



Appeal Decision

Site visit made on 13 July 2020 by Andreea Spataru BA (Hons) MA

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2020

Appeal Ref: APP/B3030/W/20/3248714

Land to rear of the Croft, Great North Road, Cromwell NG23 6JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr C. Simpson and Mrs R. Sanderson against the decision of Newark & Sherwood District Council.
 - The application Ref 19/01778/RMA, dated 25 September 2019, sought approval of details pursuant to condition No 2 of a planning permission Ref. 18/01833/OUT, granted on 17 January 2019.
 - The application was refused by notice dated 20 November 2019.
 - The development proposed is described as "Details of the appearance, landscaping, layout, access and scale of proposed detached dwelling along with SW and FW drainage."
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. Outline planning permission for the construction of a detached dwelling on this site has already been granted, so it is not the principle of residential development that lies at the heart of this appeal, but rather the acceptability or otherwise of the details now put forward. From all that I have seen and read I consider the main issues to be the effect of the proposal on:
 - the character and appearance of the area, including the setting of the local interest building; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to overlooking and overbearing.

Reasons for the Recommendation

Character and appearance

4. The appeal relates to a parcel of land located on the western side of Great North Road, and is served by a single lane access track, which leads off Great North Road. There are residential dwellings to the south, north and east of the site. Glimpses of the site can be seen from the road, between the dwellings that front Great North Road, including The Croft, which is a local interest building. The openness against which The Croft is appreciated from the road
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contributes to the setting of this building, which is a good example of rural vernacular architecture. The site is also within proximity of a row of terraces Nos 6-9 Great North Road, which are of architectural interest.

5. The proposal seeks to construct a two-storey, pitched roofed dwelling with a 1.5 storey integral garage. The dwelling and the garage would form an L-shaped building, with its widest elevation being on the north/south direction. The dwelling would extend across a significant part of the width of the plot and would be only slightly set back from the access lane.
6. The dwelling would contain a significant amount of glazing, particularly on its principle elevations, south and west. Given its orientation within the plot, the eastern side elevation would be visible within the street scene. The amount of glazing proposed, and asymmetrical openings are not characteristic of the area.
7. The proposed dwelling, due to its scale, form and overall design would appear excessively prominent and intrusive, particularly when viewed in the context of the frontage dwellings. I note that the scale of the dwelling is comparable to that of the existing backland properties, particularly those located to the north of the site. The layout of the backland dwellings is also diverse and does not follow that of the frontage properties. Notwithstanding this, the immediate area of the proposed dwelling, as viewed within the street scene, provides a stronger context for the appeal site. Thus, the development would appear as a dominant, incongruous addition which would harmfully affect the character and appearance of the area.
8. Whilst a two-storey dwelling has been considered acceptable in principle in this location, the significant massing of the proposed dwelling makes the proposal unacceptable, as it would erode the openness, which would be detrimental to the setting of The Croft. Given the position of the site in relation to Nos 6-9 Great North Road, the dwelling would not have a direct impact on the setting of these dwellings.
9. Accordingly, I conclude that through a combination of its scale, form and design, the proposal would result in significant harm to the character and appearance of the area, including the setting of the local interest building. Therefore, the development would be contrary to the objectives of Core Policy 9 and Core Policy 14 of the Amended Core Strategy (CS), and Policies DM5 and DM9 of the Allocations & Development Management Development Plan Document (DPD), which together require, amongst other things, that developments respect their surroundings, including the setting of local interest buildings, and have an appropriate form and scale to their context.

Living conditions

10. At the time of my site visit the appeal site was bounded by close boarded timber fencing to the south, north and west. The proposed dwelling would be set in from the southern boundary and within close proximity to the northern boundary. Its principle elevations, where most of the glazing would be, face south and west, towards the proposed garden area.
11. The Council's concerns relate to the effect of the development on the living conditions of the occupiers of the bungalow located to the south of the appeal site, No 36 Great North Road, with particular regard to overlooking and overbearing effects, and on the living conditions of the occupiers of No 2 Laurels Close, with particular regard to overlooking.

12. The 1.5 storey element of the proposal would be the closest to the south boundary and there would be a window at the first-floor level, which would be serving the master dressing/lounge. This window would be facing towards the neighbouring bungalow, which has several windows on its northern elevation at the ground floor level. Whilst the proposed window would not directly overlook the bungalow's windows due to their position, it would overlook the area immediately to the front of the bungalow. The western wing of the dwelling would contain three other windows that would face towards the bungalow, albeit only one would serve a bedroom. Given the separation distance between these windows and the bungalow, the overlooking levels would not be increased to a significant degree. Nonetheless, they would add to the perception of overlooking.
13. Given the separation distance between the proposed dwelling and No 2 Laurels Close, whilst both dwellings would have windows facing each other, the proposal would not increase the levels of overlooking to a detrimental degree. There would be a degree of overlooking arising from the windows located on the northern and western elevations of the proposed dwelling, as they would face towards the garden area of No 2 Laurels Close, however this is to be expected within a built-up area.
14. There would be a significant difference between the scale of the existing bungalow and that of the proposed dwelling, particularly due to the height and massing of the dwelling. However, given the set back of the dwelling from the southern boundary and the overall separation between dwellings, the proposal would not be overbearing, nor result in a sense of enclosure.
15. Accordingly, I conclude that the appeal development would adversely affect the living conditions of the occupiers of the neighbouring bungalow, with regard to loss of privacy. Consequently, the development would conflict with Policy DM5 of the DPD, which requires, amongst other things, that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure neither suffers from unacceptable reduction in amenity, including loss of privacy.

Other matter

16. I note the amendments made during the application process to the original scheme and the appellants' willingness to negotiate the changes to their initial proposal. Nonetheless, for the reasons set out above, the amended scheme is not acceptable.

Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR