
Appeal Decision

Site visit made on 6 November 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 14th November 2017

Appeal Ref: APP/F4410/W/17/3180273

Land to rear of 18 Laburnum Road, Mexborough, Doncaster S64 9RU

- 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 Ms Mulvenna against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 17/01546/FUL, dated 29 July 2016, was refused by notice dated 11 July 2017.
 - The development proposed is the erection of 2 bungalows with associated parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Mulvenna against Doncaster Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposed development on the living conditions of nearby residents with particular regard to outlook; and
 - Whether or not the proposed development would provide adequate living conditions for future occupiers with particular regard to private outdoor space.

Reasons

Living Conditions – adjacent occupiers

4. The appeal site is a long narrow plot of land located to the rear of a row of houses on Laburnum Road and a row of bungalows on Old Farm Court. It is proposed to develop the site for 2 bungalows, each with their own parking and garden space. Detailed guidance on residential development is provided in the *Backland and Infill Development Supplementary Planning Document (adopted November 2010)* (SPD) and the *South Yorkshire Residential Design Guide (adopted July 2015)* (RDG).
5. The row of houses on Laburnum Road lie at an angle to the site, with the closest houses being Nos 18 and 20. The rear elevations of these houses

contain a number of habitable room windows on both the ground and first floor. The bungalow on plot 2 would sit very close to the common boundary with Nos 18 and 20 Laburnum Road, and would extend the full width of the rear garden of No 20 and part of the rear garden of No 18.

6. The appellant has indicated that the proposed bungalow would be less than 6m from the rear elevation of No 18, and at its greatest would be less than 10m from the rear elevation of No 20. I accept that the fence along the rear boundary of these houses already has an impact on the outlook from the ground floor windows and the gardens of both these houses. However, the eaves height of the bungalow would be greater than that of the fence, and the ridge height would be more than twice the height of the fence.
7. Although the roofplane would slope away from the houses, and so would reduce some of the bulk of the roof close to the boundary, the presence of the building across the entire width of the garden of No 20 and part of the garden of No 18, would create an unneighbourly sense of enclosure to the garden of No 20 in particular, and would have an overbearing impact on, and dominate the outlook from, the rear gardens and the windows of the ground floor rooms.
8. Whilst the appellant has highlighted that the proposal would accord with the 25 degree rule set out in the RDG that relates more specifically to determining the adequacy of daylight as opposed to whether a development would have an overbearing relationship.
9. Overall, I consider that the proposed development would unacceptably harm the living conditions of nearby residents with particular regard to outlook. Thus, it would be contrary to Policy PH11 of the *Doncaster Unitary Development Plan (adopted July 1998)* (DUDP) and CS14 of the *Doncaster Council Core Strategy 2011 – 2028 (adopted May 2012)* (DCS) which, amongst other things, require that developments do not have an unacceptable effect on the amenity of nearby occupiers.

Living Conditions – future occupiers

10. The SPD indicates that garden size should reflect the type of house being delivered and the locality, but should normally be at least that of the footprint of the house, whilst the RDG says that the minimum garden size for a 2-bed dwelling is 50 sqm.
11. The appellant has stated that the garden size for plot 2 would be around 122 sqm which is well in excess of the floor area of the property. However, whilst the Council have argued that this would not be the case for plot 1, the appellant has stated that the internal floor area of this bungalow is 67sqm and the garden is 69sqm. I accept that this excludes the floor area of the attached garage, and would also need to provide an area to store bins. Nevertheless, on the basis of the appellant's figures, the garden area is in excess of the floor area of the actual living accommodation, and is greater than the 50sqm required in the RDG.
12. In addition, given the limited rear gardens of the adjacent bungalows, and the modest rear gardens of the adjoining houses, a garden of this size would not appear unduly small or out of keeping with the locality. As a consequence, the development would not appear unduly cramped or the site over-developed.

13. No 18 has a first floor bedroom window that overlooks part of the rear garden of plot 2. However, the majority of the garden area would be screened from the view of this window by the bungalow itself and only a small area of the garden would actually be visible from this adjacent house. This would be the area to the side the gable elevation and the corner furthest away from the bungalow. As such, the main areas adjacent to the dwelling that would be likely to be used most intensively would not be overlooked.
14. Therefore, I am satisfied that both properties would be provided with satisfactory amounts of private outdoor space. As such the proposed development would provide adequate living conditions for future occupiers in this regard. Accordingly, there would be no conflict with Policy PH11 of the DUDP or Policy CS14 of the DCS which, amongst other things, require that developments have a high standard of design and, in particular, that tandem or backland development does not result in an unsatisfactory access, overlooking or over-intensive development.

Conclusion

15. Although I have found that the proposed development would provide adequate living conditions for future occupiers, this does not outweigh the harm that would be caused to the living conditions of nearby residents. For that reason I conclude the appeal should be dismissed.

Alison Partington

INSEPECTOR