



Appeal Decision

Site visit made on 5 November 2019 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2019

Appeal Ref: APP/B3030/W/19/3234536

2 Brackner Lane, Bilsthorpe NG22 8TU

- 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 & Mrs Arkley against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00217/FUL, dated 4 February 2019, was refused by notice dated 30 April 2019.
 - The development proposed is described as "demolition of existing dwelling and out-buildings, to be replaced by new 3 bed dwelling".
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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 site and surrounding area; and
 - the living conditions of the occupiers of neighbouring property, with particular regard to privacy and outlook.

Reasons for the Recommendation

Character and appearance

4. 2 Brackner Lane is one of two modestly designed and proportioned detached bungalows accessed from, and facing, a narrow private road leading from Brackner Lane. The bungalows were constructed as agricultural workers dwellings in association with a neighbouring agricultural enterprise, the former premises of which lie at the end of the road. The appeal bungalow has a large garden to the rear and a detached garage to the side. Apart from the neighbouring bungalow located immediately to the west of the appeal property, the site is surrounded by open fields. Despite the presence of the bungalows and factory which are now well-established, the character and appearance of the area is largely rural and open.
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5. Policy DM8 of the Allocations and Development Management Development Plan Document (DPD) seeks to strictly control development away from the main built up area and requires that replacement dwellings enhance their immediate setting and be sensitive to the defining characteristics of the local area. In order to reduce visual impact on the countryside, replacement dwellings should normally be of a similar size, scale and siting to that being replaced. Policy DM5 of the DPD and Core Policies 9 and 13 of the amended Core Strategy (CS) collectively state that the built form of the district should be reflected in the scale, form, mass, layout, design and materials of new dwellings.
6. The replacement two-storey dwelling would have a rectangular shape, with its length projecting along the eastern side boundary of the site and its main entrance together with the main architectural features facing the western side boundary and neighbouring bungalow. The elevation facing the road would contain a first-floor bedroom window and a single storey, flat roofed garage and gym. The new dwelling has been designed to appear as a barn conversion, albeit that it would not be related to any other agricultural or farm building. However, the immediate surroundings set by the modest appearance of the neighbouring bungalow provides a far stronger context for the development.
7. In terms of size and scale, the replacement dwelling would have a larger footprint, and significantly more mass, particularly due to the cumulative increase in the eaves and ridge height. As such, the proposal would fail to reflect the size and scale of the existing bungalow. Given the size of the plot, the proposed dwelling could be accommodated without leading to an overdevelopment of the site. However, the increased massing would make the replacement dwelling considerably more substantial and thereby more dominant, particularly when viewed from the open fields.
8. In addition, given its scale, siting, materials and more contemporary design, the building would not be read with its neighbour as a pair and the new building would appear incongruous set against the remaining bungalow. Moreover, the development would appear as a dominant addition which would harmfully affect the open character and appearance of the surrounding area.
9. It is possible that the bungalow could be extended without the need for planning permission. It is argued that these changes to the property could be more harmful to the character and appearance of the site and surrounding area than the proposal. Be that as it may, any extensions built as permitted development would be subject to certain conditions and limits in terms of their height. Accordingly, the resultant building, if extended in this way, would not be comparable with the proposed two storey building. Moreover, there is nothing before me to suggest that there is an intention to construct an alternative proposal. Accordingly, I give this matter limited weight as a realistic fallback position.
10. Accordingly, I conclude that through a combination of its size, scale and siting the proposal would result in significant harm to the character and appearance of the site and surrounding area. Therefore, the development would be contrary to Policies DM5 and DM8 of the DPD and Core Policies 9 and 13 of the CS.

Living conditions

11. The replacement dwelling would be set-back from the western side boundary shared with neighbouring bungalow and would project beyond the rear elevation of this bungalow. The appellant indicates that there would be over 17.5m between the proposal and neighbouring property, which is not disputed by the Council. I understand that a facing side window in the neighbouring bungalow serves a bedroom.
12. The replacement dwelling would have a large amount of glazing on the elevation that faces neighbouring property. However, the submitted plans also indicate that there would be a 1.8m high close-boarded timber fence between the properties. Therefore, there would be sufficient screening at the ground floor level. The proposed first floor windows would not serve habitable rooms, only bathrooms, dressing room and landing area. As such, a condition could be imposed to require they are obscure-glazed to ensure that the privacy of the occupiers of neighbouring property is not adversely affected. Thus, the development would not increase the levels of overlooking to a significant degree.
13. Given the set-back of the dwelling in relation to the shared boundary with the neighbouring bungalow, and the overall separation distance between properties, I am satisfied that the proposal would not be overbearing or adversely affect the outlook from the side window of the neighbouring bungalow, nor result in a sense of enclosure. Whilst the outlook from this window would change, significant harm to the living conditions of the occupiers of neighbouring bungalow would not result.
14. In the light of the above, I conclude that the appeal development would not adversely affect the living conditions of the occupiers of neighbouring property, with regard to loss of privacy or outlook. Consequently, the development would not conflict with Policy DM5 of the DPD, which states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from unacceptable overbearing impact or loss of privacy. Nevertheless, this does not negate the harm that the proposal would have on the character and appearance of the site and surrounding area.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

16. 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