
Appeal Decision

Site visit made on 27 June 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/F4410/W/17/3172615

Land in front of 12 Cantley Lane, Cantley, Doncaster DN6 6ND

- 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 Ball against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/02221/FUL, dated 4 September 2016, was refused by notice dated 30 November 2016.
 - The development proposed is a detached house with a detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the Bessacarr Conservation Area, and the effect on the living conditions of the occupiers of 12 Cantley Lane by way of privacy.

Reasons

Character and Appearance

3. The appeal site comprises an area of disused land which forms a site frontage onto Cantley Lane, defined by a low fence and wall. The site is devoid of buildings, although there is a hardstanding area towards the rear of the site which relates to a former complex of garages. The boundaries of the site on each side are formed principally by hedgerows and mature trees.
4. The area is residential in character. On the same side of Cantley Lane properties are predominantly large and set back on spacious plots, with a significant amount of screening afforded by vegetation, so they are not overly prominent. Properties are also set in from the side boundaries of their plots, to add to the spaciousness and overall low density of development. This green and open character is an important unifying constituent of the significance of the Conservation Area.
5. The dwelling, by virtue of its size and positioning well forward of the neighbouring property at No 16 would be markedly prominent when viewed from the streetscene. This would be apparent from in front of the site and when approaching on Cantley Lane, as the road curves that would allow views of the bulky side elevation of the dwelling, before the site is reached. It would

not be significantly diminished by the vegetation of the front garden of No 16 because of the height and bulk of the proposed dwelling. It would thus appear dominant compared to other dwellings in its vicinity, and detract from the prevailing open character.

6. The proximity to the boundary with No 16 would also result in less of a separation distance than is generally found in the Conservation Area, and therefore further detract from the open character of development. The siting of the proposed garage at the back of the plot does not reduce the effects on character caused by the prominence of the dwelling itself.
7. The large footprint of the dwelling and the separate garage would constitute a significant amount of development on the site, and with regard to ratio of garden to development, this would exceed Council guidelines¹. When combined with massing and scale, this would further detract from the established open character.
8. The residential development at No 10 is less prominent because it is positioned further away from the bend on Cantley Lane and as screening is afforded by mature trees. This would not be the case with the proposed dwelling that would appear to be of greater dominance in the streetscene.
9. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. I conclude the proposal would fail to preserve or enhance the character or appearance of the Conservation Area.
10. I also conclude the proposal would also not comply with Policies CS1, CS14 and CS15 of the Doncaster Council Doncaster Local Development Framework Core Strategy (2012) (Core Strategy) and 'Saved' Policies PH11 (a) and ENV25 of the Doncaster Unitary Development Plan (1998) (UDP), which require that development protects and enhances the built environment, contributes to local distinctiveness and not be detrimental to character, and protects, preserves and enhances heritage assets, including the character or appearance of conservation areas.
11. For the purposes of paragraphs 132 to 134 of the National Planning Policy Framework, the proposal would lead to less than substantial harm to the significance of the designated heritage asset. Whilst a dwelling would be provided on disused land that would add to the housing stock, I consider this would be a modest contribution and of a limited public benefit that would not outweigh the harm.

Living Conditions

12. No 12 is found to the rear of the site, and its single storey front elevation is orientated towards the boundary, which is defined by a close boarded fence of a height of approximately 2 metres. A modest sized garden area is found between the front of No 12 and the fence. The front elevation contains a bedroom window, although this is substantially screened from the site by a tree in the garden area. The front elevation also contains a study window which is afforded more unobstructed views of the site. The study contains sofa style seating and a television, and appears to be well used by the occupants as a

¹ Doncaster Metropolitan Borough Council, Residential Backland Development and Infill Development : Supplementary Planning Document (undated).

habitable space. The front of No 12 is afforded a high degree of privacy due to its secluded location, well back from Cantley Lane.

13. The two windows related to the master bedroom of the proposed dwelling would be able to directly overlook over the fence into the front of No 12, towards the study. There would be a significant loss of privacy due to the limited separation distance between the master bedroom and study windows, which is less than the Council's published guidance², and the lack of intervening screening.
14. The appellant has stated a willingness to relocate one of the rear bedroom windows. However, no plans have been submitted that illustrates this and I have therefore determined the appeal on the basis of the plans before me. The bedroom of No 12 would not lose privacy to the same extent due to the screening, and it is evident from the plans that are subject of the appeal that no balcony is proposed. These considerations do not though address the loss of privacy to the study.
15. The appellant also considers there would be less of an impact than is caused by the residential development at No 10 to a property to its rear. However the orientation of these properties to each other is different from the appeal site and No 12.
16. I conclude the proposal would have an unacceptable effect on the living conditions of the occupiers of No 12 by way of loss of privacy, and would therefore not comply with Policy CS14 of the Core Strategy and Policy PH11(b) of the UDP which require that there are no unacceptable negative effects upon the amenity of neighbouring land uses and that the effect on the occupiers of nearby properties should be acceptable.
17. I also conclude the proposal would not comply with one of the planning principles in paragraph 17 of the National Planning Policy Framework because it would not secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other Matters

18. I note that a previous scheme for a dwelling on the site has been approved by the Council (Ref: 15/00411/FUL) and this represents a clear fallback. However, the approved scheme has a frontage that is part two-storey, and part single storey, so it would have less of a harmful impact on the prevailing open character of the conservation area than the massing of the full two-storey frontage the proposal before me would present. In living conditions terms, the window arrangement in the approved scheme would take much better account of the privacy of occupiers of No 12. On that overall basis, the approved scheme does not justify permitting the proposal before me.

Conclusion

19. The dwelling would fail to preserve or enhance the character or appearance of the Conservation Area, and would cause less than substantial harm to the significance of the designated asset that is not outweighed by the public

² Doncaster Metropolitan Borough Council, Doncaster Council Development Guidance and Requirements : Supplementary Planning Document (2015) and Residential Backland Development and Infill Development : Supplementary Planning Document (undated).

benefits. The dwelling would also have an unacceptable effect on the living conditions of the occupiers of No 12 by way of loss of privacy. Accordingly, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR