



Appeal Decision

Site visit made on 30 April 2019

by C Beeby BA (Hons)

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/W3005/W/19/3222601

Land at 10 Whyburn Lane, Hucknall NG15 6QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Trevor and Mrs Pauline Stevenson against the decision of Ashfield District Council.
 - The application Ref V/2018/0781, dated 5 December 2018, was refused by notice dated 18 January 2019.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal seeks outline planning permission, with all matters reserved. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.

Main Issues

3. The main issues 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 its future occupiers and the occupiers of 10 Whyburn Lane, with particular reference to the provision of amenity and parking space; and
 - the effect of the proposed parking arrangements on the convenience of users of the adjacent highway network.

Reasons

Character and appearance

4. The host property is a detached dwelling with a prominent position on the corner of Whyburn Lane and Charnwood Grove. The appeal site is part of its linear rear garden. A single storey garage and short drive lie at the end of the site, and the remainder of the land is residential garden which contains low shrubs and trees. Views of the site are possible from the highway through trellising above its wooden boundary fence. Further trees and vegetation in adjoining gardens are also visible through the site.

5. Dwellings on the relevant side of Whyburn Lane have linear rear gardens of a uniform length and are reasonably well set back from the highway. The host property and dwellings on Charnwood Grove share these characteristics. The resulting generously sized plots provide a verdant and spacious backdrop to dwellings in the vicinity which reflects their edge of settlement location. Well-sized linear gardens are consequently a distinctive characteristic of the surrounding residential area.
6. The siting of the new dwelling on former garden land would be incongruous in the vicinity, where no comparable examples of such development exist. Whilst dwellings on Charnwood Grove have a more limited setback from the highway than those on Whyburn Lane, the spacious quality created by their linear rear gardens is perceptible from the highway, and maintains the prevailing pattern of development. The plot size of the new dwelling would consequently be disproportionately small when compared with surrounding development. The proposal would therefore introduce substantial built form and a cramped aspect within views from Whyburn Lane and Charnwood Grove, and from neighbouring properties and gardens. As a result of these factors, the development would be out of keeping with the area's prevailing settlement pattern, and would erode the distinctive verdant and spacious character of the area. Whilst the new dwelling's appearance is a matter reserved for later determination, the proposed use of similar design features to those of surrounding dwellings would not overcome the harm I have identified, which arises from the proposal's location and plot size.
7. The single garage and covered open storage area which lie opposite the appeal site at the end of the garden to No 12 Whyburn Lane have relatively flat roofs and an unobtrusive appearance which allow for the retention of the area's spacious quality. As a result, these do not represent comparable development to that which is proposed.
8. The proposed dwelling would therefore harm the appearance of the area, contrary to the aims of Policy ST1 of the Ashfield Local Plan Review 2002 (the LPR), which states that development will be permitted where it will not adversely affect the character or quality of the environment. The proposal additionally conflicts with Policy HG5 of the LPR, which sets out that residential development will be permitted where its design is acceptable in terms of appearance, scale and siting.

Living conditions

9. Whilst access, layout and scale are matters reserved for later determination in the scheme, the illustrative plans submitted show a dwelling which follows the building line set by others along Charnwood Grove, and this is likely to be an element of the design of any final scheme. As a result, the new dwelling is shown lying in a relatively central position within the plot, with garden space to three sides.
10. Policy HG5 of the LPR sets out that residential development will be permitted where adequate private garden space is provided. The Ashfield Residential Design Guide Supplementary Planning Document 2014 (the DGSPD) states that private outdoor space should adequately provide for the requirements of all occupiers, and that dwellings should normally have a minimum single area of private open space, excluding parking areas and garage spaces.

11. The need to maintain an acceptable outlook from ground floor windows to the new dwelling is likely to preclude the provision of front boundary treatments of a sufficient height and density to offer privacy to users of the new dwelling's front garden area. This would be a particular issue if the dwelling were single storey. The resulting area of outdoor space to the front of the dwelling would consequently be unlikely to form private garden space for the dwelling's occupiers.
12. Side garden space at the dwelling is likely to lack privacy for similar reasons, and may partly be used for refuse and recycling storage, rendering it unattractive for outdoor amenity use.
13. The rear garden area would offer privacy from the street, however it would be of a limited size which would be unlikely to meet the minimum outdoor amenity space requirement for a 1 or 2 bed dwelling of 50 square metres, as set out in the DGSPD. I accept that the proposal may technically be capable of meeting this requirement. However, much of this space would lack the privacy prescribed by Policy HG5 of the LPR and the DGSPD, as a result of the size and form of the plot. The appeal consequently does not demonstrate that sufficient private open space to meet the requirements of the policy and guidance referred to could be provided at the new dwelling.
14. The host dwelling has front, side and rear garden areas. The front garden area has hedged boundaries, however oblique views into it are possible from Whyburn Lane. The rear garden lies off Charnwood Grove, which, as a cul-de-sac, is likely to carry lower levels of traffic and footfall than Whyburn Lane. Whilst some views into the rear garden are currently possible from the highway, these are limited by the boundary fencing and small trees and shrubs along it. I consequently consider that only the rear garden to the host dwelling offers private outdoor space of the type envisaged by Policy HG5 of the LPR and the DGSPD.
15. The proposal would reduce the host dwelling's rear garden to a size of 60 square metres. The dwelling is 3 bedroomed, and would consequently require a minimum private outdoor space of 70 square metres according to the DGSPD. The shortfall would be significant and the private amenity space available would consequently be too restricted to meet the needs of the number of occupiers which the dwelling would be likely to attract. As a result, the proposal would fail to provide a good standard of living conditions for occupiers of the host dwelling.
16. The appeal proposes an off-street parking space provision in a tandem formation for both the new and host dwelling of 2 spaces per dwelling, which meets the requirements for dwellings of this size which are set out in the Ashfield Residential Car Parking Standards Supplementary Planning Document 2014 (the CPSPD). The appellant submits that the dimensions of the proposed adjacent driveways allow for 4 parking spaces of 5 metres by 2.5 metres each, and there is no substantive evidence to contradict this. The parking spaces would consequently meet the minimum recommended bay size for perpendicular parking of 4.2 metres by 2.4 metres which is given in the Department for Transport's Manual For Streets 2007 (the MFS).
17. The proposal involves no significant reduction in the limited grasscrete parking spaces which are available adjacent to the footway due to the provision of a

new space outside the former garage at the site to replace that removed for the new driveways.

18. Whilst the number of spaces proposed complies with CPSPD and national guidance, the CPSPD additionally states that "on plot" tandem parking can lead to inappropriate on-street parking. I consider that there is a reasonable likelihood that this would result from the proposal due to the inconvenience which would arise to users of the tandem parking due to the regular additional vehicular manoeuvres which would be necessary. Although the application is in outline only, the indicative plans suggest a potential scheme which the sites could accommodate and no other detailed scheme has been suggested. The tandem parking arrangement appears to be intended to allow for the maximum efficient use of garden space. Indeed, it appears likely that an alternative parking arrangement may result in the loss of "grasscrete" parking and an undesirable garden layout in both cases.
19. Only one of the approximately 11 dwellings on Charnwood Grove has a driveway, with occupiers of the remaining properties relying on on-street parking opportunities and the limited grasscrete spaces. Paddocks used for equestrian grazing lie at the end of the street, which attract additional traffic and on-street parking according to the evidence. Given the number of reasonably sized dwellings along the cul-de-sac, its relatively short length and the paddock access, it is likely that there is a high level of demand for on-street parking opportunities on Charnwood Grove. This is supported by a number of representations from interested parties. The tandem parking arrangements to two dwellings are likely to result in additional on-street parking in an area in which there is already high demand. The proposal would consequently harm the convenience of users of the highway network.
20. The proposal would cause unacceptable harm to the living conditions of occupiers of the new and host dwellings with regard to the provision of amenity space. As a result, it would conflict with Policy HG5 of the LPR, which states that development which provides adequate garden space will be permitted. The proposal complies with the technical requirements of the CPSPD and MFS on the provision of parking spaces at the new and host dwellings. However, the parking arrangement which would allow for the most efficient provision of garden space at the dwellings would result in inappropriate on-street parking, as set out in the CPSPD. The resulting inconvenience to users of the highway network would cause the proposal to conflict with the Framework, which requires development to promote well-being, and a high standard of amenity for existing and future users.

Other Matters

21. The Council considers the proposal to conflict with Paragraph 70 of the Framework, which states that plans should consider the case for setting out policies to resist inappropriate development of residential gardens. Whilst the paragraph indicates that such development is undesirable where it would cause harm, the section as a whole relates to policy making rather than decision making. Accordingly, I attach only limited weight to the relevance of this part of the Framework in determining the appeal.
22. I have had regard to other matters raised including concerns about overshadowing, noise, drainage and the proposal's effect on privacy. However,

as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Planning Balance and Conclusion

23. As the Council cannot currently demonstrate a 5-year housing land supply (5YHLS), in accordance with paragraph 11 d) of the Framework, and this is an application for the provision of housing, the development policies which are most important for determining the application are considered out-of-date. I am therefore required to consider, as set out in Framework paragraph 11 d) ii, if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. There would be some economic uplift during construction through short-term employment and the purchase of building materials. Future occupiers would also contribute to the local economy. Socially, the development would add to the supply of housing in a location with access to services and facilities. That would be in accordance with the Government's objective of significantly boosting the supply of homes, especially in a context where there is no 5YHLS. Occupiers would also be likely to participate in the local community and use relevant services. However, these benefits would be relatively limited given that the proposal relates to just one house.
25. Against that, the proposed development would cause unacceptable harm to the character and appearance of the area, and to the living conditions of future occupiers of the new and host dwellings, and those of local residents. For these reasons the harm caused by the development would significantly and demonstrably outweigh the relatively modest benefits when assessed against policies in the Framework taken as a whole. Consequently, the proposal cannot benefit from the presumption in favour of sustainable development.
26. There are no other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan, with which I have already found conflict. Therefore, I conclude that for the reasons given above, the appeal should be dismissed.

C Beeby

INSPECTOR