
Appeal Decision

Site visit made on 28 November 2016

by Zoe Raygen Dip URP MRTPI

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

Decision date: 13 December 2016

Appeal Ref: APP/A3010/W/16/3158529

**Former garage site between Coleridge Road and Thackeray Close,
Worksop, Nottinghamshire**

- 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 Progress Housing Group against the decision of Bassetlaw District Council.
 - The application Ref 15/01703/FUL, dated 22 December 2015, was refused by notice dated 2 March 2016.
 - The development proposed is the provision of 8 No flats, common room, office and staff sleepover room in two storey building.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the living conditions of the occupiers of 10 Coleridge Road and 9 Thackeray Close and whether the proposal provides acceptable living conditions for the future occupiers of flats 6 and 7 with particular regard to outlook, noise, smells, privacy and living space.
 - ii) the effect of the proposal on the character and appearance of the area

Reasons

Living conditions

3. It is agreed that the proposed building would be about 1 metre from the boundary with 10 Coleridge Road. The boundary is formed by a high close boarded fence which is partly covered by vegetation. To the rear of the fence within the garden of No 10 is a line of high trees and shrubs. The new structure would be about 5 metres to the eaves line together with a hipped roof. The building would be sited slightly offset from the garden of No 10 but would nevertheless extend along the majority of its boundary.
 4. No 10 contains windows in its rear elevation which currently have an open uninterrupted view. Nevertheless, the lengthy distance between the rear elevation of No 10 and the proposed building would ensure that it would not create an overbearing or overly oppressive feature. Furthermore, the slightly
-

angled siting of No 10 in relation to the proposed building would ensure that open views were retained to the rear of the new structure.

5. I am aware that the site currently has planning permission for 5 dwellings (14/00465/OUT) which includes an approved layout showing a dwelling in a similar location 1 metre from the boundary of No 10. While the proposed building on the current appeal would be slightly wider than that already approved, it is likely, from the evidence of the appellant that the approved building would be higher. While, therefore, the previous planning permission has not been determinative on this issue it reinforces my view that the proposed building would not be significantly overbearing.
6. All vehicles would access the site from Coleridge Road. Once cleared I saw that the access would be of a sufficient width to allow two way traffic and as a result vehicles would be travelling close to the side gable elevation of No 10. However, the boundary is formed by a high close boarded fence and a wall. No 10 has a garage in the intervening space between its side gable wall and the boundary providing a buffer to vehicles accessing the site. Furthermore, the previous use of the site as a garage court would have generated significant vehicle movements. I am aware that this may have been some time ago, nevertheless the extant planning permission for five houses would also generate traffic. Given the specific site conditions therefore I do not consider that the noise and disturbance from traffic would be harmful to the living conditions of No 10.
7. The submitted plans show the bin storage area to be adjacent to the rear boundary of No 10. However the bins would be enclosed and therefore unlikely to cause smells which would be harmful to the occupiers of No 10 which is located some distance from the boundary.
8. The first floor windows in the rear elevation of the proposed building would be about 8 metres from the boundary with No 9 Thackeray Close. As a result of the limited distance occupiers of the first floor flats 6 and 7 together with users of the internal office would have opportunity for direct views into the only private garden of No 9. As this area would be overlooked it would not provide a good quality garden area for the residents.
9. In order to prevent overlooking the appellant has proposed that the living/dining room windows to flats 6 and 7 would be obscure glazed. This would need to be secured via the imposition of a condition. However, the living/dining room window would be the only one to that room. If it were to be obscure glazed the room would have no outlook and would be dark and as a result would be overly oppressive. Owing to this I do not consider therefore that it would be reasonable to apply a condition requiring that the windows be obscure glazed.
10. There would also be windows serving bedrooms and an office which would be clear glazed on the rear elevation of the proposed building. As in the case of the living room windows these rooms would have no outlook and be overly oppressive if the windows were to be obscure glazed. I am aware that planning permission exists for four houses with their rear elevations directly facing the garden of No 9. While the appearance of the houses has not been approved, it is likely given the nature of two storey houses, that there would be bedrooms at first floor. The likely use and occupation of bedrooms would be significantly different to living rooms. In any case the houses were approved

further back within the site and therefore the distance between the windows and the garden of No 9 is not directly comparable to the situation currently under consideration.

11. Whilst I have found the development to be acceptable in some respects, for the reasons above I consider that it would be unacceptably harmful to the living conditions of the occupiers of 9 Thackeray Close with regard to the loss of privacy. The harm cannot, in this instance, be overcome through the imposition of a condition without causing an unacceptable living environment for the future occupiers of flats 6 and 7. It therefore conflicts with Policy DM4 of the Bassetlaw Core Strategy & Development Management Policies DPD 2011 (the DPD) and paragraph 17 of the National Planning Policy Framework which require that new development does not have a detrimental effect on the residential amenity of nearby residents and always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

12. The appeal site is a former garage court sited between Coleridge Road and Thackeray Close within a residential estate mainly formed from semi-detached two storey houses. The dwellings are set back from the road on linear plots and create a uniform character and appearance to the area. The garages that were on the appeal site have been demolished, although the hardstandings remain. Otherwise the site is overgrown with low level weeds and scrub. It therefore contributes little to the overall character and appearance of the area.
13. The proposed structure would be located to the east of the site and would form a large two storey building with a shallow pitch roof. While therefore it would have a larger footprint than the surrounding pairs of semi-detached houses it would have a height similar to the existing buildings. However, due to its location within the centre of the houses it would not be read as part of the existing street scene. Therefore only glimpses of the building would be afforded from the road through the spaces between the existing dwellings. Consequently, its siting together with its low height would mean that while it would have a large mass it would not be discordant or obtrusive. If the proposal had been otherwise acceptable, a planning condition could be imposed to ensure that construction materials would match those on surrounding buildings.
14. Furthermore I observed three five storey blocks of dwellings at Osberton View, which are clearly visible from the entrance to the appeal site. Accordingly the difference in size and design of the proposed building would not be unique or unacceptable in the local area.
15. For the reasons above I conclude that the proposal would not be harmful to the character and appearance of the area. It would therefore be in accordance with Policy DM4 of the DPD. This requires that new development, should respect its wider surroundings, in relation to historic development patterns or building/plot sizes and forms and density.

Other matters

16. The appellant refers to the local need for supported living accommodation as proposed. However I have seen no evidence of this and therefore can give it only very limited weight.

Conclusion

17. While I have found that the proposal would not be harmful to the character and appearance of the area this would not outweigh the considerable harm I have found to the existing and future residents.
18. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR