



Appeal Decision

Site visit made on 18 November 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/A3010/W/19/3236139

25-27 Rutland Crescent Care Home, Rutland Crescent, Harworth DN11 8HZ

- 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 Combellack against the decision of Bassetlaw District Council.
 - The application Ref 19/00560/FUL, dated 12 April 2019, was refused by notice dated 2 August 2019.
 - The development proposed is a two storey rear extension and single storey side extension with a change of use from care home to create six individual dwellings within the existing building and erection of a detached single storey building containing two additional dwellings.
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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 slightly 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 proposals.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of 29 Rutland Crescent and 18 Meadow Way with particular regard to noise and disturbance; and
 - the living conditions of the occupants of the proposed development having particular regard to outdoor amenity space provision.

Reasons

Character and Appearance

4. The appeal building is a large two-storey property, previously used as a care home but historically was a pair of semi-detached houses. Rutland Crescent is characterised by two-storey semi-detached properties fronting onto the road.

Planning permission exists (18/01487/FUL) for a two-storey rear and single storey side extension and change of use to six apartments.

5. Although the detached building to the rear would be single storey, it would appear significantly larger than a domestic garage and would be prominent from the public footpath passing the site. It would contrast with the pattern of the built form within Rutland Crescent, appearing as an incongruous building in this rear part of the site and would fail to harmonise with its surroundings.
6. The proposals would result in the frontage being open and given way to hardstanding for parking, pedestrian access and vehicular access. The combination of which would appear intrusive in the street scene. I recognise that many houses in the street have parking and large areas of hardstanding. However, these examples are not to the level proposed at the appeal site due to the length of its frontage in combination with the lack of front boundary treatment. In my view, the extent of this open hardstanding and parking, albeit softened to a limited extent by the proposed hedge, would detract from the appearance of the site within the street scene.
7. I therefore conclude that the proposals would result in significant harm to the character and appearance of the area. The proposals would therefore conflict with Policy DM4 of the Bassetlaw District Local Development Framework Core Strategy & Development Management Policies Development Plan Document (DPD) adopted 2011, 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) and Policy 1 and Policy 8 of the Harworth & Bircotes Neighbourhood Development Plan 2015 – 2028 (NP) dated October 2015. These policies are concerned with, amongst other things, the character and appearance of developments.
8. I consider that these policies are consistent with the provisions of the National Planning Policy Framework (the Framework). The development would also be contrary to paragraphs 127 and 130 of the Framework which broadly seeks to secure high quality design.

Living Conditions of the occupants of 29 Rutland Crescent and 18 Meadow Way

9. The proposals would result in parking spaces adjacent to the rear gardens of 29 Rutland Crescent and 18 Meadow Way. It would also result in an access near a side window of 29 Rutland Crescent and parking along the front of the appeal site close to this neighbouring property. A right of access exists to the rear at present, however, its previous or current use is not the same as the proposals before me. Both neighbouring properties have garages in the rear garden which would provide some limited screening, nevertheless vehicular movements would still be evident from the rear gardens.
10. I recognise that the Environment Health Officer at the Council did not object to the proposals, and I agree that it is not uncommon for households to have 3 cars. However, the extent of movements associated with the individual flats would likely be greater than that associated with one family house and would be evident from the neighbouring properties. In my view, the increased vehicular activity to the rear, and the parking and access arrangements, would result in significant harm to the living conditions of the occupants of 29 Rutland Crescent and 18 Meadow Way with particular regard to noise and disturbance.

11. The proposals would therefore conflict with Policy DM4 of the DPD, the Council's SPD and Policy 1 of the NP which amongst other things, seek to protect residential amenity. The proposals would also conflict with the requirements of paragraph 127 of the Framework which seeks, amongst other things, to ensure good standards of living conditions for existing occupants.

Living conditions of the occupants of the proposed development

12. The proposals would result in 8 residential units and there is some dispute between the main parties as to the amount of amenity space being provided on site in relation to the SPD's requirements. I have no reason to dispute the appellant's figures and consider the amount of amenity space to be appropriate. However, I do have concerns regarding the location and accessibility of this amenity space, as only 2 of the 8 residential units proposed overlook, and have direct access onto, the outdoor amenity space provided.
13. I therefore conclude on this main issue that the proposed development would lead to unacceptable living conditions for the occupants of the proposed development having particular regard to outdoor amenity space provision. The proposals would therefore conflict with Policy DM4 of the DPD and the Council's SPD which amongst other things, seek to provide a good standard residential amenity space in developments. The proposals would also conflict with the requirements of paragraph 127 of the Framework which seeks, amongst other things, to ensure good standards of living conditions for future occupants.

Other Matters

14. I recognise that the appeal site is in a sustainable location and that the proposed development would provide additional housing. However, planning policy expects housing to be located sustainably and it is not a matter that attracts substantial weight over and above what would normally be expected. Moreover, a net gain of 2 residential units from the planning permission for 6 units would only have a limited impact in the context of the overall housing supply, and I attach limited weight to the benefit in that regard.
15. I have had regard to other matters raised including the effects on living conditions of neighbouring properties during construction. However, any disturbance would be for a limited period during construction and would not amount to a reason to withhold planning permission.

Conclusion

16. The proposals would be in a sustainable location and would contribute to the local supply of housing. However, the lack of harm in those respects and the limited benefit I afford to 2 additional residential units from the approval for 6 units does not outweigh the significant harm I have identified to the character and appearance of the area, the living conditions of the occupants of 29 Rutland Crescent and 18 Meadow Way and the living conditions of the occupants of the proposed development. For these reasons, and having had regard to all matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR