
Appeal Decision

Site visit made on 30 September 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2019

Appeal Ref: APP/X3025/W/19/3233688

Garsdale, High Oakham Road, Mansfield NG18 5AJ

- 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 T Hammond against the decision of Mansfield District Council.
 - The application Ref 2019/0107/FUL, dated 27 February 2019, was refused by notice dated 1 May 2019.
 - The development proposed is the construction of a detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which accurately describes the proposal.
3. I have been referred to the emerging Mansfield District Local Plan 2013-2033 Publication Draft 2018 which was submitted for examination in December 2018. Although I understand that hearing sessions were completed in May 2019, I do not know the extent to which there are unresolved objections. Given the stage it is at, and in accordance with Paragraph 48 of the National Planning Policy Framework (the Framework), I give limited weight to it.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Character and Appearance

5. The appeal site forms part of the garden associated with Garsdale, a large semi-detached property located at the corner of High Oakham Road, Atkin Lane and High Oakham Hill. Although there appears to be no fixed building line or overriding architectural vernacular, this part of High Oakham Road is characterised by large properties generally set back from the road within large

plots. There are several trees along the road and within gardens which contribute to the verdant character of the area.

6. Although not referred to within the reason for refusal, the Council's officer report refers to conflict with Local Plan (LP) Policy BE1¹. This policy establishes that planning permission will be granted for developments which achieve a high standard of design if they meet a set of criteria. Included in these criteria is that the scale, massing, height, layout and access relate well to neighbouring buildings and the local area generally. Policy H2 of the LP sets out criteria where planning permission will be granted for housing developments within the urban boundary. These include criterion 1 which requires that housing developments integrate with the existing pattern of settlement and surrounding land uses.
7. I recognise that it can be possible to integrate small plots and a mix of housing types into a residential area in the right location. However, the proposal would, in my view, appear cramped due to the size and narrowing shape of the appeal site, the position of the built form near the boundaries, and the mature tree in the corner. The combination of these factors would result in the proposed dwelling appearing incongruous in this prominent corner site.
8. Although there are some examples of properties within smaller plots within the wider area, that is not the character of this part of High Oakham Road. Even within the Paddock Close housing estate, properties appeared to be located within larger plots than the appeal site.
9. I recognise that when viewed from the north east along High Oakham Road the design and position of the proposed property would appear compatible with the character and appearance of this part of the street scene. However, at this point the plot size and shape is not appreciated. Whereas when viewed from immediately opposite the site and from the road to the south and west the restricted nature of the plot is more readily understood.
10. Concluding on the main issue, the proposed development would appear as a cramped incongruous form of development which would result in significant harm to the character and appearance of the area. It would therefore conflict with Policy BE1 and H2 of the LP which are concerned with the character and appearance of developments. Despite their age I consider that these policies are consistent with the provisions of the Framework and can therefore be given substantial weight.

Other Matters

11. I note the appellants' references to paragraphs 11, 59, 61, 68, 91, 118, 122 and section 11 and 12 of the Framework and in particular the presumption in favour of sustainable development. I recognise that the appeal property is in a sustainable location, would be of benefit to the local housing market, and would result in some social and economic benefits. However local and national planning policy expects housing to be located sustainably. As such it is not a matter that attracts substantial weight over and above what would normally be expected. Moreover, a net gain of a single dwelling would only have modest social and economic benefits, and I attach limited weight to the benefit in that regard.

¹ Mansfield District Local Plan, Adopted November 1998

12. The Council did not make findings of harm with respect to highway safety, ecology, landscaping, protected trees, flood risk, heritage or archaeology, subject in certain cases to recommended conditions. I have no reason to disagree with these findings. However, the absence of harm in these respects is a neutral matter weighing neither for nor against the proposal.
13. The fact that this part of the garden maybe surplus to the appellant's requirements carries little weight, as the particular circumstances of the occupants will change over time whereas the development would be permanent.
14. I have been referred to an application approved by the Council for a single dwelling at land to the side of 72 Skegby Lane, Mansfield (2018/0591/FUL). However, I have not been provided with the full plans that were approved and so cannot make a direct comparison. Nevertheless, I visited Skegby Lane and saw that its narrowing plot shape and constrained nature are not as prominent as the appeal site, which is evident from the north, west and south.
15. I note that the proposal was subject to favourable pre application discussions and was initially recommended for approval by the case officer. Whilst I have had regard to the correspondence provided, the Council's decision was to refuse permission and I have ultimately agreed with that decision. The positive support initially given does not therefore alter my view.

Conclusion

16. The proposal would be in a sustainable location, would contribute to the local supply and mix of housing, and would result in modest social and economic benefits. It would also result in no harm with respect to highway safety, ecology, landscaping, protected trees, flood risk, heritage or archaeology. However, the lack of harm in those respects and the limited benefit I afford to an additional residential unit does not outweigh the significant harm I have identified to the character and appearance of the area. Taking all these matters into account, even if the presumption in favour of sustainable development as set out in paragraph 11 of the Framework was engaged, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
17. For this reason, and having had regard to all matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR