
Appeal Decision

Site visit made on 30 January 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Appeal Ref: APP/A3010/W/19/3241507

Wembley Lodge, Wembley Road, Langold S81 9SP

- 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 Ms Gaffney against the decision of Bassetlaw District Council.
 - The application Ref 19/01003/FUL, dated 29 July 2019, was refused by notice dated 25 September 2019.
 - The development proposed is described as to construct a modest single storey dwelling on disused land adjacent to No.25 Doncaster Road with primary access off Wembley Road and provision for off road parking to the site and introduce a vehicular crossover and hardstanding to the frontage of No.25 Doncaster Road similar to that provided to its neighbouring properties.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Gaffney against Bassetlaw District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether or not the proposal would provide appropriate living conditions for future occupiers with particular regard to external space, outlook and privacy.

Reasons

Character and appearance

4. The area is mainly characterised by rows of semi-detached and terraced dwellings with lengthy rear gardens and space to the front giving an open, spacious character and appearance. The appeal site is located to the rear of 25 Doncaster Road. It is formed from a mix of hardstanding and grass. Access would be taken from Wembley Road, from where views are available of the appeal site. Its undeveloped state positively contributes to the open character between the properties on Doncaster Road and those on Wembley Road.

5. The proposed dwelling, being located to the rear of existing properties would introduce an inappropriate form of development which is out of character with the existing pattern of the linear built form. Furthermore, while the proposed building would be single storey, it would occupy much of the main area of the plot, extending across most of its width and length leaving only a small garden area compared to surrounding plots.
6. The existing garage to the rear of 26 Doncaster Road, would not be large enough to sufficiently screen views from public view. Due to its size and extent, the resultant large mass of built form would still be evident and visually dominant. Accordingly, it would form an incongruent and obtrusive structure considerably eroding the open spacious character formed by the rear gardens, at odds with the layout and pattern of development in the area.
7. For the reasons above, I conclude that while the building makes full use of the site, it does so in a manner that would be harmful to the character and appearance of the area. It would therefore be contrary to Policy DM4 of the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD 2011 (the DPD), part 12 of the National Planning Policy Framework (the Framework) and section 3.5 of the Successful Places Supplementary Planning Document 2013 (the SPD). Together these require, amongst other things, that new development should respect its wider surroundings, in relation to historic development patterns or building/plot sizes and forms, is sympathetic to local character and should support local distinctiveness by taking the opportunities available to integrate the proposal into the site, its setting and the way it relates to the local area.

Living conditions

8. The SPD states that dwellings should be provided with enough private outdoor space to meet the likely needs of the occupants. It suggests that a one bedroom dwelling, as proposed here, should have a minimum area of private open space of 50 sqm.
9. While the building would be of a lower height than the surrounding houses, any overlooking from first floor windows at No 26 and 24 would be at an oblique angle only. Furthermore, the windows would be a sufficient distance away to ensure that views from them would not lead to an unacceptable lack of privacy in the proposed rear garden. While the view from the first floor windows at No 25 would be more direct, the presence of the proposed building would ensure that a small area of the garden directly adjacent to the house would be private.
10. Nevertheless, the main usable area of garden to the rear, discounting the thin strips to the side of the proposed dwelling, that would be private would be small, enclosed by high boundary fencing and receive low levels of sunlight due to its north west orientation. While that may be the preference of the immediate occupiers, the building would be there for some time and should achieve satisfactory living conditions for all.
11. The small area to the front, provides an alternate sitting out area as suggested by the SPD. Although it would be partly screened, views would still be available into the area through the path to the bungalow.

12. Therefore, irrespective of the total area of external space provided, I am of the view that the amount and quality of that space that would be private would not be adequate.
13. The design of the proposed dwelling is such that the open plan kitchen/living /dining room would only receive light from a set of bi-folding doors. The north western boundary would be sufficiently close enough, and of a height and width to dominate the outlook from the bi-folding doors. This would create an unacceptable enclosing and overbearing effect on the main living room of the proposed dwelling.
14. For the reasons above, I conclude that the proposal would not provide appropriate living conditions for future occupiers with particular regard to external space, outlook and privacy. It would therefore be contrary to Policy DM4 of the DPD and section 3.11 of the SPD. These require amongst other things that development provides a decent standard of private amenity space for new residents, all dwellings should have a reasonable outlook and new development should make adequate provision for private outdoor space for future occupiers of the site.

Other matters

15. I note that there have been no objections from the Parish Council, or local residents to the scheme. However, I have found harm based on the planning considerations of the proposal. Furthermore, the lack of objection by the highway authority would be neutral in any planning balance.
16. The appellant states that the Council suggested in pre-application advice that the principal of a small dwelling on the site would be acceptable. However, I have no reason to suggest the alleged advice was anything other than informal advice that would not, in any case, have prejudiced the Council's decision on a subsequent planning application. In any event, it falls to me to assess the merits of the proposed dwelling.
17. The appellant states that she is unable to find equivalent accommodation in Langold and therefore would need to move away from friends and family to the detriment of those relationships, particularly if her partners health issues deteriorate further. Personal circumstances rarely outweigh general planning considerations as the occupants of a dwelling can change whereas the development would be permanent. In any case, there is no substantive evidence of this before me and therefore I give it only limited weight.

Conclusion

18. There is no disagreement between the parties that the strategic policies contained within the DPD are not up to date as they have not been reviewed within the last five years. However, the location of the new house within a reasonably accessible location is not in dispute.
19. Policy DM4 regarding Design and Character is broadly in accordance with the requirements of part 12 of the Framework, which seeks to achieve well designed places. In particular paragraph 127c requires development to be sympathetic to local character and history and paragraph 127f requires a high standard of amenity for existing and future users. I am satisfied therefore that it is up to date, attracts full weight, and is the most important policy for determining the appeal. Furthermore, the Council states it is able to

demonstrate a five year housing land supply, and this has not been disputed by the appellant. Therefore, in the circumstances of this case, paragraph 11dii of the Framework does not apply.

20. The proposal would result in the addition of one house to the local housing stock in an accessible location. I have no reason to doubt that the proposal would use sustainable materials and technologies. Furthermore, there would be some employment generated during the construction of the building and future occupiers would contribute to the local economy. However, those benefits, even when taken together, would not be sufficient in my view to outweigh the conflict with the development plan and the harm that I have identified. There are no persuasive material considerations in this case to indicate that the proposal should be determined other than in accordance with the development plan.
21. For the reasons set out above, and having regard to all other matters raised, I conclude on balance that the appeal should be dismissed.

Zoe Raygen

INSPECTOR