellings along Beech Hill Drive that vary in scale, design and height to neighbouring properties but nonetheless stand comfortably alongside each other.
13. In that context, the proposal would not jar with the established pattern of existing development, which is characterised by varied built form, with plots and gardens that vary in size. Therefore, the proposal would not be out of keeping with the character and appearance of the local area. Consequently, there is no material conflict with LP Policy H2 insofar as it states that new housing development should integrate with the existing pattern of the settlement. My finding on this issue does not outweigh the harm that I have identified in relation to the living conditions of the occupiers of No 222.
14. With regard to other matters, the Council considers that the proposal would set an undesirable precedent. However, I disagree. Each case should be assessed on its own merits, as I have done. I acknowledge that the appeal scheme would make an efficient use of land. It would add to the stock of housing in an accessible location and would provide an opportunity to use energy efficient building materials. There would be no undue loss of natural light to neighbouring properties with the new built form in place. However, these matters do not outweigh the harm that I have identified in relation to the first main issue.

Conclusion

15. Overall, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR