
Appeal Decision

Site visit made on 27 June 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 25 July 2017

Appeal Ref: APP/R1038/W/17/3172870
20 Pond Lane, Wingerworth S42 6TW

- 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 Hooper against the decision of North East Derbyshire District Council.
 - The application Ref 17/00033/FL, dated 6 January 2017, was refused by notice dated 8 March 2017.
 - The development proposed is described as re submission of previous application for new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council granted outline planning permission for a single storey 2 bedroom bungalow on the site in November 2015 (Ref 15/00763/OL) and that permission remains extant. I have been provided with a copy of the decision notice and approved plans for the extant permission and have had regard to them insofar as they are relevant to the proposal.

Application for costs

3. An application for costs was made by Mr Hooper against North East Derbyshire District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of neighbouring properties having particular regard to privacy;
 - the character and appearance of the area;
 - highway safety;
 - drainage.

Reasons

Living conditions

5. The proposed dwelling would have accommodation on the first floor, with two bedrooms to be served by dormer windows on the front and rear elevation. The rear dormer window would face towards the rear garden and rear elevation of 10 Speighthill Crescent, a residential bungalow set at a lower level than the appeal site with the common boundary between the two sites being marked by a timber fence. The front dormer would face towards the rear garden of 18 Pond Lane. The side boundary between No 18 and the appeal site is marked by a timber fence and there is some planting within the garden of No 18.
6. Both main parties appear to agree that the distance between the proposed dwelling and the dwelling at No 10 exceeds the Council's guidelines for space between dwellings. I have not been provided with a copy of these guidelines. Nevertheless I consider that having regard to the relative height and position of the rear bedroom dormer of the proposed dwelling and the rear garden of No 10 and given the lack of any meaningful screening between the two sites, there would be a significant amount of overlooking of the rear garden of No 10 from the rear dormer. This loss of privacy would be materially harmful to the living conditions of the occupiers of No 10. I note that other dwellings on Pond Lane and on Davids Drive which back onto Speighthill Crescent are positioned further away than the proposal from the rear gardens of those properties including No 10.
7. In addition the position and height of the proposed front bedroom dormer relative to the side and rear garden and to existing boundary screening and the detached garage at No 18 means that there would be a significant amount of overlooking of the side and rear garden of No 18 from the front dormer. This loss of privacy would be materially harmful to the living conditions of the occupiers of No 18. Whilst I note that there will be some overlooking of the rear garden of No 18 from the neighbouring dwelling at 16 Pond Lane, in contrast to the proposal this overlooking is at an oblique angle and it appears that the proposed front dormer would be nearer to the garden boundary of No 18 than any of the rear facing windows at either 23 or 25 Davids Drive.
8. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of neighbouring properties having particular regard to privacy. It is therefore contrary to policies GS5 and H12 of the North East Derbyshire Local Plan (LP) and to paragraph 17 of the National Planning Policy Framework (the Framework) insofar as they relate to living conditions. These policies seek, amongst other things, to ensure that development does not have a detrimental impact on the amenities of neighbouring occupiers.

Character and appearance

9. The appeal site comprises part of the side and rear garden of an existing bungalow at 20 Pond Drive. The majority of the site is at a lower level than Pond Drive but at a higher level than Davids Drive and Speighthill Crescent.

The immediate surrounding area comprises a mixture of bungalows and two storey dwellings, some of which have rear dormers.

10. The position of the proposed dwelling to the side and rear of the existing bungalow at No 20 together with its proposed height and position at a lower level than Pond Drive means that it would not be prominent when viewed from Pond Drive or the surrounding area. Whilst the footprint of the proposed dwelling would be relatively large when compared with nearby dwellings, having regard to its discreet position, its relatively low height and to the amount of land around it, I consider that it would not result in overdevelopment of the plot or that it would fail to respond to local character or be harmful to the character and appearance of the area. Whilst there is an absence of front dormers on nearby dwellings, having regard to the modest size of the dormer proposed together with the height and discreet position of the proposed dwelling, it would not be harmful to the mixed character of the area.
11. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on the character and appearance of the area. It therefore complies with policies GS5, H12 and BE1 of the LP and to paragraph 17 of the Framework insofar as they relate to character and appearance. These policies seek, amongst other things, to ensure that development is not detrimental to the character and appearance of the development site and its surrounding environment.

Highway Safety

12. The appeal site includes the site of the proposed dwelling but does not include the existing dwelling at No 20. Vehicular access to the proposed dwelling would be off the end of the cul-de-sac utilising an existing sloping drive that I understand previously served a garage and parking area for No 20. At my visit I noted that No 20 has a drive to the side of the dwelling providing access to a detached garage at the rear. At the time of my visit the cul-de-sac was not busy with vehicles, though I note the comments made by interested parties and acknowledge that the amount of on street parking and vehicular movements are likely to vary throughout the day and evening.
13. The proposed dwelling would have a garage and there would be space within the appeal site in front of the garage and dwelling for the parking and manoeuvring of vehicles. Although the submitted plans do not explicitly show where parking and turning would take place, from my observations on site and having regard to the submitted plans it appears to me that there would be sufficient space to accommodate any necessary parking and turning within the appeal site. I note that no objections were raised to the proposal by the Highway Authority subject to the imposition of conditions.
14. Whilst I have had regard to the concerns raised by interested parties in relation to access and parking, in the absence of any substantive evidence to demonstrate that adequate parking and manoeuvring could not be achieved on site, for the reasons stated above I consider that there is sufficient information to demonstrate that the proposal would not have a significant adverse impact on highway safety. Any concerns relating to the parking and manoeuvring facilities for the existing dwelling at No 20 are not matters for me to consider in determining this appeal which solely relates to the proposed dwelling.

15. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on highway safety having regard to parking and manoeuvring. It therefore complies with policies T2 and T9 of the LP. These policies require, amongst other things, the satisfactory provision within the site for manoeuvring and circulation and appropriate parking provision.

Drainage

16. The planning application form states that surface water will be disposed of via a main sewer. However a consultation response from Yorkshire Water (YW) stated that public surface water sewers are not recorded within the vicinity of the site. In the absence of a main sewer in its response YW referred to a preferred hierarchy for surface water disposal as set out in the Building Regulations. The appellant states that he intends to install a greywater/rainwater harvesting system and that this would ensure no additional surface water run-off that would adversely affect neighbouring properties.
17. Though I note the variation in levels in the immediate vicinity of the appeal site and that the soil is heavy clay, having regard to the fact that only one dwelling is proposed, that no objections were raised to the proposal by YW and to the appellant's intentions regarding surface water drainage I consider that there is sufficient information regarding drainage to mean that I am satisfied that the matter could be adequately controlled by the imposition of a suitably worded condition. This is particularly the case given that permission already exists for a new dwelling on the site. I do not consider that the size of the dwelling proposed means that it is likely that adequate and suitable surface water drainage could not be provided.
18. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on neighbouring properties having regard to surface water run-off. It therefore complies with Policy CSU4 of the LP. This policy requires, amongst other things, development to be adequately drained of surface water and in cases where drainage cannot be achieved via connection to the main sewerage system, applicants to demonstrate that an acceptable alternative is available which will not adversely affect the local environment, amenity or public health.

Other Matters

19. The site is located in an accessible location within the settlement of Wingerworth and the principle of an additional dwelling has previously been accepted by the grant of outline planning permission (Ref 15/00763/OL). However whilst the construction of an additional dwelling would contribute to the housing supply for the area and would also provide some modest economic benefits, these benefits would be limited given that only one additional dwelling is proposed and would not outweigh the harm that I have identified.
20. In reaching my decision I have had regard to the concerns that have been raised by interested parties about the accuracy of the submitted plans. However I am satisfied that the submitted plans together with the information gathered at my site visit has provided me with sufficient information to adequately assess the proposal.

Conclusion

21. The proposal would not have a significant adverse effect on the character and appearance of the area, on highway safety or on neighbouring properties having regard to surface water run-off. However it would have a significant adverse effect on the living conditions of the occupiers of neighbouring properties having particular regard to privacy. The proposal is therefore contrary to the development plan when taken as a whole.
22. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR