



Appeal Decision

Site visit made on 21 September 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/X3025/W/20/3255059

Rear of 107 Clipstone Road East, Forest Town, Nottinghamshire

- 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 Mr D Ellis against the decision of Mansfield District Council.
 - The application Ref 2019/0592/OUT, dated 20 November 2019, was refused by notice dated 3 April 2020.
 - The development proposed was originally described as one detached residential dwelling on land to the rear of 107 Clipstone Road East, Forest Town, Notts.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was in outline, with all matters reserved except for access. I have had regard to the submitted plans but have treated all detailed elements as indicative apart from the access.
3. The Mansfield District Local Plan 2013-2033 (Local Plan) was formerly adopted on 8 September 2020. This replaced the 1998 Mansfield District Local Plan, such that the policies of those plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore determined the appeal having regard to the relevant policies within the Local Plan. The main parties have had the opportunity to comment on any implications as part of the normal appeal process and have not been prejudiced in the appeal process by its adoption.

Main Issue

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

Reasons

5. The appeal site is located to the rear of Clipstone Road East and originally formed part of the rear garden of No 107 Clipstone Road East (No 107). There is a strong pattern of linear housing along Langwell Drive, Clipstone Road East and Newlands Drive.
6. Although the appeal site has been fenced off from the rear garden of No 107 and contains a garage accessed from Langwell Drive, it retains a strong visual connection with the other rear gardens of properties along Clipstone Road East. A dwelling in this location would therefore appear contrived.

7. Due to the public footpath, substation and the other rear gardens of properties along Clipstone Road East the appeal proposal would neither relate to the existing housing or the 2 approved bungalows. As such, although the 2 approved bungalows would be close to the appeal site the proposal would appear incongruous in its location and at odds with the pattern of housing.
8. The options for other similar developments are limited due to the layout of Langwell Drive and the public footpath. Whilst each application would be assessed on its own merits, the approval of this proposal could be used in support of a similar scheme on the adjacent site and would make it more difficult to resist. Although not determinative in my decision, the cumulative effect of such a scenario would exacerbate the harm I have identified above.
9. I therefore find that the proposal would result in significant harm to the character and appearance of the surrounding area. As such, the proposal would be contrary to the requirements of Policy P2 of the Local Plan which, amongst other things, supports development provided it is appropriate to its context in terms of layout. The proposal would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which is concerned with achieving high quality design.

Other Matters

10. The appeal site is already open to Langwell Drive and as such the proposal would not reduce any tunnelling effect from the approved bungalows fencing. The proposal would have the potential to provide passive surveillance. However, I have not been presented with any evidence of a particular crime issue in this location which limits the weight I afford to this matter.
11. Given that the appeal site is currently in active use, there is no compelling evidence that fly tipping would occur or that the site would be left to deteriorate. Nonetheless, the proposal would make an efficient use of land in a sustainable location as supported by the Framework. However, a net gain of 1 dwelling would only have limited social and economic benefits, and I attach limited weight to the benefits in that regard.
12. The absence of harm in respect of other considerations, such as access, are neutral matters weighing neither for or against the proposal. Any disputes in respect of land ownership are a private legal matter.

Conclusion

13. Against the limited benefits identified, the proposal would result in significant harm to the character and appearance of the surrounding area. The proposal would therefore be contrary to both the aims of the development plan and the Framework when read as a whole. Overall, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
14. For the reasons given above the appeal is dismissed.

Robert Walker

INSPECTOR