
Appeal Decision

Site visit made on 16 May 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/A3010/W/17/3169860

Land to the south of Lydgate House, Low Street, North Wheatley, DN22 9DS

- 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 Ron Arkless against the decision of Bassetlaw District Council.
 - The application Ref 16/00868/FUL, dated 21 June 2016, was refused by notice dated 6 September 2016.
 - The development proposed is the erection of a two bedroom bungalow on the site of an existing timber builder's workshop.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two bedroom bungalow on the site of an existing timber builder's workshop at land to the south of Lydgate House, Low Street, North Wheatley, DN22 9DS in accordance with the terms of the application, Ref 16/00868/FUL, dated 21 June 2016, subject to the conditions set out at the end of this decision.

Procedural Matter

2. Additional plans were submitted with the appeal documentation indicating the existing parking arrangements and proposed parking and manoeuvring arrangements within the site and the adjoining land in the appellant's ownership. However, the plans have not been considered or consulted upon by the Council prior to the appeal. Therefore, I have determined the appeal on the basis of the plans that were before the Council when it made its decision.

Background and Main Issues

3. The Council indicates that it cannot currently demonstrate a five year supply of deliverable housing land as required by paragraph 47 of the National Planning Policy Framework (the Framework). Accordingly, although the appeal site lies outside the development boundary of North Wheatley as defined in the Bassetlaw Core Strategy and Development Management Policies DPD 2011 (the DPD) the Council indicates that in the light of the housing land supply position and the sustainable nature of the site it considers that the proposed development of the site is acceptable in principle. Having regard to this therefore the main issues in this case are the effect of the proposed development on:
 - the character or appearance of the Wheatley Conservation Area (WCA) and the setting of nearby listed buildings;
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- highway safety; and
- the living conditions of the occupiers of 'The Stables' and 'The Barn' with regard to noise, disturbance and privacy.

Reasons

Description of site

4. The appeal site forms part of the garden area of Lydgate House which is sited on the southern side of Low Street. It is located to the south of The Stables, a single storey dwelling which was previously outbuildings to Lydgate House and to the south-west of The Barn, a dwelling which was also a former outbuilding to Lydgate House. There is a single storey timber workshop on the north of the site, a large portacabin on the western edge of the site and two greenhouses on the centre of the site. There are a number of trees and shrubs along the western boundary of the site which adjoins an open field.

Heritage assets

5. The appeal site lies within the WCA which covers the historic village of Wheatley and the open fields and woodland which immediately surround it. The evidence indicates that the Designation Statement Document June 2010 (DSD) states that '*North Wheatley is characterised by historic farmsteads including Westfield, Plum Tree, Westmoor, Bargate and Old Mill. There are also a large number of barns and cottages between which provide a strong rural character. Despite occasional modern infill and housing of a variable quality, particularly in the the north east area of the village, the overall character and appearance is cohesive, with historic buildings retaining much of their setting in the streetscape*'. I agree with this description.
6. Within the vicinity of the appeal site the conservation area is characterised by single storey farmstead buildings sited along the roadside forming courtyards with further agricultural buildings behind. Many of these have been converted into dwellings, as is the case with The Stables and The Barn which are immediately adjacent to the appeal site. Within the vicinity of the appeal site there are also three Grade II listed buildings. The barn at Cobwebs, on the southern side of Low Street is the nearest of these listed buildings, beyond which is Westwood Farm also on the southern side of Low Street and Jasmine Cottage on the northern side of Low Street. The part of the conservation area within which the appeal site lies forms part of the wider setting of the listed buildings.
7. The proposed dwelling would be sited along the western boundary of the appeal site. It would be located on the site of the existing timber workshop but would extend further south to align with the timber garage and store of The Barn. A large area of open space/garden area would be retained between the appeal proposal and Wheatley Beck to the south.
8. The proposed dwelling would not be readily visible from Low Street and would be restricted from view from Sturton Road. Therefore, it would not appear prominent when viewed from the streetscape. The proposed dwelling would be visible from the wider countryside to the south and west. However, this would be limited and in any event given its proximity to The Stables and the garage and store of The Barn the dwelling would not appear as an isolated feature in the landscape but would rather form a part of a ribbon of buildings, as is a

feature of this part of the conservation area. Accordingly, with regard to its siting, the proposed dwelling would be in-keeping with, and reflective of the existing built form in this part of the conservation area. In this respect therefore it would preserve the setting of the nearby listed buildings.

9. The form and appearance of the dwelling would be reflective of the various single storey barns and buildings within the vicinity. It would be of a single storey height with a pitched roof and would be constructed of materials that reflect its context. It would incorporate some of the fine detailing features of the local vernacular such as brick vent detail on the south and east gable walls and 'tumbling-in' brickwork on the chimney on the eastern elevation. The windows, including the roof lights, would be of timber construction. They would not be overly large and would be of a plain and simple design reflecting the utilitarian character of nearby barn like buildings. Accordingly, the form and appearance of the proposed dwelling would be sympathetic to the traditional buildings in the vicinity.
10. The appeal proposal would necessitate the removal of two trees along the western boundary of the site. However, it is proposed to replace these to the south of the dwelling. Accordingly, I am satisfied that there would be no material harm to the character or appearance of the area in this respect.
11. To conclude on this issue therefore I consider that overall the appeal proposal would preserve the character and appearance of the Wheatley Conservation Area and preserve the setting of the nearby listed buildings. In these respects it would comply with policy DM8 of the DPD which seeks to ensure that the historic environment is protected and enhanced to secure its long term future as well as policy 4 of the Sturton Neighbourhood Plan 2015 which has similar aims and the principle of the Framework of conserving and enhancing the historic environment. The appeal proposal would also accord with the general design principles set out in policy DM4 of the DPD which require development proposals to be of a high quality design that addresses, where relevant, a number of criteria including local character and distinctiveness and architectural quality(criteria i and ii).

Highway Safety

12. The Council's third reason for refusal refers to policy DM4 of the DPD which it indicates states that permission will only be granted for residential development that is of a high quality design and, amongst other things, is of no detriment to highway safety. As indicated above the general design principles set out in policy DM4 of the DPD require development proposals to be of a high quality design that addresses, where relevant, a number of criteria. The criteria include accessibility (criterion iv) and advises that new development should ensure that all people, including those with disabilities, can easily and comfortably move through and into it and prioritise safe, easy and direct pedestrian movement.
13. In its consultation response to the planning application the Highway Authority indicated that it could not support the proposed development due to a lack of supporting information with regard to parking, visibility and access width. The appellant indicates that these concerns were not raised with him before the determination of the planning application and as indicated above has submitted additional plans as well as evidence that seeks to address the concerns of the Highway Authority on these matters. Whilst I have not taken into

consideration the additional plans showing the proposed parking and manoeuvring arrangements as they have not been consulted upon I am satisfied from what I saw on my site visit that these matters could be suitably addressed by a negatively worded condition.

14. The proposed dwelling would be served by the existing driveway which runs between Lydgate House, The Stables and The Barn. It would be provided with two parking spaces, one covered space in the car port and one parking space adjacent to it. In addition from what I saw on my site visit I am satisfied that there would be space within land in the appellant's ownership to provide sufficient off-street parking for The Stables and Lydgate House so as to ensure that the proposal would not lead to either an increased demand for on-street parking in the locality or significantly more traffic using the existing driveway.
15. I am also satisfied from my observations on site that sufficient manoeuvring space could be provided within the site to enable vehicles entering or leaving it to do so in forward gear and that there is satisfactory visibility from the existing access onto Low Street. With respect to the matter of visibility I note that the appellant indicates that the boundary wall was splayed and reduced to a height of less than 600mm as part of a previous planning application. Furthermore, I saw that there is also sufficient space to ensure that a satisfactory wheelie bin collection point could be provided for use on bin collection point without impeding visibility.
16. Having regard to all of the above therefore, I am content that there is satisfactory visibility from the existing access so as not to be harmful to pedestrian or highway safety and that the Highway Authority's concerns regarding the parking and manoeuvrability arrangements could be suitably addressed by a negatively worded condition so as to ensure that the proposal would not cause harm to pedestrian and highway. The proposal would therefore be acceptable in relation to the general design principles set out in policy DM4 (criterion iv) of the DPD and the advice in the Framework that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Living conditions

17. Access to the proposed dwelling would be provided by the existing driveway which runs between Lydgate House, The Stables and The Barn and currently serves these existing properties. The appellant indicates that use of the driveway to serve Lydgate House would be rescinded and that its parking provision would be provided within its boundary which is in the ownership of the appellant. Accordingly, notwithstanding that there are a number of windows and doors to these properties, particularly The Stables, which face directly onto the driveway I consider that the proposal would not result in a significant increase in the number of vehicles using the driveway so as to cause material harm to the living conditions of the neighbours, with regard to noise and disturbance or privacy.

Other matters

18. Interested parties raise concerns regarding flooding and the ability of the site to be satisfactorily drained. Whilst the appeal proposal falls partially within flood zones 2 and 3 the Environment Agency indicates that the proposed development would be low risk. There is no technical evidence to indicate that

the development would result in an increase in flooding elsewhere or that the site cannot be adequately drained.

19. Interested parties also raise concerns that if permitted, the proposal would set a precedent for similar backland type development. However, no directly comparable sites to which this might apply have been put to me. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission for a proposal that I have found to be acceptable as is the case here.
20. The concerns of neighbours regarding noise and disturbance during the construction phase could be controlled by a suitable worded condition as suggested by the Council's Principal Environmental Health Manager.

Planning Balance, Conditions and Conclusion

Planning Balance

21. Paragraph 49 of the Framework requires housing applications to be considered in the context of the presumption in favour of sustainable development. It also indicates that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites as is the case here. Paragraph 14 of the Framework sets out what the presumption in favour of sustainable development means. It indicates that for decision-taking this means where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicates that development should be restricted.
22. I have found no material harm arising from the main issues and there would be compliance with the development plan in these respects. The harm by virtue of the proposal being sited outside of a development boundary would be limited. Moreover, there would be some social and economic benefits from the proposal that need to be weighed against the limited harm. Albeit small, the proposal would contribute to housing delivery in the district and have spin-off economic benefits of construction jobs and increased local spend. I accord these benefits moderate weight.
23. In conclusion therefore, the limited harm by virtue of the proposal being sited outside of a development boundary would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Moreover, based on what has been put before me I consider that the proposal would accord with the development plan as a whole so should be approved without delay.

Conditions

24. The Council has suggested a number of conditions which it considers should be imposed if I am minded to approve the proposed development. I have considered both the wording and reasoning for these in the light of the Framework and the Planning Practice Guidance (PPG) and have amended some conditions as necessary to meet the relevant tests.

25. A condition referring to the approved plans is necessary to provide certainty. However, due to the importance of design in this case conditions requiring the submission and approval of samples of the external facing materials, samples or detailed specifications of all rainwater goods, details of the treatment of verges and eaves and details of all windows, doors and rooflights are also necessary in the interests of the character and appearance of the area including the conservation area.
26. A condition requiring details of the vehicular car parking/manoeuvring arrangements to be submitted, approved and implemented is necessary in the interests of pedestrian and highway safety. A condition requiring the submission, approval and implementation of a drainage scheme for the disposal of foul sewage and surface water is necessary to ensure that the site is satisfactorily drained. The site lies within an area of archaeological interest therefore a condition is necessary to ensure that any features of archaeological interest are protected and recorded.
27. Although not detailed in the Council's list of suggested conditions I note that the Council's Principal Environmental Health Manager indicates that it is necessary to control the hours of operation at the site in the interests of the living conditions of neighbours. A condition requiring a Construction Management Plan to be submitted, approved and implemented would address this matter and also ensure suitable provision was made for the parking of vehicles, the loading and unloading of plant and materials and their storage in the interests of the living conditions of neighbours during the construction phase.
28. I am mindful of the advice in the PPG regarding conditions restricting the future use of permitted development rights. However, I am satisfied that the circumstances in this case are such as to justify the removal of permitted development rights for extensions, enlargements, dormer windows, outbuildings, structures, roof lights and solar panels on the roof of the dwelling to preserve the character and appearance of the conservation area. In accordance with the advice of the PPG that the scope of such conditions needs to be precisely defined by reference to the relevant provisions in the GPDO so that it is clear exactly which rights have been limited or withdrawn I have referred to the separate classes of development.

Conclusion

29. For the reasons given above, and having had regard to all other matters before me, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Site Location Plan – Drawing No. 1612_ E1_00, Existing Site Plan– Drawing No. 1612_ E1_01, Existing North Elevation – Drawing No. 1612_ E1_30, Existing South Elevation – Drawing No. 1612_ E1_31, Existing West Elevation – Drawing No. 1612_ E1_32, , Existing East Elevation – Drawing No. 1612_ E1_33, Proposed Site Plan – Drawing No. 1612_ P1_00, Proposed Ground Floor Plan – Drawing No. 1612_ P1_10, Proposed Roof Plan – Drawing No. 1612_ P1_R, Proposed Section AA – Drawing No. 1612_ P1_20, Proposed Section BB– Drawing No. 1612_ P1_21, Proposed South Elevation– Drawing No. 1612_ P1_31, Proposed North Elevation – Drawing No. 1612_ P1_30, Proposed West Elevation – Drawing No. 1612_ P1_32, Proposed East Elevation – Drawing No. 1612_ P1_33 and Proposed West Elevation – Drawing No. 1612_ P1_32R,
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until details of the treatment of verges and eaves have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until samples or detailed specifications of all rainwater goods (including the method of fixing) have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of the material, design, specification, method of opening, method of fixing and finish of all windows, doors and rooflights in the form of drawings and sections of no less than 1:20 scale have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of the vehicular car parking/manoeuvring arrangements have been submitted to and approved by the local planning authority in writing. The details shall include the arrangements for the laying out and surfacing of the area for car parking/manoeuvring. The vehicular car parking/manoeuvring arrangements shall be constructed in accordance with the approved details and retained as such thereafter.
- 8) No development shall take place until a drainage scheme for the disposal of foul sewage and surface water has been submitted to and approved in writing by the local planning authority and the drainage works shall be carried out in accordance with the approved scheme before any part of the development hereby permitted is first occupied.
- 9) No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a

Written Scheme of Investigation which shall have been submitted to and approved in writing by the local planning authority.

- 10) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 11) Notwithstanding the provisions of Schedule 2 Part 1 (Classes A, B, D E and G) 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 extensions, enlargements, dormer windows, outbuildings or structures shall be erected or constructed other than those expressly authorised by this permission.
- 12) Notwithstanding the provisions of Schedule 2 Part 1 (Class C) and Part 14 (Class A) 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 roof lights or solar panels shall be placed on the roof of the building hereby permitted other than those expressly authorised by this permission.