
Appeal Decision

Site visit made on 13 May 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2020

Appeal Ref: APP/B3030/W/20/3245616

Profile Hair Design and Beauty, 137 Barnby Gate, Newark on Trent NG24 1QZ

- 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 Thompson against the decision of Newark & Sherwood District Council.
 - The application Ref 19/01600/FUL, dated 29 August 2019, was refused by notice dated 28 October 2019.
 - The development proposed is the erection of two new apartments and creation of dropped kerb.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development above is taken from the Council's notice of decision, which more accurately reflects the proposed development and I do not consider that either party would be prejudiced by using this description.

Main Issues

3. The main issues in this case are:
 - Whether the proposed development adversely affects the living conditions of residents of Barnby Gate in particular through overbearing impact and loss of sunlight; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

4. The existing rear yard of 137 Barnby Gate (No. 137) would be sub-divided and a two-storey building with two apartments would be constructed on the back edge of the footway of Vernon Street. The rear elevation would be set slightly off the shared boundary with 135 Barnby Gate (No. 135) and would present a blank wall with mock window openings recessed into the brick work.

5. This blank wall according to the Council would measure approximately 10m wide, 5.6m to eaves and 7.5m to the ridge. At this scale and in such close proximity the proposal would create an oppressive and dominant feature which would have an overbearing effect upon the outlook and level of sunlight from both the back gardens of No. 135 and 133a Barnby Gate (No. 133a).
6. Due to the orientation of the proposed development to these neighbours there would be a significant shading at times and the gardens being narrow large areas would be seriously affected which would be particularly oppressive at No. 135.
7. I conclude therefore that the development would result in an overbearing impact and loss of sunlight which would have a detrimental effect on the living conditions of residents in Barnby Gate in conflict with Core Policy 9 of the Review of the Newark and Sherwood Local Development Framework Core Strategy and Allocations (amended Core Strategy) (2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management Development Plan Document (DPD) (2013), which among other things seek to ensure adequate amenity for neighbours.

Character and Appearance

8. The appeal site is located behind No. 137 but accessed off and fronting Vernon Street and is currently laid out with gravel partly behind a timber fence and partly open to the street. Vernon Street is characterised by terraced properties on the back edge of the footway, with on street parking on both sides of the road. The properties have a similar character and uniform building style creating a strong sense of place.
9. The proposed apartments would be sited in the rear yard of 137 Barnby Gate adjacent the gable end of 1 Vernon Street. The window openings and pattern reflect those of the property opposite and have a similar vertical emphasis to other properties in the street, with the addition of a dentil course at the eaves the design would have a similar appearance to other properties in the street all be it with a narrower gable reflecting the limited depth of the plot available.
10. As the design of the front elevation would be to mirror the properties opposite, I consider this would complement rather than conflict with the character and appearance of the street, nor do I find that the narrower gable, which would be viewable from the south when entering Vernon Street from this direction in itself would be harmful.
11. The majority of properties in the area being terraced have their amenity space behind them and this is not particularly noticeable from the public realm. Where amenity space is visible as with the appeal site as it stands, the gardens running alongside the street provides a sense of space and separation between properties which contributes to the character of the area.
12. I recognise that the space adjacent to the new building could be used as either parking or as amenity space, but it does not afford sufficient space around the proposed development to avoid appearing cramped and as a consequence somewhat incongruous in the street scene.
13. I conclude therefore that the proposed building would harm the character and appearance of the area and therefore not accord with Core Policy 9 of the amended Core Strategy and Policy DM5 of the DPD.

Other matters

14. I have been referred to the previous appeal decision APP/B3030/W/19/3221073 for a similar development on this site and I recognise that changes have been made to try to address the concerns identified previously. Nevertheless, I am obliged to consider this scheme on its own merits and do not consider that this scheme achieves a development in accord with development plan policy for the reasons set out.
15. I recognise there would be a minor economic benefit from construction and from the provision of two additional residential units, nevertheless this is not sufficient to outweigh the harm I have identified.
16. Another example of a similar building at 161 Barnby Gate and 2 Wood Street has been referred to, but I have not been given the details of this scheme, or the circumstances of the permission. I recognise there are some similarities, but these would not justify a scheme contrary to development plan policy or overcome the harm I have identified.
17. Third parties refer to a dispute over a claimed private right of way being obstructed, this is not a material planning consideration and I have not given this weight in coming to my conclusions.
18. Other concerns regarding inadequate parking, congestion and impact from the local chip shop have been identified by third parties, but I have not been provided with detailed evidence on these factors and as I am dismissing the appeal for other reasons there is no need for these to be considered further.

Conclusions

19. For the reasons set out I conclude the appeal should be dismissed.

Edwin Maund

INSPECTOR