The Planning Inspectorate

Appeal Decision

Site visit made on 20 May 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/B3030/W/19/3220206
Brooklyn, Lower Kirklington Road, Southwell NG25 0DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant subject to conditions of consent, agreement or approval to details required by a condition of planning permission.
- The appeal is made by Mr Peter Burrows (Twyford Estates Ltd) against the decision of Newark & Sherwood District Council.
- The application ref 18/01337/RMA, dated 13 July 2018, sought approval of details pursuant to condition No 1 of appeal ref APP/B3030/W/17/3179351, granted on 17 January 2018.
- The application was refused by notice dated 7 November 2018.
- The development proposed is the erection of three dwellings.
- The details for which approval is sought are: appearance; landscaping; layout and scale.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The original planning application was in the name of ISP Developments Ltd however, the appeal is in the name of Twyford Estates Ltd. The original applicant has authorised Twyford Estates Ltd to continue on their behalf and this has been reflected within the banner heading.

3. The Council references Policy HE1 the Southwell Neighbourhood Plan 2016 however, also state that this policy only applies to developments of 11 or more dwellings. As such I have given this policy no further consideration within this appeal.

4. Since the refusal of these reserved matters the Council has adopted the Plan Review Amended Core Strategy[1] (Amended Core Strategy). Core Policy 3 of the Amended Core Strategy reflects the same policy context as the superseded Newark and Sherwood Core Strategy 2011 (Core Strategy) Policy CP3. I therefore do not consider that this has prejudiced the appellant's case.

[1] Plan Review. Review of the Newark and Sherwood Local Development Framework Core Strategy and Allocations. Adopted March 2019.

Background and Main Issue

5. This proposal was granted outline planning permission following an appeal reference APP/B3030/W/17/3179351. The main issues within that appeal were whether the location complied with the development plan, whether the appropriate housing need was being delivered and the proposal's effect upon the character and appearance of the area. The appeal was allowed and outline planning permission granted with matters of appearance, landscaping, layout and scale reserved. The subsequent application for the reserved matters was refused as the Council consider the size of the proposed dwellings. with respect to the number of bedrooms, inappropriate to achieve the desired housing mix. The main issue in this appeal is therefore the effect of allowing the reserved matters on the housing mix of the area.

Reasons

6. Accessed from Lower Kirklington Road, the appeal site consists of a detached bungalow with a large rear garden. The garden is bounded by mature hedging and there are trees throughout the site. The three consented dwellings would be situated in the rear part of this garden, accessed by a newly constructed road running along the north west edge of the host property.

7. The Inspector who allowed the proposal subject to reserved matters commented fully upon housing need in the District and in Southwell. He acknowledged the dual District wide need for houses with two or less and three or more bedrooms. Within Southwell itself, he referenced Policy So/HN/1 of the Newark and Sherwood Allocations and Development Management Development Plan Document 2013 (DPD) which also favours one or two bedroom units. As the properties were three bedroom plus, he therefore concluded that the development would conflict with Policy So/HN/1 of the DPD. However, the Inspector considered this policy was based upon figures of some age and this conflict was outweighed by more recent housing need data contained within the Housing Market Needs Sub Area Report 2014 (Sub Area Report).

8. The Sub Area Report identifies a greater need within Southwell for properties with three or more bedrooms. As such he concluded that, on this site, one and two bedroom dwellings were not appropriate and a proposal for dwellings of three or more bedrooms did not conflict with the more recent Policy CP3 of the Core Strategy. I concur with this view and accept the principle of dwellings with three or more bedrooms on this site.

9. The dwellings on Plots 1 and 2 have been annotated as having four bedrooms and Plot 3, five bedrooms. All three dwellings would also have an upstairs study and there is disagreement between the parties as to whether these could function as an extra bedroom. There is also disagreement regarding the floor area of the proposed dwellings however, I have limited my assessment to the number of bedrooms as this is the main issue in this appeal.

10. I have considered the size of the studies and the general layout of the proposed dwellings. The plans initially submitted with the reserved matters were revised following advice from the Council on the acceptable number of

bedrooms. For Plots 1 and 2, initial plans (580-02 and 580-01 both Rev C) showed five upstairs bedrooms and a downstairs study. This was altered in revised plan (Rev E) to show four bedrooms plus a study upstairs and the downstairs study replaced by a snug. Plot 3, initial plan (580-03 Rev E) showed six upstairs bedrooms with a downstairs study. This was altered (Rev-G) to show five bedrooms and a study upstairs with a further office downstairs plus a snug. On all three plots, the upstairs study appears to be large enough to function as a bedroom. Although this use may not be the intention of the appellant, it would be difficult to prevent future occupiers using the additional upstairs room as a bedroom. I therefore conclude that the proposed dwellings are to all intents two five bedroom and one six bedroom dwellings.

11. The appellant contends that the conditions imposed on the allowed appeal did not include any limitation upon the number of bedrooms. Additionally, the term 'scale' which is included within the reserved matters, does not relate to housing mix. However, I disagree with this assessment. Paragraph 023 of the National Planning Practice Guidance[2] (NPPG) states that scale relates both to the 'overall size and mass of individual buildings … and to the scale of their parts'. If scale refers to the size of the proposed dwellings, and its parts, I consider this relates to the internal size and layout and so the number of bedrooms. As such I consider the housing mix to be relevant to the scale of the development.

12. The appellant draws my attention to the original officer report for the planning application with a recommendation to committee to grant. This refers to the site's potential for three, four or five bedroom dwellings. The proposals however, include one potentially six bedroom dwelling which appears to exceed the expectations of the officers when making this recommendation.

13. The appellant draws my attention to Paragraph 60 of the Framework which suggests departure from the local housing needs assessment in exceptional circumstances. The appellant contends that as outline planning permission has been consented and there are other large dwellings in the vicinity, these are exceptional circumstances. However, I do not consider that these factors amount to exceptional circumstances and therefore give this no weight. The appellant also considers that a development of this size should not be required to deliver dwellings to correspond with the housing need. No justification is given for this view and I give this argument little weight.

14. The Sub Area Report demonstrates need within the housing mix for 33% four bedroom houses, 16.3% three bedroom and 2.7% five plus bedroom. Within their reasoning the appellant amalgamates housing types concluding that 52% of new housing should have three or more bedrooms and that 35.7% should have four plus bedrooms. Although these figures are correct, they do not reflect the specific need with regard to five and six bedroom dwellings which is 2.7%. I therefore conclude that the effect of allowing the reserved matters on the housing mix of the area would be to provide dwellings of the least required size and fail to provide dwellings of a size

[2] Reference ID: 26-023-20140306 Revision date: 06 03 2014

that are most needed in the district. This would conflict with Core Policy 3 of the Amended Core Strategy.

Other Matters

15. I have considered the other reserved matters with regard to appearance and layout which I consider acceptable and this view is shared by the Council. I also note the comments of the Tree Officer with regard to the lack of soft landscaping details. Condition 7 of the consented scheme requires further information regarding hard and soft landscaping and includes a requirement for details of protection for retained landscaping. I believe this would allow these matters to be fully resolved at a later stage.

16. Third party representations have expressed concern regarding the suitability of the site for development due to its ecological value and the potential effect of additional housing on the character and appearance of the area. However, the principle of three dwellings on this site has already been established and is not before me.

17. I note the appellant's concerns regarding the way in which the planning application was handled by the Council. However, these are not matters for this appeal, which I have determined on its planning merits.

Conclusion

18. This development would add to the housing supply in the area and the appeal site, as a windfall site, provides an opportunity to deliver this housing. However, the scale of the development conflicts with the delivery of an appropriate housing mix within the area.

19. For the reasons discussed above, and considering other matters raised, I dismiss the appeal.

E Symmons

INSPECTOR