
Appeal Decision

Site visit made on 18 August 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/F4410/W/20/3250194

7 High Street, Dunsville, Doncaster DN7 4BS

- 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 Derek Hartshorne against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/02612/FUL, dated 19 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is the erection of a 3 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a 3 bedroom dwelling, at 7 High Street, Dunsville, Doncaster DN7 4BS, in accordance with the terms of the application Ref 19/02612/FUL, dated 19 October 2019, and subject to the conditions in the attached schedule.

Preliminary Matter

2. I have taken the description of development from the appeal form as it is more succinct than that given on the application form.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the area and ii) the living conditions of future and neighbouring occupants.

Reasons

Character and appearance

4. The appeal site comprises a bungalow set centrally within its plot on High Street in Dunsville. Running alongside the site is the entrance to Greenacre Close, a later cul-de-sac development of narrowly set, detached, two storey dwellings. The proposal is for a detached, two storey dwelling within the rear garden of the appeal site which would front onto Greenacre Close. The Council's concern is that the proposal would represent an over-intensive development of the site, due to short separation distances between the proposal and existing dwellings.
5. The proposed dwelling has been designed to reflect the form of dwellings on Greenacre Close, in effect seeking to continue the line of development on this side. The dwelling would incorporate the prominent front gable and pitched roof

above the ground floor bay window and porch, and it would match the eaves and ridge height of the adjacent dwelling at 1 Greenacre Close. Whilst it would be set back from the front building line of No 1, it would sit at a slight curve in the road and would reflect the staggered building line on the opposite side. Indeed, development on the opposite side extends for a further two dwellings, meaning the proposed dwelling would appear as part of the existing development rather than as an obvious extension of it. In this respect, the proposal would accord with the Development Guidance and Requirements: Supplementary Planning Document (July 2015) (the DGR) which states that where new developments seek to integrate into existing areas, they should generally follow established building lines, building heights, massing, plot development ratios, materials and landscaping treatments.

6. The Council also refers to conflict with the guidance of the Backland and Infill Development SPD (November 2010). I accept that the dwelling would not be subservient to the existing bungalow given its height; however, it would clearly be read as part of Greenacre Close, rather than as an isolated backland addition, and therefore would not result in an awkward relationship between the two dwellings, nor would the proposal detract from the street scene along High Street given its recessed position and integration with the pattern of development on Greenacre Close.
7. Moreover, though the dwellings on Greenacre Close are largely consistent in scale and materials, there are variations to the detailed design of the bay windows and porches, whilst some dwellings have integral garages. In this context, the proposed dwelling would complement the existing street scene in scale and appearance.
8. The proposed dwelling would stand 11.5m from the main rear wall of the existing bungalow on the site, the garden of which would be reduced to 8.5m in depth. I address the implications of this on living conditions below, but in terms of character and appearance, I saw that the separation distance between 2 Greenacre Close and 11 High Street opposite was comparable, if not shorter, than that which would result from the proposal. No 7 would also retain space to the side of the dwelling and a generous front garden, and both the existing and proposed dwellings would have private external space in excess of the 60 square metre guidance of the DGR.
9. Taking these considerations together, I find that the proposed dwelling would suitably reflect the prevailing scale, layout, design and materials of Greenacre Close, would provide sufficient garden space and would retain adequate physical separation from the existing dwelling.
10. I therefore conclude that the proposal would preserve the character and appearance of the area, and no conflict would arise with Policies CS1 and CS14 of the Core Strategy 2011-2028 (2012), or saved Policy PH11 of the Doncaster Unitary Development Plan (1998), which together require development to be of high quality design which contributes to local distinctiveness, integrates well with its immediate and surrounding local area, and seek to resist development which would be at a density or other form which would be detrimental to the character of the surrounding area or would result in an over intensive development of the site. The proposal would also accord with the design related aims of the National Planning Policy Framework (the Framework).

Living Conditions

11. The Council refers to separation distances set out in the DGR, specifically a distance of 10 metres to the boundary where a habitable room overlooks neighbouring garden space. The DGR adds that this distance may need to be increased where the garden is existing, but also that oblique or obscured outlook from habitable windows within 10 metres may be allowed at the discretion of officers, dependant on site circumstances.
12. The rear windows at first floor level would face towards the end of the rear garden of 5 High Street, at a distance of 8 metres to the boundary. This would fall short of the DGR guidance. However, of the two windows, one is to serve a bathroom and in all likelihood would be obscurely glazed, preventing outlook, and the other would serve a bedroom, which is unlikely to be occupied for long periods in the day when overlooking could take place. Notably, No 5 has a large, detached garage to the rear of the garden, and a tall, solid garden fence with vegetation above it in places. The rear facing windows are at an oblique angle to the proposed dwelling and in excess of 10 metres away. Each of these factors would serve to limit the degree to which the neighbouring property could be overlooked from the proposed dwelling. Having regard to these site circumstances, and the discretion with respect to separation distances set out in the DGR I am satisfied that, despite the shortfall in the depth of the rear garden, the proposed dwelling would not lead to harmful overlooking of the dwelling or garden of No 5 or loss of privacy to its occupants.
13. There would be a small window serving the staircase in the side elevation facing the existing bungalow; however, this would not serve a habitable room and I am satisfied a harmful loss of privacy would not result.
14. As indicated above, both dwellings would retain sufficient private external space. The proposed dwelling would be narrow in depth and would sit in front of the existing dwelling at 1 Greenacre Close, meaning the breadth of massing at the rear would not be significantly different than at present and, although the built form would come closer to the rear of No 7, there would remain sufficient separation distance between them and outlook to either side of the dwelling would be retained for occupants of No 7.
15. Overall, therefore, I conclude that the proposal would not harm the living conditions of existing or proposed residents and no conflict would arise with the aforementioned Policies CS1, CS14 or PH11 in terms of their aims to protect the amenity of neighbouring occupants, land uses and the environment. Nor would there be conflict with the similar aims of the Framework.

Other Matters

16. An interested party refers to the removal of bushes and small trees previously in situ along the boundary with 1 Greenacre Close. However, the evidence does not indicate that any trees on the site were subject to statutory protection, such that their removal may have required consent from the Council. This is not a matter weighing against the proposal, therefore.
17. The Council did not oppose the application in terms of its effect on parking or highway safety. On the evidence before me, including plans showing the provision of off-street parking and the low levels of traffic within the cul-de-sac, I have no reasons to conclude differently on this issue.

Conditions

18. I have had regard to the conditions suggested by the Council. The appellant has confirmed their agreement to proposed conditions where they are pre-commencement.
19. In addition to the standard time limit, a condition listing the approved plans is required, to provide certainty. A condition specifying the external materials to be used is necessary to ensure a satisfactory appearance.
20. The Council's pollution control officer notes the site as formerly being the location of a service/repair station, with strong possibility of contaminants remaining on site. A condition is therefore necessary to require ground investigations to be undertaken, and remedial action where necessary, in the interests of human health. This condition is pre-commencement as to undertake it as a later stage risks exposing and using contaminated soil, undermining its purpose in protecting end users of the development. Further conditions are necessary to address any unexpected contamination which may be discovered during construction, and to ensure any soils brought onto the site are not contaminated.
21. Conditions are necessary to ensure parking areas and visibility splays are laid out to a suitable standard before the development is brought into use, in the interest of pedestrian and highway safety.
22. Finally, a pre-commencement condition is required to ensure details of foul and surface water drainage are agreed prior to development beginning, in order that the approved measures can be constructed as part of the development and are operational prior to it being brought into use.

Conclusion

23. For the reasons given, the appeal is allowed.

K Savage

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed plans drawing no 830/2 Sept 2019.
- 3) Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
- 4) No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.
 - a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.
 - b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.
 - c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.
 - d) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the

additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

- 5) Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.
- 6) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.
- 7) Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be first approved in writing by the local planning authority.
- 8) The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme first approved in writing by the local planning authority.
- 9) The development hereby approved shall not be brought into use until a 2m x 2m visibility splay has been provided between the new access and the garden of the donor property.
- 10) The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.