



Appeal Decision

Site visit made on 18 August 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/A3010/W/20/3250674

Woodhouse Inn, Shireoaks Road, Shireoaks S80 3HD

- 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 Bal Sahota against the decision of Bassetlaw District Council.
 - The application Ref 19/01437/FUL, dated 7 November 2019, was refused by notice dated 2 January 2020.
 - The development proposed is 2 nos. A1 units and 1 nos. A3 units – resubmission of 18/01483/FUL
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of nearby dwellings, with particular reference to noise and disturbance.

Reasons

Character and appearance

3. The proposed development would sit to the side of the two storey Woodhouse Inn, a building which by reason of its design, scale and prominent positioning makes a positive contribution to the character and appearance of the area. The existing buildings adjacent to the appeal site consist of older properties on the opposite side of Shireoaks Road and more modern housing around the public house itself. The prevailing height of buildings in the locality and the context in which the proposal would be assimilated is two storey, and this is a key component of the character and appearance of the area.
4. By virtue of its single storey height and partially flat roofed design, the proposal would share an awkward visual relationship with the Woodhouse Inn and it would form an incongruous feature in the surrounding street scenes. It would contrast substantially not only with the scale of the Woodhouse Inn, but due to its relatively simplistic design in relation to the more aesthetically pleasing public house. The proposal would also appear as out of character with the prevailing scale of development against which it would be viewed, as it would contrast with the scale of the built form that is present on Woodhouse Close. As a result of these factors, the proposal would cause significant harm to the character and appearance of the area.

5. The appellant has drawn attention to the fact that there was no objection to the proposed development from the Council's Conservation Officer. However, this response refers more specifically to the impact on the significance of the Woodhouse Inn as a non-designated heritage asset and does not address considerations relating more generally to the impact upon the character and appearance of the area. That harm would not arise in respect of the significance of the non-designated heritage asset does not outweigh the harm I have identified as arising to the character and appearance of the area as a result of the proposal.
6. For these reasons I conclude that the proposed development would cause significant harm to the character and appearance of the area. The proposal would therefore fail to accord with Policy DM4 of the Bassetlaw Core Strategy & Development Management Policies DPD 2011 (CS) where it seeks to protect the character and appearance of areas. There would also be conflict with the objectives of The National Planning Policy Framework (The Framework) which seeks to achieve well-designed places.

Living conditions

7. The appeal site currently operates as a public house and it has extensive outdoor seating areas and car parking, including in the area on which the appeal proposal would be sited. Due to their relative proximity, the existing use and the comings and goings from the public house will be likely to generate some degree of noise and disturbance to the occupiers of the dwellings closest to the site. The nearest dwelling to the rear boundary sits with a blank side gable facing the appeal site. Substantial brick walls also define the rear and side boundaries of the site and provide screening and separation between the dwellings closest to where the appeal proposal would be constructed. Furthermore, there are also already frequent movements of vehicles along Shireoaks Road, which is a main route between Worksop and Shireoaks, and along the A57 which passes close to the appeal site on a flyover. These movements contribute to the surrounding noise environment.
8. Whilst visits to the appeal proposal would intensify the amount of activity at the site, based upon the characteristics of the appeal site and its surroundings, its current public house use, the existing noise environment, the scale of the proposal and the specific uses that the proposed units would be put to, I am not persuaded that the proposal would cause harm to the living conditions of the occupiers of nearby dwellings through noise and disturbance. In reaching this conclusion, I am also mindful that the appellant has set out proposed hours of use which would restrict the opening of the units to between 8am and 10pm on Mondays to Saturdays and 8am to 12pm on Sundays and Bank Holidays, which would prevent noise and disturbance during early morning and night time hours.
9. The Council has highlighted specific concerns relating to the positioning of car parking spaces and bin storage. The existing car parking is laid out in a form consistent with that shown on the proposed layout plan, in so far as it relates to the positioning of parking spaces nearest to existing residential dwellings. Therefore, there would not be a material difference in this relationship as compared to the existing situation. There is also the aforementioned brick wall positioned along the rear boundary of the site and the side boundary with

Woodhouse Close, which would serve to reduce the noise and disturbance impacts of movements associated with these parking spaces.

10. The bins of the public house are not presently stored in the position shown on the proposed layout plan, but instead on part of the site on which the appeal development would be constructed. However, given the size of the site on which the Woodhouse Inn sits, alternative storage away from residential boundaries could be achieved and, had I been minded to allow the appeal, such alternative arrangements could have been secured by way of a planning condition.
11. For these reasons I conclude that the proposed development would not cause harm to the living conditions of the occupiers of nearby dwellings with regard to noise and disturbance. Accordingly, there would be no conflict with the objectives of Policy DM4 of the CS where it seeks to protect living conditions. There would also not be a conflict with The Framework where it too seeks to safeguard living conditions.

Other Matters

12. The appellant has drawn attention to the economic benefits that would arise from the proposed development, including in providing both the nearby existing housing and proposed new housing with more variety of facilities and services allowing a more sustainable approach to living. Economic benefits arising during construction, through the creation of jobs and in terms of business rate generation are also highlighted. However, such benefits do not justify or outweigh the significant harm that would be caused to the character and appearance of the area as a result of the proposed development.
13. Reference is also made to the proposed units being needed to cross subsidise the existing public house and maintain its financial viability, however no substantive evidence has been provided in support of this claim. Therefore, this cannot carry any weight in favour of the proposed development. That the appellant has invested money in bringing the public house back into use also does not justify a harmful development.
14. I acknowledge that the appellant has sought to amend the scheme from previous submissions to attempt to address the concerns of the Council. However, with respect to the main issue relating to character and appearance, the proposals before me have failed to ensure that harm would not arise.

Conclusion

15. Whilst I have not found harm to living conditions, I have found significant harm to the character and appearance of the area and subsequent conflict with the development plan. For this reason, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR