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## Appeal Decision

Site visit made on 13 June 2017

**by R Norman BA (Hons) MA MRTPI**

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

**Decision date: 12 July 2017**

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**Appeal Ref: APP/X3025/W/17/3171788**  
**2, Stanley Road, Forest Town NG19 0BY**

- 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 M Jackson against the decision of Mansfield District Council.
  - The application Ref 2016/0494/NT, dated 4 September 2016, was refused by notice dated 28 October 2016.
  - The development proposed is the construction of a detached bungalow and garage.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mrs M Jackson against Mansfield District Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

### Reasons

4. The proposal would introduce a new detached, single-storey dwelling into the rear garden of 2, Stanley Road. Stanley Road is characterised predominantly by detached dwellings on plots with relatively long gardens. There have been some new dwellings constructed which front onto Stanley Road, specifically 1a and 2a. The introduction of one dwelling into the rear garden would be incongruous with the existing form and character of this part of Stanley Road which consists of road frontage developments.
5. There is a new development under construction to the rear of the appeal site and at the time of my visit there were 3 bungalows visible from the site. This is a development of 14 new dwellings however, and as such is not considered to be piecemeal and forms a comprehensive development. The introduction of 1 dwelling in the rear garden of 2 Stanley Road, although adjacent to the new development, would not read as part of it and therefore would still remain piecemeal and uncharacteristic of this part of Stanley Road.
6. The Appellant's Agent has contested that this development should be considered as a tandem development given that it does not share an access with the existing property. I have noted this however, regardless of the

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definition of the development in specific terms, the proposal would introduce a new dwelling into the rear garden of an existing property which would be at odds with the aims of the National Planning Policy Framework which seeks to resist inappropriate development of garden land. Whilst the site is in a sustainable location, this is not sufficient to outweigh the conflict with Policy H2 of the adopted Mansfield District Local Plan which requires new housing to integrate with the existing pattern of settlement.

7. I have had regard to the previous appeal decision referred to at No 90, Clipstone Road West and I note that this appeal was considered in 2009. This pre-dates the National Planning Policy Framework which removed garden land from a brownfield classification and seeks to resist the inappropriate development of garden land. As such, I can give this previous appeal decision limited weight in my considerations and it is not sufficient to outweigh my concerns identified above.
8. The design of the proposal is of a traditional bungalow. The dwelling would be screened from view from Stanley Road due to the existing landscaping and dwelling. Given the variety in design in the surrounding area the design of the dwelling would not result in any harm in this regard. The scale of the dwelling could also be accommodated on the site with suitable amenity space remaining for both the host and proposed dwellings. Nevertheless, this does not outweigh the harm caused to the character of the area identified above.

## **Other Matters**

### *Living Conditions*

9. Access to the site would be via a private driveway running along the southern boundary of the site and would lead to a suitable level of parking and turning space for the proposed dwelling. I consider that the retention of the hedging and the use of bound materials would mitigate against any harm arising to existing properties through the use of this access. This could reasonably be secured by condition.
10. The dwelling would be sited so that the front elevation is facing the rear garden of the adjoining property, No 4 Stanley Road. The proposed garage would be sited on this boundary. Given the distance between the proposed dwelling and the rear garden, the retention of the trees and other landscaping along this boundary and the scale of the proposed garage, there would be no undue harm to the living conditions of the adjoining neighbour in terms of loss of light, privacy or overlooking. However, this does not outweigh the harm that would be caused for the above reasons.

## **Conclusions**

11. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

*R Norman*

INSPECTOR