
Appeal Decision

Site visit made on 9 May 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 25 May 2017

Appeal Ref: APP/A3010/W/17/3169121

Land adjacent to Bloomfield House, Spital Road, Blyth, Nottinghamshire S81 8EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Chris Mallinson against the decision of Bassetlaw District Council.
 - The application Ref 16/01028/OUT, dated 22 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is described as the erection of 5 detached houses and access. All matters reserved except access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters apart from access reserved for future determination. The application indicates that the site is capable of accommodating five detached dwellings at typical density of adjacent development on Ryton Close.

Main Issue

3. The main issue is the effect of the proposed access arrangements on the living conditions of the occupants of adjacent dwellings with particular regard to noise and disturbance.

Reasons

4. The appeal site comprises part of the rear garden of Bloomfield House which is enclosed by existing adjacent development on all sides. Access to the proposed development would be taken off the head of the cul-de-sac at Ryton Close, located adjacent to the northern boundary of the site, via the existing driveway to No 10. In order to facilitate access to the proposed development the existing property at No 10 Ryton Close would be demolished. However, the existing driveway to the property would be retained to form the proposed site access from the cul-de-sac. As the cul-de-sac provides an existing access to seven properties, it is currently subject to reasonably low levels of traffic that helps contribute to the relatively tranquil environment of this part of Ryton Close.
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5. The proposed access would be approximately 3m wide as it passes between the front elevations of Nos 8a and 14 from the cul-de-sac. It would then widen to approximately 4.8m and run adjacent to the western property boundary of No 14 to serve the proposed development. Both Nos 8a and 14 have front windows to habitable rooms facing towards the proposed access position on the cul-de-sac. In the case of No 14 the Council indicates that the access road would be positioned within 1.5m of such window. The side elevation of No 14 also has an obscurely glazed window at ground floor level which would also be positioned at similar distance to the proposed access road.
6. Even for the modest scale of development that could be accommodated on the site, the occupants of the properties either side of the proposed access road are likely to experience unacceptable levels of noise and disturbance associated with vehicular and pedestrian movements passing in such close proximity to windows. In addition, the proximity of the access immediately adjacent to the rear garden of No 14 would lead to a significant reduction in the level of tranquillity that this garden currently enjoys.
7. The impacts of noise and disturbance would be compounded by the fact that the access road would narrow to single width as it passes between the two properties which effectively creates a 'pinch point'. Consequently, there is a likelihood that a degree of manoeuvring would occur in close proximity to the properties as vehicles entering and exiting the site have to wait for each other to pass. The occupants would be likely to suffer more general disturbance as a consequence of car headlights shining into the front windows as a result of vehicles turning into the access off the cul-de-sac. These factors further add to my concerns regarding the effect of the proposal on the living conditions of the adjacent residents.
8. Taking the above factors into account, the proposed development would have an unacceptable effect on the living conditions of the occupants of No 8a and No 14 Ryton Close with particular regard to noise and disturbance. It would therefore be contrary to Policy DM4 of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document (2011). This policy, amongst other things, requires that new development should ensure that it does not have a detrimental effect on the residential amenity of nearby residents.

Other matters

9. I have taken into account the modest contribution that the proposed development would make to the supply of housing in the District. However, this benefit does not outweigh the harm that I have identified above that the proposed development would cause to the living conditions of the occupants of the adjacent properties.
10. My attention has also been drawn to development recently granted planning permission by the Council at Sandy Lane, Worksop (Ref 14/00598/OUT) which involves the demolition of an existing bungalow to gain access to the proposed residential development. Whilst this permission may be demonstrative of the Council's approach to the consideration of backland and tandem development, I do not have full details of the nature of those proposals or the planning considerations that were relevant in the determination of the application. Consequently, I cannot be sure that it is representative of the circumstances in this case. In any event, I have determined this appeal on its own merits.

Conclusion

11. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR