



Appeal Decision

Site visit made on 20 August 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/B3030/W/19/3230094

40 Winthorpe Road, Newark On Trent NG24 2AB

- 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 Mr Shelton against the decision of Newark & Sherwood District Council.
 - The application Ref 18/02080/FUL, dated 2 November 2018, was refused by notice dated 16 January 2019.
 - The development proposed is demolition of existing dwelling to create 4 new semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 19 February 2019, the Government published an updated revised version of the National Planning Policy Framework (the Framework). In relation to the main issue in this appeal, Government policy has not materially changed, and no parties have been prejudiced by my having regard to it.
3. The Council adopted an Amended Core Strategy Development Plan Document (ACSDPD) on 7th March 2019. I am required to determine the appeal on the basis of the development plan in force at the time of my decision. Accordingly, the proposal should now be considered against Core Policy 9 of the ACSDPD. The parties have had the opportunity to comment on the effect of the amended document on the proposed development and I have taken all comments into account in reaching my decision.
4. The proposals were amended during the period that the Council was considering the application, principally in response to comments it raised in respect of living conditions. The Council determined the application on the basis of these amended plans, and I have done the same.

Main Issues

5. The main issues in this appeal are the effect of the proposal on:
 - The character and appearance of the area.
 - The living conditions of neighbouring occupiers with regard to overlooking.

Reasons

Character and appearance

6. Winthorpe Road is a residential street with a mix of house types and styles. It includes mainly semi-detached dwellings of a more consistent post-War design to the north-eastern side of the road whilst to the south-east, the houses are more varied. There is, however, a consistency to the houses, being set back from the road behind established front gardens/driveway with a further garden to the rear, as well as a meaningful gap between dwellings. Coupled with the grass verge to each side of the road, which are interspersed with driveways, the area has a spacious character.
7. The appeal site at No 40 is a two-storey detached dwelling positioned almost centrally within the plot. It incorporates a car port to the right of the house with outbuildings to the other side. Two gates provide access to the road, one to the north-west corner and the other to the south-west, with the remaining front garden being grass. A hedge delineates the front boundary. The appeal proposal would demolish the existing house and replace it with two pairs of semi-detached dwellings to create 4 in total. Parking for each house would be provided to the front, utilising the existing access points and largely retaining the hedge.
8. Whilst the siting of the proposal would have a similar alignment and set back from the road to neighbouring properties, the dwellings would occupy almost the entire width of the plot. Unlike the existing dwelling, which has single storey elements between the main flank elevations and the side boundaries, it would be consistently two-storey across it. It would contrast with the more spacious gaps between dwellings that are evident on many properties along the street, typically being at least the width of a driveway. In this respect, the proposal would be at odds with the established pattern of development within the wider area.
9. Being 2 storeys, the scale of the proposal on Winthorpe Road would be comparable to neighbouring properties. The front gable design would also reflect that of nearby properties and as a pair, whilst each house would have a front door, their width would be similar in proportion to other detached properties along the street. However, to the rear elevation, the flat roof dormer window to each dwelling would include a wide expanse of glazing consistent with the width of the first-floor windows below. This would create the impression of a more substantial scale to the development as a whole. Whilst I acknowledge the variety of design pallets within the vicinity, I observed no other properties with rear dormer windows. Being visible from surrounding properties and also from the street on Spire Gardens, the scheme would be incongruous in scale and design as a result.
10. To the front of the houses, as a consequence of the quantum of the proposal, the provision of two parking spaces per dwelling as well as a designated entrance and exit route would result in a large expanse of hard surfacing that would dominate the frontage, irrespective of whether or not the spaces were utilised by future occupiers. I appreciate that the established hedgerow to the front boundary would be largely retained but the two entrances would nonetheless provide clear views into the site.

11. This arrangement would be contrary to the predominant character of dwellings on Winthorpe Road, where front gardens are a common feature within the street scene. These houses typically maintain a proportion of grass/landscaping, even where a driveway is provided, which contributes positively to the local environment. The proposal would be at odds with this arrangement and it would consequently fail to respect the character of the area. Although the adjacent dwelling at No 42 has a fully blocked paved frontage, its existence does not justify the further harm to the street scene that I consider would arise from the appeal proposal.
12. The appellant has drawn my attention to previous decisions on this site, including two approvals for the demolition of the existing property and the construction of 2 detached dwellings in 2007 and 2010¹. I recognise that the appeal proposal would follow the same footprint as the 2010 scheme. However, that decision, pre-dates the publication of the Framework and the current development plan. It also retained a proportion of landscaping to the front garden so that I do not find it directly comparable to the appeal proposal, which I have assessed on its individual merits.
13. I therefore conclude that the proposal would result in harm to the character and appearance of the area. It would therefore conflict with Policy 9 of the ACSDPD (March 2019) and Policy DM5 of the Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document (July 2013) (Allocations and DM DPD). These policies seek, amongst other matters, to ensure that new development is appropriate to its context and complements the existing landscape and character of the built environment. It would also be contrary to guidance within the Framework, including Paragraph 130 that development should take the opportunities available for improving the character and quality of an area.

Living conditions

14. The rear façades of the proposed dwellings would maintain a distance in excess of 20m to the rear elevation 1-4 Spire Gardens. However, the rear dormer window to each dwelling, which would incorporate a wide expanse of glazing, would have a direct back-to-back relationship to these existing houses. The proposal would also intensify the number of dwellings on the site from 1 to 4. I appreciate the appellant's contention that 20m is often referred to as sufficient separation distance, especially within an urban area. In this case, however, in the absence of any specific minimum separation distances, I consider that the cumulative impact of the quantum, siting and design of the proposal would result in a sense of overlooking and a consequent loss of privacy to these neighbouring occupiers.
15. To the front, a distance of 37m to the houses opposite would be sufficient to prevent overlooking of these existing dwellings. I am also satisfied that the outlook from the proposed houses towards the rear gardens of the adjoining house at Nos 38 and 42 would be at a more oblique angle. Additionally, the rear elevation of No 42 would sit beyond the rear elevation of the adjacent proposed house. Whilst this dwelling would consequently sit forward of the front elevation of No 42, in meeting the 45-degree test, which is accepted as a means to assess whether or not a proposal is overbearing, the proposal would not harm the living conditions of these neighbouring properties.

¹ Council Refs: 07/01127/FUL and 10/01216/FUL

16. I understand that the appeal proposal was originally submitted to the Council as an amendment to two previous applications that were refused in 2017 and 2018. These sought to introduce 5 dwellings on the site. Whilst the appeal scheme would represent a reduction of one unit, I must nonetheless consider the appeal on the basis of the proposal before me.
17. I therefore conclude that the proposal would be harmful to the living conditions of the existing occupiers at 1-4 Spire Gardens. In this respect, it would conflict with Policy DM5 of the Allocations and DM DPD (2013), which seeks to protect existing residents from any unacceptable reduction to their living conditions, including loss of privacy. It would also conflict with guidance within the Framework, which advises that development should create places with a high standard of amenity for existing and future users.

Other matters

18. I recognise that the Council has not raised specific concerns about the effects of the scheme on a number of other issues, including the demolition of the existing dwelling, parking provision or the highway impact of the proposal. Given previous permissions on the site, it is also reasonable to assume that it would be capable of managing water and waste and take account of the need to reduce opportunities for crime. However, these are not matters that diminish the harms that I have identified in respect of the main issues above.
19. The Council can demonstrate a five-year supply of deliverable housing sites, which is not disputed by the appellant. Consequently, having regard to Paragraph 11 of the Framework, the so-called tilted balance does not apply. Nonetheless, I recognise that the Government seeks to boost significantly the supply of housing and the White Paper² cited by the appellant confirms the general support to the delivery of more housing. The Framework also promotes the effective use of land in meeting the needs for homes and other uses, albeit whilst also safeguarding the environment and ensuring living conditions.
20. The appeal site lies within an established residential area, accessible to services and facilities, where the principle of housing would be acceptable. There would also be some modest minor benefits to the local economy in terms of short-term construction employment and some longer-term support to shops and businesses. However, having considered all matters, the harm the proposal would cause to the character and appearance of the area and the living conditions of the occupiers of 1-4 Spire Gardens, as set out above, would outweigh the very modest benefits of providing four new dwellings.
21. I appreciate that the appellant engaged pro-actively with the Council and the application secured a positive Officer recommendation. However, this is not material to the assessment of the proposal before me, which I have considered it on its own particular merits.

Conclusion

22. For the above reasons, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR

² 'Fixing our Broken Housing Market' (2017)