
Appeal Decision

Site visit made on 10 October 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 4th November 2016

Appeal Ref: APP/B3030/W/16/3154731

51 Lansbury Road, Edwinstowe, Nottinghamshire NG21 9QH

- 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 J Whittle against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00390/FUL, dated 4 March 2016, was refused by notice dated 4 July 2016.
 - The development proposed is dormer bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dormer bungalow on the character and appearance of the area.

Reasons

3. The proposed dormer bungalow would be sited in the rear garden to 51 Lansbury Road, which is part of an estate of post-war, local authority built housing, situated in the large, compact village of Edwinstowe. The housing here is of a formal arrangement, sited to an even building line along main road frontages or grouped in short cul-de-sacs. The estate mainly comprises semi-detached houses all built to the style typical of this period, featuring either deeper plan hip-roofed or wider plan gable ended pairs. There has been some further development within this original layout, such as the retirement bungalows in Lynds Close and, more recently, the two dwellings built on the former playground site to the rear of Nos 77 and 79 Lansbury Road.
 4. The proposed dwelling would be screened from the street by the host property and would be viewed against the backdrop of the existing housing where seen at a distance from the south. Nevertheless, it would be visually prominent from the rear of neighbouring houses where, projecting to the rear of the street-facing development and sited directly adjacent to open countryside, it would comprise an isolated and exposed form of backland development. Its siting and design would be starkly at odds with the formal pattern of similarly-designed housing in this estate.
 5. Compared to other backland developments cited in support of this proposal, such as that on the nearby former playground site and, elsewhere in the village, at the rear of 85–89 Mansfield Road, this dwelling would not be
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integrated within the existing built-up area and would appear an incongruous element on the edge of the estate adjacent to open countryside. The dwelling would be out of keeping with the design and layout of the surrounding housing and this would conflict with Policy DM5 (4) of the Council's Allocations and Development Management Development Plan Document¹ (ADMDPD) whereby new development proposals should reflect the character of the built form. This policy is consistent with the principles in the National Planning Policy Framework (the Framework) to always seek to secure high quality design and take account of the different roles and character of different areas.

6. The proposal would further conflict with ADMDPD Policy DM5 (4) where it seeks to resist inappropriate backland development not in-keeping with the general character of an existing area. This would be supported by Paragraph 53 of the Framework which states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where this would cause harm to the local area.
7. I am not persuaded by the Design and Access Statement that considers only No 51 to have the space to provide adequate access and separation from other houses, and consider this scheme would encourage similar proposals on adjacent back garden land. This would have a harmful cumulative effect on the established character and appearance of this area and further conflict with ADMDPD Policy DM5 (4).

Other Matters

8. In an appeal decision² made on 7 January 2016 the Inspector concluded that, on the evidence available, whilst the Council could provide more than a four-year supply of available housing sites, it was unable to demonstrate the five-year supply required through paragraph 47 of the Framework. This appeal is a material planning consideration and, as not presently provided through a Local Plan Review, this decision has to be based on the Council being unable currently to demonstrate a five-year supply of deliverable housing sites.
9. Therefore, following paragraph 48 of the Framework, relevant policies for the supply of housing should not be considered up-to-date. In setting requirements for the character and appearance of new development, ADMDPD Policy DM5 is relevant to housing supply and out-of-date in this regard. Therefore, following paragraph 14 of the Framework, this would mean granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
10. The Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
11. The proposal is for a single dwelling and therefore its contribution to the supply of housing, and the particular demand for two-bedroom accommodation, would

¹ Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document – adopted July 2013.

² APP/B3030/W/15/3006252

provide only a relatively small social benefit. The proposal would offer a self-build opportunity supported by the Government. However, self-build opportunities can equally be provided by proposals that meet with planning policy and therefore I can only give this economic benefit limited weight. The same argument would apply to this development achieving high energy efficiency standards and so this environmental benefit is also given limited weight.

12. Weight is given to this proposal being within an established village, with convenient access to nearby services and facilities, and that it would be preferable in this respect to a dwelling in a more remote location, such as in the countryside.
13. There would be local economic and social benefits through the appellant's aims to source construction through local contractors and be an ambassador to a house supplier keen to invest in housing in this locality.
14. The matter of other backland precedents has been considered, and in particular the dwelling recently allowed by the Council at the rear of 24 Robin Hood Avenue, which is most comparable to the appeal proposal. Nevertheless, this scheme should be assessed on its own individual merits. Having accounted for all the benefits and considerations outlined above I nonetheless consider these would be significantly and demonstrably outweighed by the harm caused to the character and appearance of the area. Consequently, this proposal would not be the sustainable development supported through the Framework.

Conclusion

15. ADMDPD Policy DM5 (4) has been found consistent with the Framework and, whilst out-of-date in respect of its implications over housing supply, is given significant weight. Although this proposal would satisfy the other parts of Policy DM5, regarding access, parking, amenity, ecology and flood risk, it would conflict with part 4 as an inappropriate form of backland development, detrimental to the character and appearance of the area and setting an undesirable precedent. For the reasons set out above, and having taken into consideration all other matters raised, I conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR