



Appeal Decision

Site visit made on 2 July 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/W3005/W/19/3226628

Land rear of 319-331 Alferton Road, Sutton-in-Ashfield, Nottinghamshire NG17 1JN

- 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 Emma and Lewis Caswell against the decision of Ashfield District Council.
 - The application Ref V2019/0031, dated 14 January 2019, was refused by notice dated 2 April 2019.
 - The development proposed is application for approval of reserved matters following outline approval of planning permission V2016/0617.
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Decision

1. The appeal is allowed, and planning permission is granted for the approval of reserved matters following outline approval of planning permission V2016/0617 on land rear of 319-331 Alferton Road, Sutton-in-Ashfield, Nottinghamshire NG17 1JN in accordance with the application Ref V2019/0031 dated 14 January 2019, subject to the following conditions:

- 1) The development to which this approval relates shall be begun not later than whichever is the later of the following dates:
 - a) The expiration of five years from the date of the approval of the outline planning permission; or
 - b) The expiration of two years from the final approval of the reserved matters.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans :

Proposed Site Layout (1404-103-Rev A); Proposed Boundary Plan (1404-109-Rev A); Plot 1 Layouts and Elevations (1404-104-Rev A); Plot 2 Layouts and Elevations (1404-105-Rev A); Plot 3 Layouts and Elevations (1404-106-Rev A); Plot 4 Layouts and Elevations (1404-107-Rev A); Plot 5 Layouts and Elevations (1404-107-Rev A); Proposed Site Sections (104-110-Rev B)

The development shall be undertaken in accordance with those plans unless otherwise agreed in writing by the Local Planning Authority.

- 3) The development hereby permitted shall use the following materials of external construction, unless otherwise agreed in writing by the Local Planning Authority:-

Brick – Birtley Olde English

Render – Through Coloured Render (Off White)

Roof Tiles – Plain Clay Roof Tile (Blue Smooth)

- 4) Before the construction of the of the first dwelling beyond damp proof course level, details of boundary treatment measures shall be submitted to and agreed in writing by the Local Planning Authority and must be completed before the occupation of the first dwelling.

Main Issues

2. The main issues in this case are:

- The effect of the proposed development on the character and appearance of the area
- The effect of the proposed development on the living conditions of existing residents by reason of overlooking and loss of privacy.

Reasons

Character and appearance

3. The appeal site forms part of a steeply sloping parcel of land located to the rear of properties on Alfreton Road, which has a mixed suburban character of properties of various styles and ages. Access to the site is via a private drive adjacent to No 319 Alfreton Road. The details of the access were approved at outline stage.
4. The proposed development shows five dwellings, located in a linear fashion on the site, with associated parking, landscaping and gardens. There are a variety of boundary treatments, generally low in height, between the existing dwellings and the appeal site.
5. The design, scale and massing of the proposed dwellings would be acceptable of a site of these dimensions and topography. The dwellings would add a suitable mix of development with use of quality materials and sensitive design that would not look incongruous within the locality. A landscaping scheme would assist in the proposals assimilating naturally into the immediate locality, reaffirming the context of the area.
6. The appellant has sought to design the site layout of the proposed dwellings in order to minimise impacts on the adjacent dwellings of Alfreton Road and Cuttings Avenue and has utilised design features consistent with the locality, including stone cills and soldier courses. I find that these positive design features, in conjunction with the proposed landscaping, weigh in favour of the scheme. As the development matures, these will be significant features that will add to the character and appearance of the area.
7. Therefore, I find that the proposals would not have a significant effect on the character and appearance of the area, and are consistent with Policies ST1, EV2 and HG5 of the LP which state, amongst other matters, that development

should not adversely affect the character or quality of the environment and the countryside, conflict with adjacent land uses, and that proposals should use landscaping to complement and enhance its appearance.

Living conditions

8. From the evidence in front of me, the closest of the proposed dwellings would be located at least 40m from the existing dwellings. I note that the Council's Residential Design Guide Supplementary Planning Document (2014) (the SPD) states that the minimum separation distance for properties that have principal elevations facing each other should be 21m. This distance is comfortably exceeded in the proposed site layout of the dwellings. I find that this level of separation distance would be more than sufficient to allay any concerns in relation to overlooking, and the possibility of any overbearing impact from the scale and massing of the proposed dwellings. The lengthy rear gardens of the Alfreton Road properties, in addition to the difference in site levels between the existing and proposed dwellings, means that the proposals would not cause a significant loss of privacy or aspect to the rear gardens of those properties.
9. In light of the above, I find that the proposals would be consistent with policies ST1, EV2 and HG5 of the LP, which amongst other matters, seek development to protect the amenity of neighbouring properties, minimise potential overlooking and should be acceptable in terms of scale and siting, and the guidance set out in the SPD as it relates to the separation distances between new and existing dwellings.

Other Matters

10. Local residents have raised a number of concerns in relation to the proposals. These relate to the design of the properties not looking like the outline proposals, the siting of the dwellings and loss of aspect, loss of privacy, drainage and the nature of the access.
11. The means of access to the site was approved at outline application stage, and I cannot therefore take this into consideration for this Reserved Matters appeal. From the evidence in front of me, I understand that drainage details were required as a condition of the outline approval and are being dealt with. The design and siting of the dwellings were not determined at outline stage, and therefore the appellant is not bound to those indicative details when submitting a Reserved Matters application. I have taken the issue of loss of privacy and aspect into consideration during this appeal and I am satisfied that the proposals would not give rise to such adverse effects.

Conditions

12. I have been supplied with a number of conditions by the Council. I have considered these accordingly and amended some of the wording for the purposes of clarity and legibility.
13. In terms of the conditions, those relating to time limits and approved plans are necessary in the interests of proper planning. Conditions 3 and 4 that relate to materials of construction and details of boundary treatments are imposed in order to protect the character and appearance of the area.

Conclusion

14. For the reasons set out above, and taking into account all other matters raised, the appeal is allowed.

Paul Cooper

INSPECTOR