



Appeal Decision

Site visit made on 2 May 2019

by David Storrie Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/A3010/W/19/3221324

Two Trees, Mattersey Road, Everton, DN10 5BN

- 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 and Mrs B Bailey against the decision of Bassetlaw District Council.
 - The application Ref 18/01371/FUL, dated 23 October 2018, was refused by notice dated 13 December 2018.
 - The development proposed is the erection of detached dwelling with integral garage, including the demolition of an existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are, firstly, the effect of the proposed development on the character and appearance of the area, and secondly, the affect of the proposed development on the living conditions of the occupiers of neighbouring properties, having particular regard to outlook and loss of light, and future occupiers in terms of overlooking.

Reasons

Character and appearance

3. The appeal site is located within the settlement boundary of Everton and faces Mattersey Road. The character of the immediate area is residential. The character of the road, particularly on the side of the appeal site, is made up of a variety of dwelling types, including bungalows, set back from the road with reasonable spacing between properties and wide plot frontages that provide a spacious character.
4. During my site visit I saw new residential development fronting Mattersey Road to the north, on the same side of the road as the appeal site, and to the south, on the opposite side of the appeal site. These developments appear more tight knit, in terms of side boundary relationships, than the prevailing development, but they had plot widths that were all the same, presenting a degree of uniformity, that I saw as a common feature along the road.
5. The proposed development would involve demolition of an existing detached garage, with the proposed dwelling sited between the existing dwelling on the

site and the northern boundary with the neighbouring property, 'Ash Garth'. Whilst the site would be wide enough to accommodate the proposed dwelling, the plot width would be significantly smaller than the plot widths of the properties to the north and south. As a consequence, the proposed dwelling would be noticeably out of keeping with the immediate area in terms of plot width and would appear cramped and at odds with the prevailing wider frontages on this side of Mattersey Road.

6. Unlike the new developments that the appellants have referred to, where they present uniform plot widths, the proposed development would introduce a much smaller plot width in isolation that would conflict with the character and appearance of the area with the proposed dwelling appearing cramped between the two existing properties. This would conflict with Policy DM4 of the Bassetlaw Core Strategy and Development Management Policies DPD (2011) (CS) that, amongst other things, seeks to ensure that new development respects its wider surroundings in terms of scale and form, including plot sizes.

Living conditions

7. The proposed dwelling would be sited close to the side boundary of Ash Garth to the north. This is a two-storey dwelling. Representations from the occupiers of this property inform that three ground floor and two first floor windows/patio doors exist on the southern side wall of their property and a side patio/garden area. Given the proximity of the proposed development, its scale and orientation in relation to Ash Garth, there would be some impact on daylight and sunlight on these side windows and amenity space that would have an impact on the living conditions of the occupiers of Ash Garth.
8. Whilst the ground floor windows on the side of Ash Garth face on to an existing boundary fence and hedge and therefore would have a limited impact on outlook, the scale and proximity of the proposed dwelling would impact upon outlook when looking above the boundary treatment. I acknowledge that the roof of the proposed dwelling has been designed to start above the proposed attached garage at ground floor and slope away from the boundary in order to reduce any adverse impact on the living conditions of the occupiers of Ash Garth but consider the scale and proximity would be quite overbearing when viewed from Ash Garth.
9. At first floor level a balcony area exists to the side wall of Ash Garth overlooking the appeal site. The appellant suggests that this serves a bedroom where occupation would be limited to times of the day where any impact would be limited. The occupiers of Ash Garth say the room is a study/living room that is used during the day and would be impacted by the proposed development in terms of outlook and loss of light. Given the orientation, scale and proximity of the proposed dwelling there would be an adverse impact on the living conditions of the occupiers of Ash Garth.
10. The cumulative impact of the proposed development on ground and first floor windows/patio doors facing the appeal site, and the side patio/garden area, would be detrimental to the living conditions of the occupiers of Ash Garth by way of unacceptable overlooking and loss of light. This would conflict with CS Policy DM4 that, amongst other things, seeks to ensure that new development does not adversely affect the living conditions of neighbouring properties.

11. The existing balcony to the side of Ash Garth already overlooks the side garden of the appeal site's garden. However, this is currently an extensive garden and, because of the location of the existing detached garage, views into the private part of the garden appear limited. That would not be the case with the proposed layout where there would be clear views into the rear private garden area of the new dwelling. This would be detrimental to the living conditions of the future occupiers of the proposed dwelling in conflict with CS Policy DM4.

Other matters

12. The appellants have referred to the emerging Neighbourhood Plan (NP) that identifies the need for additional housing in Everton and the contribution that windfall sites would make to this. Whilst I note the emerging NP, it carries little weight in my consideration of the appeal, where any windfall site falls to be determined on its planning merits. I have considered the appeal in relation to the main issues identified and found it to be unacceptable.

Conclusion

13. For the above reason I dismiss the appeal.

David Storrie

INSPECTOR