



Appeal Decision

Site visit made on 16 June 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2020

Appeal Ref: APP/W3005/W/19/3239305

131 Huthwaite Road, Sutton-in-Ashfield NG17 2GY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Lynn Howell against the decision of Ashfield District Council.
 - The application Ref V/2019/0373, dated 4 June 2019, was refused by notice dated 23 July 2019.
 - The development proposed is described as the 're-submission of outline planning permission application No. V/2019/0169. Outline planning permission is sought to establish that the construction of a single storey bungalow to the rear of 131 Huthwaite Road would be acceptable by Ashfield District Council'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with matters regarding means of access, layout, scale, appearance and landscaping reserved for later determination. The Appellant has included some details of the scheme in the Design and Access Statement and in the Proposed Block Plan (Drawing No 1002/002), but these are merely indicative, and this Decision Letter proceeds from that position.
3. The development described in the application included reference to various standards and policies. I have shortened the description slightly for the purposes of clarity but note the content of the various references.

Main Issues

4. The main issue is the effect of the development proposal on the character and appearance of the area.

Reasons

5. The appeal site occupies the rear part of the back garden of 131 Huthwaite Road in Sutton-in-Ashfield. The gardens of No 131 and its immediate neighbours are long and quite narrow and populated with huts and sheds. The proposed development comprises a dwelling.
6. The aforementioned indicative details include a description of the dwelling as being a 2-bedroom, single storey bungalow measuring around 10 metres in length, 7 metres in width and 4.5 metres in height. It would be positioned such that the gable ends would face the top and bottom of the garden.

7. Vehicular and pedestrian access would be taken from Columbia Avenue utilising the existing driveway at the bottom end of the host property's garden. A new driveway for the host property would be provided in the front garden through implementation of an extant planning permission (V/2018/0403). Existing mature shrubs and trees on the appeal site would be retained in situ where possible.
8. The submitted indicative layout shows that, notwithstanding a discrepancy between the Council and the Appellant over the size of the site (210 sq. metres and 275 sq. metres respectively), a dwelling constructed in this rather narrow garden would appear to be very cramped. It would disrupt the established pattern of the back gardens of homes along Huthwaite Road dividing quite a large garden at No 131 into 2 quite small ones. Irrespective of its eventual dimensions, the dwelling would be a very dominant structure within the immediate neighbourhood. It would thus be incongruous and out of place within the context of the host garden, the surrounding gardens and the wider neighbourhood. As such it would harm the character and appearance of the area.
9. Notwithstanding the presence of a mature hedge along the outer boundary of No 133, the outline status of the proposal means that it is not possible to state with any certainty the extent to which the dwelling might be visible to those travelling along Columbia Avenue parallel to the site. However, depending upon its precise position there might be fleeting glimpses of the dwelling through the opening to the driveway.
10. The Appellant directed me to several 'backland' developments within the area as evidence of this type of scheme. I understand that one of these is an office development and not residential. Another was constructed without planning permission and approved retrospectively. At the far end of Columbia Avenue, the road was extended such that the new dwellings along it cannot properly be described as backland since they face the highway. But irrespective of these considerations, since each proposal is judged on its individual merits an approval for one scheme does not necessarily provide support for another, even if it is in close vicinity. Thus, I give only very limited weight to this aspect of the Appellant's submission.
11. The predominant pattern of development within the neighbourhood consists of dwellings facing the road with a garden and driveway to the front and a garden to the rear. Nevertheless, a backland development just off Columbia Avenue and to the rear of No 129 does not face a public road and this does not seem to be an arrangement that unduly disrupts the character and appearance of the area. In principle, backland developments can be acceptable subject to ensuring that no significant harm is caused to various considerations including the character and appearance of the area.
12. However, notwithstanding these considerations, because of the size and shape of the site, the development proposal would constitute a cramped, alien and discordant structure within the area and would be contrary to the prevailing pattern of development. It would, therefore, cause very significant harm to the character and appearance of the area. Consequently, it would fail to accord with Policies ST1 (a & b) and HG5(g) of the Ashfield Local Plan Review 2002 that require, respectively, new development to accord with all relevant parts of

the plan and protect the character of the area, and that the design of new dwellings should be acceptable in terms of appearance, scale and siting.

13. Furthermore, although the advice set out at Paragraph 70 of the National Planning Policy Framework (the Framework), placing emphasis on the protection of gardens against inappropriate development, is directed to policy making, it applies to decision making also. As well as being inconsistent with the advice at Paragraph 70 of the Framework the proposal would also fail to comply with the provisions of Paragraph 127 that jointly and severally seek to ensure that new development is visually attractive, with good quality architecture, layout and landscaping.

Other Matters

14. The housing land supply in the district is less than 3 years which represents a significant shortfall. Consequently, Paragraph 11d) of the Framework is engaged. Under this approach to decision making, planning permission should be granted for housing proposals unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate that development should be restricted.
15. The proposal for 1 dwelling would help to meet some of the unmet housing need but only very marginally. It would be designed to meet nationally ascribed space standards as well as those governing accessibility for disabled people. Furthermore, it would not create any on-street parking issues. The absence of door and window openings from the side elevations would ensure that there would be no appreciable loss of privacy to occupants of No 129 and No 133 when sat in their garden close.
16. However, due to the confined space available for a dwelling, the proposal would cause very significant harm when assessed against individual policies in the Framework seeking to protect back gardens and neighbourhoods from inappropriate development. Thus, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Conclusion

17. For the reasons set out above the appeal should be dismissed.

William Walton

INSPECTOR