

Appeal Decision

Site visit made on 8 November 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 18th November 2016

Appeal Ref: APP/A3010/W/16/3154169
141 Newcastle Avenue, Worksop, S80 1NJ

- 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 Dennis McAleavey of Sutherland Investment Property Ltd against the decision of Bassetlaw District Council.
 - The application Ref 16/00500/FUL, dated 11 April 2016, was refused by notice dated 14 June 2016.
 - The development proposed is erection of a detached building to form 2 x 1-bedroomed apartments.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue for the appeal is the effect of the proposal on the living conditions of adjoining residential occupiers.

Reasons

Living Conditions

3. The appeal site forms a large part of the rear garden of 141 Newcastle Avenue, a detached bungalow which sits at the corner with Harrington Road. The garden lies alongside the terrace of dwellings on Harrington Road and in this regard the site forms an infill plot, which backs onto the rear garden of No 139 Newcastle Avenue. The proposal comprises a detached building, which would be used as 2 flats.
 4. The proposed dwelling would face the road and windows on the rear elevation would look out onto the rear garden of No 139 Newcastle Avenue. The plans indicate that these facing windows would be set back from the boundary, nevertheless, due to their size and proximity, they would provide an open view of the adjoining rear garden which is the only private amenity space for the adjoining property. This would significantly diminish the quality of the outdoor space for adjoining residents. I note that the appellant intends to finish the windows in obscure glazing and to ensure that they are non-opening. These windows provide the only light and aspect to the kitchen and bedroom of the upstairs property and so these measures would significantly reduce the quality of living conditions enjoyed within them.
-

5. The proposal would also include a blank elevation within very close proximity to the common boundary with No 14 Harrington Road. The side elevation of this property contains a number of facing windows at ground floor level. Due to the position and size of the proposed dwelling the proposal would be likely to reduce light and outlook from these windows. Whilst it is likely that a fence in this location would also diminish light and outlook to facing rooms to some extent, the larger bulk of the proposed dwelling would dominate views from these windows and would consequently have an overbearing and unneighbourly effect, which would reduce enjoyment of the adjoining property.
6. The proposal would occupy a significant proportion of the existing rear garden to No 141 Newcastle Avenue. I noted on site that although the dwelling would retain some space around the dwelling, this would be relatively narrow to the rear, and would be significantly overlooked to the front and side adjoining Harrington Road. Although the site retains a small area adjoining No 141 Newcastle Avenue which is not overlooked, it is not located in a position that is convenient to the front or rear entrance and its position between the 2 dwellings mean that it would be largely overshadowed. These factors lead me to the view that the proposal would result in the garden of No 141 Newcastle Avenue being significantly reduced in size and quality, to the extent that it would materially detract from the living conditions enjoyed by occupiers of the dwelling.
7. The Council have also raised concerns in relation to the effect the proposal may have as a result of increased pressure for parking. I note that the development does not include off-street parking. However, I noted on site that a vehicular crossover used to access the existing garden would no longer be in use should the development go ahead. In this regard, the proposal would lead to a freeing up of on street parking, which would in part mitigate any increase in parking arising from the proposal. I also note that the development comprises 2 single bedroom flats and so is unlikely to give rise to a large increase in parking demand. As such, I do not consider that the proposal would add significantly to any competition for on-street spaces, and so would not detract from residents amenity in that regard.
8. I note the appellant's view, that Policy DM4 of the *Bassetlaw Core Strategy and Development Management Policies DPD* (Core Strategy) is not relevant and only relates to major developments. This is not the case. The wording of policy DM4 refers also to "General Design Principles" relating to "individual development proposals, including single buildings". I therefore find that the proposal would be harmful to the living conditions of adjoining occupiers due to the impact on amenity space, overlooking to garden area, and the overbearing effects of development. It follows that the proposal would conflict with the provisions of Policy DM4 of the Core Strategy and with paragraph 17 of the *National Planning Policy Framework* (the Framework) which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

9. I note that the proposal has been subject to pre-application discussion with the Council, particularly in relation to the impact of the development on the Worksop Conservation Area and the Setting of St Annes Church, a Grade II Listed Building. Section 66(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

10. The proposed design incorporates a number of design elements which are evident on nearby dwellings and so its appearance is in keeping with the local vernacular. The scale and form of the dwelling would also be comfortably assimilated within the streetscene. I am therefore satisfied that the proposal would not harm the character of the Conservation Area, or cause harm to the setting of the Grade II Listed St Anne's Church. This absence of harm to heritage assets is a neutral factor, which does not weigh in favour of the proposal.
11. The proposal would provide 2 dwellings in a sustainable location. Having regard to the impetus for growth in the Framework, this is a matter to which I attribute significant weight. Nevertheless, the harm to the living conditions of 3 adjoining occupiers would be substantial and would significantly and demonstrably outweigh the benefits of the scheme.
12. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal be dismissed.

Anne Jordan

INSPECTOR