



Appeal Decision

Site visit made on 27 August 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/B3030/W/19/3229291

Land adjacent to 1 Oak Avenue and 10 Sycamore Road, Ollerton, NG22 9PT

- 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 James Rolfe against the decision of Newark & Sherwood District Council.
 - The application Ref 18/01795/FUL, dated 21 September 2018, was refused by notice dated 6 December 2018.
 - The development proposed is the erection of a pair of semi-detached houses.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the future occupiers with regard to private garden space; and
 - The effect of the proposal on the living conditions of the occupiers of the neighbouring properties, with particular regard to privacy.

Preliminary Matter

4. Since the determination of the original application the Council has adopted the Amended Core Strategy (ACS) which supersedes the 2011 Core Strategy, and as such the ACS is a material consideration for this appeal. Both parties have submitted comments on the adoption of the ACS and am therefore satisfied no party has been prejudiced by my consideration of it. In any event the relevant policies are similar in both documents.

Reasons for the Recommendation

5. The appeal site forms the side garden area of no. 1 Oak Avenue and the former side/rear garden area of no. 10 Sycamore Road, close to the junction of Oak Avenue, Sycamore Road and Birch Road. The site is in a residential area that
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comprises predominantly of semi-detached properties. Permission is sought for the erection of a pair of semi-detached houses.

Character and appearance of the area

6. The streets are laid out in a grid iron pattern that is repeated throughout the estate. Dwellings in the area have a similar design and features: 1920's semi-detached, symmetrically designed, wide 2-bay, 2-storey, red bricked dwellings with open frontages and spacious plots with, generally, generous gardens. This has created an open, pleasant and unspoilt street scene. I note that due to its history the Council considers the area to be a non-designated heritage asset.
7. The site is currently an open area in between two pairs of semi-detached properties, one of which is on a corner plot, close to a junction with other residential roads. Open spaces like these are a characteristic feature of the area and provide an openness that contributes positively to the character and appearance of the area. The proposal would result in the loss of one of these open areas to the detriment of the pattern of development and the spacious character of the area. Furthermore, the proposed dwellings would result in a cramped appearance given the proximity to the adjacent properties and lack of spacious rear gardens which also contribute to the character of the area.
8. The harmful impact of the development would be compounded in this case by the design of the proposed houses which would not be symmetrical, and which would lack the robust, wide form of the existing pairs of properties. In addition, the proposal would introduce features that are not in keeping with the street scene such as bay windows with canopies above, and windows that are dissimilar in proportion to the windows in the existing properties. The location of the appeal site adjacent to the road junction increases the prominence of the proposed dwellings.
9. The proposal would see some of the area to the front of the houses used for off-street parking, with some front garden space also provided. Some of the properties in the street have created off-street parking to the front of the properties, and therefore the proposed mix of parking and garden area to the front of the proposed dwellings would not in itself detract from the street scene.
10. However, notwithstanding this, for the reasons set out above the proposed pair of semi-detached dwellings would not reflect the pattern of development or the design of the existing properties and as such would detract from the character and appearance of the area. The proposal would therefore be contrary to Core Policies 9 and 14 of the ACS and policies DM5 and DM9 of the Allocations and Development Management Development Plan Document (DPD). These policies all seek in various ways to protect and enhance the character and appearance of an area.

Living conditions – future occupiers

11. The Council calculates the rear garden space to be approximately 27 square metres for one of the dwellings and approximately 24.5 square metres for the second dwelling. Consequently, the rear gardens that would be provided would be very limited and would provide insufficient amenity space for three bedroomed properties that could be occupied by families. The very limited

garden provision to the front of the development, which in any event would not be private space, would not mitigate the lack of rear garden space.

12. As such, in this respect the proposal would fail to satisfy policy DM5 of the DPD which requires new development to provide an acceptable amount of amenity space for future occupiers.

Living conditions – neighbours

13. As originally submitted, the proposal would have resulted in a substantial reduction in the garden size to 10 Sycamore Road. I agree with the Council that the reduction would have caused significant harm to the living conditions of the occupiers of that property. However, the appellant advises that the property has now been sold with a much-reduced garden size. This matter is therefore no longer determinative in my consideration of this appeal.
14. Notwithstanding this, the proposed dwellings would be sited in close proximity to the rear boundary of the site and close to the rear garden of 12 Sycamore Road. Views of the garden at No.12 from the ground floor windows in the proposed dwellings could be restricted by a suitable boundary treatment had I been minded to recommend that the appeal be allowed. However, the proposed four first-floor rear windows are all to habitable rooms and would provide wide views of the rear garden at No.12. A degree of mutual overlooking already exists, however given the proximity of these windows to the boundary the proposal would result in considerable additional overlooking and subsequently an unacceptable loss of privacy to the rear garden of No.12.
15. For these reasons the proposal would be contrary to policy DM5 of the DPD, which seeks to protect the living conditions of the occupiers of neighbouring properties.

Other Matters

16. The proposal would provide two additional units of accommodation which the appellant indicates would be available for rent. The development would therefore, to a limited degree, boost the supply and choice of housing. This is a benefit of the scheme which carries limited weight in support of the proposal.
17. The appellant intends to provide a parking space for the occupiers of neighbouring property No 1 Oak Avenue. This property lies outside the application site and there is no mechanism before me that would ensure that provision was made. Moreover, given that off-street parking space could currently be made available within this plot, this does not amount to a benefit of the proposal.
18. The appellant has outlined examples of other developments in the wider area where semi-detached housing has been provided in between existing housing. However, whilst there may be some similarities, they do not seem to reflect the exact details of the proposal before me. Moreover, I am not aware that the circumstances in which they were granted permission are the same as this case. Therefore, I cannot be sure that these developments are comparable to the proposal. In any case, this appeal has been determined on its own merits.

Conclusion and recommendation

19. The benefits that would arise from the proposal would not outweigh the harm that would be caused to the area and the living conditions of the occupiers of the proposed development and the neighbouring property No 12 Sycamore Road. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR