

Appeal Decision

Site visit made on 24 September 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/A3010/W/19/3232718

298 Carlton Road, Worksop S81 7LW

- 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 Mrs S Kenworthy against the decision of Bassetlaw District Council.
 - The application Ref 19/00086/COU, dated 24 January 2019, was refused by notice dated 9 April 2019.
 - The development proposed is the change of use of part of annexe to a separate dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. 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 Council's decision notice for completeness because the description on the decision notice better describes the development proposed.

Main Issues

3. The main issues are:
 - Whether the proposals would provide adequate living conditions for occupants of No 298 Carlton Road and future residents of the proposed development with particular reference to external amenity space, privacy, outlook, natural light, noise and disturbance;
 - The effect of the proposed parking arrangements on highway and pedestrian safety;
 - Whether the proposals would preserve or enhance the character or appearance of the Sunnyside Conservation Area.

Reasons

Living Conditions

4. The Council's Supplementary Planning Document titled Successful Places, A Guide to Sustainable Housing Layout and Design for: Bassetlaw District

Council, Bolsover District Council, Chesterfield Borough Council, North East Derbyshire District Council 2013 (SPD) provides guidance on the design of new homes including, amongst other things, having adequate light for habitable rooms and appropriate garden space.

5. The appeal building has an L-shaped plan form with all windows facing into the grounds of the host property. The main bedroom and open plan living/kitchen would have access to good natural light and an outlook facing into a small garden area. However, the design of the proposals would result in a bathroom and bedroom having no outlook, ventilation or natural light. With particular reference to the bedroom, the lack of natural light and an outlook would result in a poor standard of living conditions for the future occupants of this property.
6. The proposed dwelling would have a close relationship with No 298. Views toward the appeal property would be possible from the side and to a lesser extent the rear windows at No 298. However, any views would be angled and similar to many other properties in a residential area. As such, I am satisfied that there would not be unacceptable levels of privacy from the resulting layout.
7. Given the close relationship of the two buildings, the comings and goings of the occupants of both the appeal building and No 298 would likely be appreciated by the respective occupants. However, parking would be to the front of each building and the extent of external activity would not be dissimilar to a typical residential property.
8. The proposals would result in a reduced garden area for No 298. It would retain a front garden space which is likely to be used primarily for parking and a small rear garden containing a garden room. The proposed property would have a small garden area immediately adjacent to the living room providing space for a sitting area. A larger area would be provided to the front, which is shown as hardstanding, and although a detailed layout has not been provided this appears large enough to accommodate both parking and some amenity space.
9. I have no substantive evidence as to whether the proposed garden arrangements for either property would accord with table 4: minimum garden sizes/amenity spaces of the Council's SPD. Nevertheless, given the size of the resulting gardens in relation to the size of the 2 properties, there would, in my view, be a reasonable level of useable garden space for each property.
10. Drawing my findings on this main issue together, I conclude that the proposed layout would result in a bedroom with no outlook or natural light which would result in unacceptable living conditions for future occupiers.
11. As such the proposals would conflict with the guidance within the SPD. Although the Council has referred to policy DM4 of the Bassetlaw District Local Development Framework Core Strategy & Development Management Policies Development Plan Document (DPD) adopted 2011 in its reason for refusal, I note that criterion (v), which is of most relevance to living conditions, does not specifically address outlook or natural light in terms of amenity. However, there would still be conflict with the requirements within section 12 and specifically paragraph 127 of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to ensure good standards of living conditions for future occupants.

Highway Safety

12. The application form advises that 4 parking spaces would be provided but the proposed plans do not show a parking layout. The Heritage Impact Assessment submitted with the application says that it is believed there is enough space for manoeuvring to allow vehicles to exit in a forward gear. However, there is no substantive evidence to demonstrate that this is achievable. Even using the grassed area at No 298, this would appear to be difficult particularly if there were more than 1 car parked.
13. The Highway Authority did not object to the proposals or vehicles reversing on to the highway, if the number of parking spaces proposed could be achieved. However, there is no substantive evidence provided that this is achievable. Whilst the proposed frontage to the new dwelling would appear likely to have sufficient space, the remaining frontage at No 298 does appear constrained due to its depth and the proposed opening arc of the gate. This could result in awkward manoeuvres and potential conflicts with other highway and pedestrian users.
14. I recognise that the proposed dwelling may result in less vehicles trips than the former use of the site as a nursery. However, I have no substantive evidence of the scale of the nursery or vehicle movements generated. I did observe that not all buildings along Carlton Road have off street parking and some cars did park on-street during my site visit. However, my concerns relate to the specific parking arrangements proposed and in particular whether appropriate off-street parking and manoeuvring space can be achieved.
15. Based on the evidence before me, I cannot be sufficiently certain that 2 off-street parked vehicles can be accommodated for each of the properties with adequate space for manoeuvring. The proposals could therefore result in circumstances that would be prejudicial to highway and pedestrian safety. In respect of this main issue the proposals would conflict with Policy DM4 of the DPD which amongst other things seeks to ensure that developments are accessible and would not be detrimental to highway safety. The proposals would also conflict with the requirements of paragraph 127 of the Framework which, amongst other things seeks developments that create places that are safe, inclusive and accessible.

Character and Appearance

16. The appeal site is located within the Sunnyside Conservation Area (CA). No 298 has been identified as a positive building and an unlisted heritage asset within the Sunnyside CA Appraisal 2011. The building proposed to be converted has not been identified as a positive building within the CA appraisal. The CA includes the older parts of Sunnyside and some houses in Carlton Road, including the appeal site. It mainly consists of two-storey late Victorian and Edwardian family housing of detached, semi-detached and terraced design.
17. The character of the CA is predominantly one of narrow rectangular plots, containing properties positioned close to the highway, with small front gardens and larger rear gardens. At SU1 in the CA appraisal it says that proposals for the subdivision, reorientation or amalgamation of plots should not be supported. Although the proposals would not accord with SU1 of the CA appraisal, the appeal site is not a narrow plot and has a unique layout resulting from its previous use as a nursery.

18. The proposals would result in a new fence and entrance gates, and from the street it would be clear that there would be 2 separate properties. However, the existing front boundary treatment does restrict views into the site. As the appeal building is single storey and set back from No 298 the sense of space around the frontage would be retained. As such there would be no harm to the character and appearance of the area and the significance of the CA from the subdivision and new boundary treatment. Whilst it may not necessarily enhance, it would meet the statutory test of preserving the character of the Sunnyside CA. The impact would therefore be at worst neutral.
19. The proposals would therefore comply with policy DM4 of the DPD in respect of local character and distinctiveness and policy DM8. These policies are concerned with, amongst other things, the character and appearance of developments and, where relevant, developments within CA's. Furthermore, the proposals would comply with the requirements of paragraphs 124, 127, 192, 194 and 196 of the Framework in respect of the historic environment and the character and appearance of developments.

Other Matters

20. I recognise that the existing building is not used to its maximum potential and the change of use to a dwelling would therefore bring the building back into use. The net gain of a single dwelling by bringing this building back into an active use would only have modest benefits to the wider area. Subsequently I attach limited weight in this regard.

Conclusion

21. The proposals would provide adequate external amenity space and privacy for both future residents of the proposed dwelling and occupants of No 298. Furthermore, the extent of noise and disturbance from activity at either of these properties would not be harmful to living conditions. Moreover, the proposals would bring an unused building back into use and would not have a harmful effect on the character and appearance of the Sunnyside CA.
22. However, the lack of harm in the above respects and the limited weight I afford to the benefits of the proposed dwelling does not outweigh the harm I have identified to the living conditions of the future occupants of the proposed dwelling in terms of outlook and natural light. Moreover, based on the evidence before me I cannot be sufficiently certain that the proposals would not result in a harmful effect on highway and pedestrian safety.
23. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Robert Walker

INSPECTOR