

Appeal Decision

Site visit made on 22 November 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 7 December 2016

Appeal Ref: APP/B3030/D/16/3157540

3 Pings Close, Besthorpe, Newark, NG23 7HT

- 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 Joe Hillier against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00548/FUL, dated 1 April 2016, was refused by notice dated 6 July 2016.
 - The development proposed is the demolition of the existing garage, new side extension with new garage and room over, including new hard standing parking to the front.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing garage, new side extension with new garage and room over, including new hard standing parking to the front at 3 Pings Close, Besthorpe, Newark, NG23 7HT in accordance with the terms of the application, Ref 16/00548/FUL, dated 1 April 2016, subject to the conditions in the schedule at the end of this decision.

Main Issues

2. The main issues in this appeal are;
 - the effects of the proposed development on the character and appearance of the Besthorpe Conservation Area; and,
 - the effect of the proposed development on the living conditions of neighbours, with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site is located within the Besthorpe Conservation Area. In the exercising of planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policies DM6 and DM5 of the Newark and Sherwood Allocations and Development Management Development Plan Document (NSADMDPD) and Core Policy 9 of the Council's Core Strategy, which between them require that new development respects and complements the character of the surrounding area, including the significance and setting of any heritage assets, are consistent with this test.
 4. In terms of assessing the significance of the Conservation Area, I have relied upon the comments received and my own observations during the site visit.
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The Conservation Area covers those parts of the village that contain simply designed older buildings. Typically, these buildings are modest gable ended buildings with a narrow rectangular plan form, one to two storeys in height, brick built and with pantile roofs. The significance of the Conservation Area therefore is historical.

5. The appeal property is the end dwelling in a row of three terraced houses built following the grant of planning permission in 1998. The house has a detached garage that would be demolished in order to make way for the proposed two storey side extension. The garage was built to serve the house and is of no particular architectural merit. Consequently, its demolition would not adversely affect the character and appearance of the Conservation Area.
6. The proposed extension would be set down in height from the roof of the house by approximately 0.39m and set back from the front elevation by approximately 0.86m. As a result, although relatively wide, it would appear subservient to the house and the terrace as a whole. Consequently, it would not unbalance the appearance of either, and so would comply with the guidance contained within the Council's supplementary planning document, 'Householder Development' (SPD), to which I have had due regard.
7. There are historic unlisted buildings which make a positive contribution to the Conservation Area and which the appeal property lies within the setting of. These non-designated heritage assets include 'The Old Post Office' and 'The Barn'. Both display the features that characterise older buildings with the Conservation Area described above. The arrangement of these buildings, set different distances back from the highway, and the 'L' shape of 'The Barn', illustrates how the pattern of development in the village has evolved informally over the years, and how the original purposes for which the buildings were constructed have given way to residential use. The significance of these buildings is therefore historical.
8. The proposed extension would be positioned slightly less than 1m away from the rear elevation of 'The Barn'. However, given the position of the proposed development to the rear of this building and 'The Old Post Office', and its sympathetic form which reflects the existing house, it would not detract from the setting of either building, or other historic unlisted buildings further away, within whose setting the proposed extension would lie.
9. Taking all these matters into account, I therefore conclude that the proposed development would not harm the Besthorpe Conservation Area as a whole. As a result, the statutory objective of preservation would be achieved. Similarly, the proposal would not harm the setting of non-designated heritage assets that the property lies within the setting of. The proposal would therefore comply with policies DM6 and DM5 of the NSADMDPD, Core Policy 9 of the Core Strategy and the SPD.

Living conditions

10. The proposal would move the two storey flank wall of No 3 to within 1m of the rear elevation of 'The Barn'. However, the only window in the rear elevation of 'The Barn' is obscurely glazed and serves a bathroom, which is not a main habitable room. Even if this were not the case, as the extension would be setback further from this window than the existing garage it would not dominate the outlook from this window, or reduce levels of light in this room. There would be no views of the proposed extension from other rooms within

'The Barn'. As a consequence, living conditions inside this dwelling would not be adversely affected by the proposal.

11. Outside, the proposed extension would form part of the backdrop to 'The Barn', but would not be so tall as to be overbearing in views from its driveway, or in views from its only garden area to the front and side of the dwelling. As the extension would be located on the northern side of 'The Barn' levels of sunlight and daylight would not be reduced by the proposal. At first floor level the extension would have a bedroom window in the front elevation. Views of 'The Barn's' side garden from this window would be peripheral and limited to its north easternmost corner. Consequently, material overlooking of 'The Barn' would not occur.
12. In relation to the houses whose rear elevations face the front of the terrace, the side extension would have a similar separation distance as other houses in the terrace. As a consequence, its first floor window would not harm privacy and the physical presence of the extension would not harm the outlook in views from these houses, or materially reduce levels of natural light. Similarly, in relation to the rear first floor window, the same distances would separate the extension from the rear elevations of houses along Low Road as currently separate these houses from the existing terrace. As a result, privacy, the outlook in views from these houses and levels of natural light would also not be harmed.
13. For all of these reasons, I therefore conclude that the proposed development would not adversely affect the living conditions of neighbours. It would therefore comply with policies DM6 and DM5 of the NSADMDPD which, amongst other matters, seek to prevent such harm.

Other matters

14. The officer report in relation to the planning application for terraced housing on Pings Close described the development as consisting of 'starter homes'. I have taken this to mean a small house suitable for a first time buyer. As the proposal would result in a modest two bedroom house becoming a larger three bedroom dwelling it would no longer be such a home. However, I agree with the Council that in the absence of a legal agreement or planning policies at local or national level preventing the house from being enlarged, this is a material consideration against the proposal to which I attach little weight.
15. Concerns have been expressed about the effect of the proposed development on the structural stability of neighbouring buildings. Extensions though are often built in close proximity to other buildings. In such situations controls, such as The Party Wall Act and Building Regulations, prevent structural harm from occurring.

Conditions

16. For the avoidance of doubt and in the interests of proper planning, otherwise than as set out in the conditions, the development needs to be carried out in accordance with the approved plans. In order to ensure that the development complements the Conservation Area and nearby historic buildings further details on materials and detailing, including a brickwork sample panel, are required. To protect the privacy of the occupant of 'The Barn' permitted development rights allowing the insertion of windows into the flank elevation of the extension need to be removed.

17. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: JMH0216 A101 Rev C, Plans & Elevations as Proposed.
- 3) No development shall be commenced until details of the bricks and roofing tiles have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.
- 4) No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 5) No development shall be commenced in respect of external windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars, treatment of window and door head and cills, lintels, verges and eaves until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed on the southern elevation of the development hereby permitted.