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## Appeal Decision

Site visit made on 12 February 2020

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> March 2020**

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**Appeal Ref: APP/F4410/W/19/3241779**

**20 Talbot Avenue, Barnby Dun, Doncaster DN3 1AD**

- 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 Richard Charlton against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref: 19/00939/FUL, dated 6 April 2019, was refused by notice dated 31 May 2019.
  - The development proposed was originally described as "on land associated with 20 Talbot Avenue which has its frontage facing Brosley Avenue. Construct a 2 bedroom bungalow".
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a bungalow at 20 Talbot Avenue, Barnby Dun, Doncaster DN3 1AD in accordance with the terms of the application, Ref: 19/00939/FUL, dated 6 April 2019, subject to the conditions in the attached schedule.

### Procedural Matter

2. The description in the banner heading above is taken from the submitted planning application form. The Council's description from the decision notice more accurately reflects the proposal and so I have considered the appeal on this basis, including in my decision paragraph.

### Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of its future occupiers by way of the private outdoor amenity space provision and privacy.

### Reasons

#### *Character and Appearance*

4. The appeal site fronts onto Brosley Avenue and comprises part of the rear garden area of 20 Talbot Avenue (No 20). The site frontage is enclosed by a fairly open form of boundary treatment. No 20 is an end of terrace property that lies on a corner plot and contains a spacious garden.
5. Talbot Avenue is characterised by rows of similar terraced properties. Along Brosley Avenue and off the side roads, there is a more varied pattern of development, including semi-detached houses and bungalows. On the opposite corner of Talbot Avenue to the site, there are a pair of semi-detached

properties with a large double detached garage to its rear. The neighbouring property, 2 Talbot Circle (No 2), is located close to its Brosley Avenue frontage, whilst other properties are set further back. Areas of informal open space can also be found alongside this road and footpaths.

6. The form and massing of the proposed bungalow would be modest. The gap that would be left to No 20 would maintain a reasonable degree of spaciousness that would respect the character of the area. As a consequence, even though it would be fairly close to its own plot boundaries, the proposal would not be cramped or 'shoe horned' into the site.
7. Nor would the bungalow form of the proposal appear out of place, with the variety of dwellings that are in its vicinity. It would appear unobtrusive, in particular as it would be sited in between considerably larger neighbouring properties. The nearest bungalow would be located a short distance away. It would sit comfortably in these surroundings.
8. The size and siting of the existing properties at No 20 and No 2 would also provide some screening from broader views along these roads. It would not be unduly prominent as a small bungalow property. In addition, its angular positioning would not be dissimilar to its neighbour at No 2 and so it would not be out of keeping in this respect.
9. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, it would comply with Policy CS14 A) 1. and 2. of the Doncaster Council Core Strategy 2011-2028 (2012) which concerns character, and the continuity and enclosure of streets and spaces by buildings. It would also accord with Saved Policy PH11 a) of the Doncaster Unitary Development Plan (1998) because it would not be at a density or of a form which would be detrimental to the character of the surrounding area or would result in an over-intensive development of the site.

#### *Living Conditions*

10. Based on the submitted site plan, the majority of the garden area would be to the rear of the proposed dwelling. There would also be a terraced area that would be accessed by sliding folding doors. The Planning Officer Report states that the size of the proposed garden would exceed the guidelines which the Council apply, notwithstanding that it would be of a fairly short length.
11. The relationship with No 2 would be similar to the existing situation. A first floor window on the rear elevation of No 2 already faces, at an angle, towards the rear garden of No 20. In addition, the positioning of the proposed dwelling would provide some screening of the terraced area from No 2.
12. Although the first floor windows of No 20 would be orientated towards the shared boundary, they would be set off from it by the remaining garden area of the host property. The existing rear garden of No 20 itself benefits from little in the way of privacy because of its largely open form. The occupiers of the proposal would have greater privacy in this regard because the garden and terraced area would be separated from the frontage by the positioning of the proposed dwelling.
13. I have also been referred to the Council's Residential Backland and Infill Development Supplementary Planning Document (SPD). The proposal would not entirely accord with the separation distances in the SPD, although there is

some flexibility in how such distances are to be applied. For the reasons that I have set out above, in this case, it would not equate to unacceptable harm.

14. I conclude that the proposal would not have an unacceptable effect on the living conditions of its future occupiers by way of the private outdoor amenity space provision and privacy. Accordingly, it would comply with Policy CS14 and Saved Policy PH11 as far as they concern the living conditions of the future occupiers in this respect.

### **Other Matters**

15. The Council has raised concerns regarding highway safety, although this does not feature in its reason for refusal. In relation to visibility splay issues, as I observed at the site visit, given the nature of the road to the front of the site in relation to traffic levels, it would seem to me this can be adequately provided and when controls over boundary treatment are also considered. The same applies as regards access and parking for the host dwelling. There is adequate space, if alterations need to be made.
16. A number of other material considerations have been brought to my attention by the appellant. As I have found the proposal complies with the development plan, I do not have cause to consider these further.

### **Conditions**

17. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. I have also imposed conditions concerning details of the external materials and boundary treatment in the interests of protecting the character and appearance.
18. Conditions are also imposed concerning water supply infrastructure and drainage in the interests of public health and minimising flood risk. A condition is also imposed concerning access and parking details in the interests of highway safety.
19. The Council requested detailed conditions concerning contamination and remediation. Whilst I acknowledge the lack of information on this matter, for such a modest development this would not be reasonable, in the absence of a substantive explanation to the contrary. However, I have imposed a condition dealing with contamination, if it is found. Where I have changed the wording of the remaining conditions put forward by the Council, I have done so in the interests of precision and not changing their overall intention.
20. I have applied pre-commencement conditions in respect of the drainage, access and parking details. These matters need to be agreed prior to development commencing as they would likely have to be addressed at the start of the construction phase. Hence, there is a clear justification.

### **Conclusion**

21. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

*Darren Hendley*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250, General Arrangement Drwg No. 832/1.
- 3) No development of the dwelling hereby permitted shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until the boundary treatments have been carried out in accordance with details that have been previously submitted to and approved in writing by the local planning authority. Thereafter the boundary treatment shall be retained.
- 5) No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within and adjacent to the site boundary have been implemented in full accordance with details that have been previously submitted to and approved in writing by the local planning authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.
- 6) No development shall commence until the foul, surface water and land drainage works have been submitted to and approved in writing by the local planning authority. The proposed dwelling shall not be occupied until the drainage works have been completed in accordance with the approved details and shall be retained thereafter.
- 7) No development shall commence until the following access and parking details have been submitted to and approved in writing by the local planning authority. These details shall include:
  - (i) the visibility splay at the access point;
  - (ii) the access and car parking for 20 Talbot Avenue;
  - (iii) surfacing, drainage works and where necessary marking out of the part of the site to be used by vehicles; and
  - (iv) a crossing over the footpath/verge.

The proposed dwelling shall not be occupied until these works have been completed in accordance with the approved details and shall be retained thereafter.
- 8) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These

approved schemes shall be carried out before the development is resumed or continued.