



Appeal Decision

Site visit made on 11 August 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/F4410/W/20/3252331

38 Hawthorne Crescent, Mexborough, Doncaster S64 9EL

- 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 Mark Roberts against the decision of Doncaster Council.
 - The application Ref 19/02635/FUL, dated 18 October 2019, was refused by notice dated 19 February 2020.
 - The development proposed is Old outer building that has been converted as a sweet store, foot traffic only for local residents and children.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The name on both the Council's planning application form and the appeal form was listed as Leanne Roberts. At the appellant's request, the name has been amended to that of their father, Mr Mark Roberts. I am satisfied that the appeal can progress on the basis of his name.
3. The description of the proposal has been amended by the Council and is described as; *Change of use of outbuilding to retail, for sale of sweets and household goods (Retrospective)*. I concur this accurately describes the proposal before me.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect on the living conditions of local residents.

Reasons

5. The appeal site is a semi-detached dwelling located in a suburban area of Mexborough of other similar house types within the estate. An outbuilding to the side of the dwelling is currently in use as a small sweet shop with a bench area separating the shop display area from visiting customers.

Character and Appearance

6. Despite the outbuilding being in place, and although it has not been extended in size, it has been altered in appearance and function away from a typical

ancillary domestic building, into an A1 retail commodity. The use of a new serving window to the front creates a commercial element to it and appears as an incongruous feature to its original domestic form. By creating a shop front within an outhouse is not a harmonious addition to the property in a street scene of residential units. It therefore results in harm arising to the host dwelling and to the character and appearance of the area.

7. The proposal conflicts with the aims of Policy CS14 of the Doncaster Core Strategy 2012 (CS) for development to contribute positively to local distinctiveness and integrate well into its immediate surroundings. It does not amount to acceptable design and is in conflict with the aims of the National Planning Policy Framework to achieve well designed places.

Living Conditions

8. The site is located within close quarters of other dwellings within a built-up residential area. Noise is generated by the comings and goings of customers and the quantity of footfall would be significantly more as a result of this type of business, rather than a typical dwelling.
9. The hours of opening can be controlled by condition and the appellant would agree to this being conditioned, nonetheless, the use as a retail shop in a residential area with increased footfall with the added potential for deliveries of wares, does generate a level of noise that is not typical within a residential environment as this.
10. Much emphasis is made by the appellant that the shop would serve local need with people arriving by foot. However, there is no guarantee that patronage of the shop would exclusively come from within the area and that people would walk to it. Despite no highway safety concerns raised to the proposal, noise and disturbance from vehicles visiting the site will increase noise levels with the area, resulting in additional noise and disturbance to local residents.
11. The Doncaster Unitary Development Plan Policy PH12 may support non-residential uses within residential areas. Whilst the proposal may not generate high levels of fumes or smells, it generates noise and is not an appropriate location to provide an A1 retail unit for the aforementioned reasons.
12. I am not persuaded that the appellant's income figures submitted with the appeal realistically demonstrates the low numbers of customers to the site. In any event, numbers could rise significantly with no control of such.
13. On this basis the proposal conflicts with Policy PH12 of the Doncaster Unitary Development Plan 1998 that permits non-residential uses provided local amenity is protected, and policies CS1 and CS14 of the Doncaster Council Core Strategy 2011-2028 (2012) that seeks for all proposals to protect local amenity.

Other Matters

14. The appellant raises issues with the Council's 'opinion' of the proposal. However, it has been determined against both national and local policy and I find no disagreement with their findings.

15. The occupation as the appellant's sole employment has been brought to my attention. CS Policy CS1 may support job creation although this is required to be balanced against other material considerations.
16. Children may visit the shop who come from within walking distance, and this may be a safe environment to do so, which I do not dispute. However, there is no evidence to suggest that a proposal like this would strengthen communities.
17. There may be anti-social behaviour issues within Mexborough, however there is nothing before me to demonstrate that the continued use of the unit would deter people from travelling further to access confectionery and therefore be exposed to anti-social behaviour.
18. Even though the appellant would agree to no advertisements of the shop, this does not lead me to a different outcome.
19. Whilst CS Policy CS14 requires development to be flexible, each application should be considered on its own merits. It is not to say that this building cannot be adapted in another way.
20. Other outlets selling sweets is not within my remit to comment upon nor is the commercial viability of this shop.
21. I appreciate the health issues of the appellant that has been brought to my attention, the implications of this type of job and their health, and their desire to work close to home. Whilst these are factors I have considered in determining this appeal, they however do not outweigh the harm I have identified.

Conclusion

22. Taking account of all matters before me, the appeal is dismissed.

Alison Scott

INSPECTOR