The Planning Inspectorate

Appeal Decision

Site visit made on 16 May 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 2 June 2017

Appeal Ref: APP/A3010/D/17/3170118
20 Station Avenue, Ranskill DN22 8LF

- 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 Mrs Heather Turner against the decision of Bassetlaw District Council.
- The application Ref 16/01620/HSE, dated 29 November 2016, was refused by notice dated 25 January 2017.
- The development proposed is a two storey rear extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the effect on the living conditions of the occupiers of Station Avenue by way of visual impact and outlook, in particular No 18; (b) the effect on the character and appearance of the building and the area; and (c) if there is harm which arises under (a) and (b), whether this is outweighed by the personal circumstances which have been put forward by the Appellant.

Reasons

Living Conditions

3. The appeal site is located where the side boundary adjoins a number of other residential properties on Station Avenue. The side elevation of the appeal property facing the rear elevation of No 18 comprises a two storey element, set close to the boundary that is well set down in height from the main roof pitch of the house, and a small rear flat roofed structure. On No 18's side of the boundary is a flat roofed double garage, together with its rear garden. The boundary of the appeal property with No 18, beyond the two storey side element, is defined by a hedge, which is roughly 3 metres (m) in height, and this also extends along the boundary with No 16.

4. The appeal proposal would continue the angle of roof slope of the two storey side element to the same roof pitch height as the main house. The proposal would then extend further back and drop down in height, although still at two storeys. Whilst the proposal would extend out a further 5.2m, combined with the existing side elevation, this would amount, approximately, to some 9.5m.

5. The proposal would substantially increase the height, massing and length of the side elevation wall that faces No 18. It would enclose much of the rear garden boundary and, with the relatively modest length of the rear garden, would be dominant in the visual impact from the rear windows of No 18. These windows depend on this orientation for their principle outlook, and I am not persuaded the dual aspect of a window that exists onto Station Avenue compensates for this effect on rear elevation windows.

6. Although No 18's garage is located in part between the rear of the house and where the proposal would be sited, the garage is modest in height and is not dominant in outlook. It also still allows for a functional rear garden area for the occupiers of No 18. The proposal would be a far more substantial structure than the garage, and I consider it would appear unduly overbearing in respect of the effect on the rear of No 18 and its garden, due to size and proximity to the boundary.

7. I am aware that the occupiers of No 18 did not object to the planning application. The lack of an objection is however not decisive, and the effect on their living conditions still needs to be assessed in the public interest to establish whether or not the proposal would cause undue harm.

8. The rear of No 16 would not be orientated on a direct angle towards the proposal and would benefit from screening provided by the hedge. No 16's rear garden boundary is also positioned beyond where the proposal would be sited. It would not be enclosed, nor suffer overbearing effects. There would also be no significant effects on the living conditions of the occupiers of other properties on Station Avenue, given their distance from the proposal.

9. I consider the proposal though would have an unacceptable harmful effect on living conditions of the occupiers of No 18 by way of visual impact and outlook. It would thus not comply with Policy DM4 (b) (v) of the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies Development Plan Document (2011) (Core Strategy) that requires development not to have a detrimental effect on the residential amenity of nearby residents.

10. The proposal would also not comply with paragraph 17 of the National Planning Policy Framework (Framework) because it would not secure a good standard of amenity for all existing and future occupiers of land and buildings.

Character and Appearance

11. The appeal site is readily visible from the streetscene, due to the relatively open nature of both the front of the appeal site and the adjoining parking area of No 18. The two storey side element is also a particular feature of the appeal property, the attached semi and a further pair of semis on the opposite side of Station Avenue, and this adds to the character and appearance of this group of properties as a feature of the area.

12. The proposal would noticeably alter the appearance of the house as the current form of the two storey side element would be lost with the increased roof height, and length and massing of the side elevation. This would result in a discordant appearance to the house, as the proposal would appear out of proportion in terms of its scale.

13. The side elevation wall of the proposal facing No 18 would appear prominent in the streetscene, due to the open views from Station Avenue. As the roof height

would be the same as the existing house, this would only add to the prominence and scale of the proposal. This would appear out of keeping in the area and it would noticeably detract from this small group of properties, as the form of the two storey side element on the appeal property would be lost. From my site visit, I also saw that properties on Station Avenue largely retain their original form, with no obvious similar examples to the proposal. This reinforces my concerns over the effects on the character and appearance of the area.

14. I note that the Appellant considers the Council has treated the proposal as if it was in a conservation area. I am not persuaded this is the case and consider the Council has simply reflected the need for good design and to have regard to local character.

15. I consider the proposal would have an unacceptable effect on the character and appearance of the building and the area. It would thus not comply with Policy DM4 (b) (i & ii) of the Core Strategy that requires development to respect its wider surroundings and its context.

16. The proposal would also not comply with paragraph 61 of the Framework because it does not satisfactorily achieve the integration of new development into the built environment. Moreover, it would also not comply with paragraph 64 which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area.

Personal Circumstances

17. The Appellant has drawn my attention to the need for the proposal to provide facilities in relation to the medical conditions of one of the Appellant's children, including a requirement for a separate bedroom with washing facilities. I have had due regard to this matter and attach significant weight to it.

18. I am also aware that the planning application subject of the appeal was a resubmission in order to attempt to address an earlier refusal of planning permission by the Council, although I have determined the appeal on the merits of the proposal before me, including the personal circumstances.

19. I note that the proposal would result in an increase of the property at both ground and first floor level. Whilst I am sympathetic to the need, based on the case before me, I do not consider this justifies the scale of the proposal. Thus, I do not consider the harm I have identified , in respect of the effect on the living conditions of the occupiers of No 18 and on the character and appearance of the building and the area, is outweighed by the personal circumstances.

Conclusion

20. I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR