

Appeal Decision

Site visit made on 31 May 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 16 June 2017

Appeal Ref: APP/B3030/W/17/3167873

Land adjacent to 6 Dale Lane, Blidworth NG21 0TG

- 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 P Lathrope, Plumb Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref 16/01343/FUL, dated 17 August 2016, was refused by notice dated 3 November 2016.
 - The development proposed is the construction of a detached 4 bed house with garage and off street parking and turning for 3 vehicles.
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Decision

1. The appeal is allowed and planning permission is granted for a detached 4 bed house with garage and off street parking and turning for 3 vehicles at Land adjacent to 6 Dale Lane, Blidworth NG21 0TG in accordance with the terms of the application, Ref 16/01343/FUL, dated 17 August 2016, subject to the conditions listed in Annex 1.

Procedural Matter

2. In accordance with normal practice, the description of the proposed development in the header to my decision is based on that given in the application form. I have, however, taken into account a revised block plan submitted to the Council before it made its decision, which includes an amended parking layout.

Main Issues

3. The main issues are:
 - (a) the effect of the proposed development on the character and appearance of the site and the surrounding area;
 - (b) the effect of the proposed development on the living conditions of occupiers of neighbouring dwellings; and
 - (c) whether the occupiers of the proposed dwelling would have satisfactory levels of privacy.

Reasons

Character and appearance

4. The appeal site is prominently located on a corner plot in an established residential area. The immediately adjacent rows of houses to the east and
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south east of the site have well defined front building lines facing towards Dale Lane and Haywood Oaks Lane respectively. The buildings in the area are also generally set well back from the highways behind extensive front gardens. The area has a spacious character. Whilst there is variation in the design and detailing of buildings in the area, these are mostly built in red brick. The site itself has a continuous highway frontage which wraps around its northern, western and south western sides.

5. The proposed house would have a larger footprint than many dwellings in the immediately surrounding area and cause some loss of openness. However, it would have generous garden areas between it and each of the highway frontages and sit comfortably within its plot. Its front and rear elevations would not materially breach the 'building lines' formed by the frontages of the nearby dwellings to the east and south east facing towards Dale Lane and Haywood Oaks Lane. Its massing would be broken up by its part 2 storey and part single storey design. Its visual impact from the Haywood Oaks Lane frontage would also be reduced by the slope of the land downwards from this direction and by the existing hedging along parts of this frontage, which could be supplemented by new planting.
6. The proposed use of render on the upper parts of the elevations of the dwelling would not reflect the red brick which is used on most buildings in the area. However, as render exists on some buildings close to the site and some brickwork would be used on the new building, I do not consider that this point in itself causes material harm.
7. I conclude that, taking account of the factors set out above, the appeal proposal would not cause material harm to the character or appearance of the site and the surrounding area. Its approval would not conflict with relevant provisions of policy DM5 of the Newark and Sherwood Allocations and Development Management (NSADM) development plan document 2013, policy 9 of the Newark and Sherwood Core Strategy (NSCS) development plan document 2011, or the National Planning Policy Framework (the 'Framework') related to this matter.

Living conditions in neighbouring dwellings

8. The Council's concerns in relation to this issue focus upon the effects of the proposed dwelling on the outlook, lighting and privacy available to occupiers of number 6 Dale Lane. The proposed dwelling would be located, at its closest, about 1 metre from the side boundary with number 6, which is marked by a timber fence. Its 2 storey rear outrigger, which would be set slightly further from the boundary, would project about 5 metres further to the rear than the rear elevation of number 6.
9. However, the house at number 6 is itself separated slightly from the boundary between the 2 properties. Whilst it has a side facing window close to the boundary, its back door and main windows to ground floor habitable rooms in its rear elevation are located further away from the appeal property. In views from these windows the new building would be situated at an acute angle to one side. As a result, whilst the proposed dwelling would form a prominent feature projecting over the boundary fence when viewed from number 6, it would not limit the outlook from that dwelling to an unacceptable degree. Whilst it would cause some loss of sunlight within number 6 and its rear garden this would be limited to afternoon periods.

10. The first floor elevation of the proposed dwelling facing towards number 6 would contain 3 windows. However, any resultant loss of privacy for the occupiers of number 6 could be satisfactorily mitigated by ensuring that these windows, which would be between them serve 2 en-suite rooms and a bathroom, would be obscure glazed.
11. I have noted the concerns which have been expressed that the proposed dwelling would overlook the garden of 1 Haywood Oaks Lane. However, the dwelling would be a considerable distance from that property, which includes a driveway alongside the boundary with the appeal site. Any views from windows within the proposed dwelling towards the rear garden of number 1 would also be at an oblique angle.
12. Having regard to these points, the proposed dwelling would not cause material harm to the living conditions of occupiers of neighbouring dwellings. Its approval would not conflict with relevant provisions of policy DM5 of the NSADM or the Framework related to this issue.

Privacy of occupiers of the proposed dwelling

13. Due to the corner plot location of the proposed dwelling, its rear garden would be bounded by the adjacent footways. However, sufficient privacy for the garden and dwelling could be provided by supplementing the existing hedging and shrubbery alongside the relevant boundaries.
14. The proposal would, as a result, not conflict with any provision of policy DM5 of the NSADM or the Framework concerning this issue.

Other considerations

15. I have noted the Council's view that it can demonstrate a supply of deliverable sites sufficient to meet needs for housing development over a 5 year period, as required by paragraph 47 of the Framework. However, as I have not found there to be any material harm in relation to my main issues, this point is not determinative in my decision.

Conditions

16. My list of conditions, attached as annex 1 to this decision, is based on the draft list supplied by the Council but with some revisions in the interests of clarity and to ensure that the conditions accord with the tests in paragraph 206 of the Framework.
17. My condition 1 is a standard condition regarding the timescale within which development must start. My condition 2, listing the approved plans, is required in the interests of certainty. My conditions 3, 4 and 5, concerning the details of facing materials and landscaping, are required to protect the character and appearance of the area.
18. My conditions 6 and 7, removing permitted development rights for windows and dormer windows on the eastern and southern elevations of the new dwelling, and requiring the approved windows in the eastern elevation to be obscure glazed, are required to protect the privacy of occupiers of 6 Dale Lane. I have revised the wording of condition 7 as the words '*...Pilkington scale of privacy or equivalent...*' in the Council draft could be open to different

interpretations. My condition 8, requiring the parking and turning area to be laid out and thereafter retained, is needed in the interests of highway safety.

19. I have not included a condition removing other 'permitted development' rights as the exceptional circumstances required for such a condition, as set out in the Planning Practice Guidance¹, do not exist in this case.

Conclusion

20. I have found that the proposed development would not cause material harm to the character or appearance of the site or the surrounding area, or to the living conditions of occupiers of neighbouring dwellings. Its garden areas could also, with the provision of satisfactory boundary landscaping, have sufficient levels of privacy. No other matters have been drawn to my attention which would indicate that permission should be withheld.
21. Having regard to these findings, the proposal would accord with the development plan as a whole and constitute sustainable development in the terms set out in the Framework.
22. For the reasons given above I conclude that the appeal should be allowed.

Jonathan Clarke

INSPECTOR

¹ Paragraph: 017 Reference ID: 21a-017-20140306

ANNEX 1

CONDITIONS

- 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: block plan – 1234/1 rev B; location plan – 1234/2; and proposed elevations and floor plan – 1234/3.
- 3) No development shall be commenced until details and samples of the facing materials, including bricks, roof tiles and render, 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 unless otherwise agreed in writing by the local planning authority.
- 4) No development shall be commenced until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities;
 - existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
 - proposed finished ground levels or contours;
 - means of enclosure; and
 - car parking layouts and materials.
- 5) The approved landscaping works shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing before the expiry of this period by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows (other than those expressly authorised by this permission) or dormer windows shall be constructed on the eastern or southern elevation of the proposed dwelling.
- 7) The dwelling hereby permitted shall not be occupied until the first floor windows on its eastern elevation have been fitted with obscured glazing. No part of any of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and

approved in writing by the local planning authority before any of these windows are installed. Once installed the obscured glazing shall be retained in accordance with the approved specification unless otherwise agreed in writing by the local planning authority.

- 8) No part of the development hereby permitted shall be brought into use until the parking and turning areas have been provided and surfaced in a bound material in accordance with details to be submitted to and approved in writing beforehand by the local planning authority. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.