



Appeal Decision

Site visit made on 20 November 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 27th November 2017

Appeal Ref: APP/B3030/W/17/3181738

Land to the rear of 51 Lansbury Road, Edwinstowe, Nottinghamshire, NG21 9QH

- 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 J Whittle against the decision of Newark and Sherwood District Council.
 - The application Ref 17/00719/FUL, dated 11 April 2017, was refused by notice dated 13 June 2017.
 - The development proposed is a single-storey ('self-build') bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal site forms part of the rear garden to No 51 Lansbury Road, a 2-storey semi-detached dwelling. The area comprises of a post-war social housing estate with a number of semi-detached dwellings of the same design. These are set in large plots and are arranged along Lansbury Road as well as around culs-de-sac. This gives the area a spacious and uniform character. There is evidence of some later infill development in the estate, including Nos 1 and 2 The Park which is accessed from Lansbury Road, behind Nos 77 and 79. Many dwellings also have ancillary structures, such as garaging, within their rear garden areas. Open countryside is located to the rear of the appeal site.
4. The proposed development would consist of a single storey dwelling with a flat 'green' roof located to the rear of No 51. A single storey building attached to No 51 would be demolished and access would be via the existing driveway which would be altered and extended to serve only the proposed dwelling. Car parking for No 51 would be incorporated into its front garden area. A 2m fence would be erected to the rear to separate the plots.
5. Wider views of the development would be screened by the mature evergreen hedgerow to the rear boundary, however, I consider that views through to the proposed development would be clearly gauged from Lansbury Road. Moreover, the development would be prominent from neighbouring dwellings. The proposed access and the creation of parking space to serve No 51, and the

fencing within the site and would also draw the eye to the presence of backland development behind this property.

6. While the development before me would only be single storey I agree with the findings of a previous Inspector¹, and I consider that the development would form an intrusive and exposed development which would be a highly incongruous addition to the Lansbury Road estate.
7. The design of the proposed dwelling with a flat roof and vertical cedar boarding would also be in stark contrast to the style and consistent form of dwellings within the estate. This would heighten its physical presence as a dominant and prominent addition. The overall result would be a form of development which would be significantly at odds with the existing pattern and style of the estate. I accept that buildings such as garages found with the rear garden areas of other dwellings in the area are typically of a flat roofed- design, however, these are clearly small scale ancillary structures.
8. The appellant contends that significant weight should be attached to a fallback position which was not in place at the time of the previous appeal. This is in respect of the erection of an ancillary outbuilding of a similar scale and design. The Council confirmed that such a structure would be permitted development under Part 2 Class E of the Planning (General Permitted Development) Order 2015 (as amended) (GPDO) and I note the submitted plans within Appendix IBA1 of the Design and Access Statement.
9. However, such permitted development rights are clear that such structures are for purposes incidental to the enjoyment of the dwelling house. I do not therefore consider that the purpose of the GPDO would be to provide tacit approval for all types of development, including backland residential development, within rear garden areas. While the scale and design of the ancillary building would be similar to the proposed dwelling, I consider that the physical creation of two separate plots, and the erection of a building suitable for permanent residential occupancy is not comparable in this regard.
10. The previous Inspector also considered that allowing the scheme could set a precedent for backland development in the area which would have a harmful cumulative effect, a matter which the appellant refutes. An analysis indicating the lack of such opportunities has been put forward by the appellant which concludes that there would be just 2 dwellings in addition to the appeal site with potential to accommodate backland development. While I consider that there would be greater capacity for backland development than suggested by the appellant, even if I were persuaded that only 2 dwellings could accommodate such development, these would be neighbouring properties to No 51 and as such a harmful cumulative effect in this part of the estate would be likely to be experienced.
11. Finally, my attention has been drawn to Highfields and Meadow View as examples which could be construed as isolated and exposed forms of backland development which form part of the character of the residential estate. These properties are located to the edge of the built up area and are outward looking across the open countryside. However, these properties are set in larger plots and while they are on the edge of the estate, they do not give rise to the same issues that I have identified above. I am also not aware of the circumstances

¹ Appeal Ref: APP/B3030/W/16/3154731 dated 4th November 2016.

that led to the approval of these properties and so cannot be sure that the circumstances are the same and I have considered the appeal proposal on its own merits.

12. Overall I conclude that the development would cause harm to the character and appearance of the area. The proposal would be in conflict with Policy DM5 of the Newark and Sherwood Allocations and Development Management Development Plan Document (2013) which seeks to approve backland development proposals only where they would be in keeping with the character of an existing area and where they would not set a precedent for similar forms of development where the cumulative effect would cause harm.

Conclusion

13. The appellant claims that the Council is unable to demonstrate a 5 year housing land supply, however the Council have not made any comment on this in their Officer Report or Appeal Statement and I have limited evidence in this regard. I am mindful, however, that my colleague did concur that the Council was unable to demonstrate this and in determined the appeal against paragraph 14 of the National Planning Policy Framework (the Framework) and I note that this appeal decision was relatively recent.
14. Paragraph 14 of the Framework requires that planning permission is granted unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework as a whole. I acknowledge that the development would deliver a needed 2-bed dwelling and would be a self-build development. The appeal site would be within convenient access to local services and facilities within Edwinstowe.
15. Even if I were able to firmly conclude there is a shortfall in the five-year housing land supply, I consider that such social, economic and environmental benefits would be significantly and demonstrably outweighed by the harm caused to the character and appearance of the area I have identified above. My conclusions are consistent with those of the previous Inspector in this regard.
16. Overall the proposals would not therefore comprise of sustainable development for which the Framework presumes in favour. For the reasons given above, and having considered all other matters raised, the appeal should be dismissed.

C Searson

INSPECTOR