



Appeal Decision

Site visit made on 18 August 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/B3030/W/19/3243679

Ashleigh, Great North Road, South Muskham NG23 6EA

- 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 J Winter against the decision of Newark and Sherwood District Council.
 - The application Ref 19/00782/FUL, dated 24 April 2019, was refused by notice dated 9 October 2019.
 - The development proposed is the erection of three dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three dwellings at Ashleigh, Great North Road, South Muskham NG23 6EA in accordance with the terms of the application, Ref 19/00782/FUL dated 24 April 2019, subject to the conditions set out in the attached schedule.

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 Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the appeal site and the surrounding area.

Reasons for the Recommendation

4. The appeal site is located on the east side of Great North Road in South Muskham and currently comprises a vacant plot of land bounded on three sides by residential dwellings. The immediate vicinity is rural in nature. On one side of Great North Road dwellings are set in individual plots, separated and largely screened from the highway by tall hedgerows, while the opposite side of the road comprises open fields. Travelling northeast a more built up form of residential development becomes apparent, along with limited commercial use, before the reappearance of more rural surrounds.
5. The housing present within the surrounding area is varied in style, with a mix of older farmhouses and more modern dwellings. Despite that variation there is some commonality along Great North Road where red brick and steep pitched tiled roofs are common design features. In terms of scale, housing in the area is primarily made up of two storey and bungalow dwellings, with those along Great North Road

being predominantly two storey while bungalow development is largely located in the estates behind the appeal site.

6. The proposal relates to the erection of three detached dwellings. In accordance with the submitted plans, Plots 1 and 2 at the site are proposed as two storey dwellings, while Plot 3 would comprise a bungalow. Overall the site would have a coherent design aesthetic due to a consistency of materials used, with the two storey dwellings effectively being mirror images of each other.
7. The proposed houses would be set back from the highway with hedging along the front in the same manner as the neighbouring dwellings, allowing the rural character experienced from the road to be retained. They would be positioned such that the two storey houses would be at the front of the site, in keeping with the dominant two storey character that exists along Great North Road. Plot 3 would be developed to the rear, closer to the bungalow styles behind the appeal site and with limited visibility from Great North Road.
8. In terms of scale, the proposed two storey houses would be comparable in height and overall size to neighbouring houses. Although the appeal site would comprise three residential plots, the overall size of the site, in combination with the individual garden space provided for each plot and the open paddock land to the rear, would ensure that the resulting developed site would not feel cramped and would retain a certain level of the rural character that is prevalent in the area. Furthermore, although Plots 1 and 2 of the proposal would be close to the side boundary with the neighbouring dwellings, the retained hedging along these boundaries would provide a level of screening to ensure that the proximity of the dwellings would not overly alter the rural feel of the sites.
9. With regards to the design of the proposal, a high level of glazing would be present along the front elevations, resulting in a modern style. While this modern glazed design, along with the dormer windows, are not common features among the properties on Great North Road, the overall style of houses in the area is already very mixed. Furthermore, while the proposed properties do not contain the more traditional design features of the neighbouring dwellings, they do incorporate the red brick and steep pitched tiled roofs that are largely the common denominators of development in the area and along Great North Road, such that they would not appear incongruous at the appeal site.
10. In addition, the proposal would be screened by hedging along the front and side elevations of the site, such that it would not be overly visible from Great North Road or neighbouring sites. As such, the proposed houses would primarily be experienced in the context of each other, as a standalone development of three dwellings with a high level of coherence in style, rather than alongside existing housing in the area.
11. Accordingly, for the reasons above the proposal would not have a materially unacceptable effect on the character or appearance of the appeal site or the surrounding area. As such, it would accord with Policies 9 and 13 of the Plan Review of the Newark and Sherwood Local Development Framework Core Strategy and Allocations Amended Core Strategy 2019 adopted March 2019 and Policy DM5 of the Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document adopted July 2013.

Other matters

12. Interested parties have raised concerns that the proposal could have an unacceptable impact on the living conditions of neighbouring residents, highway safety and flooding, and have argued that the proposal does not represent sustainable development due to the lack of amenities and a lack of need for housing in the area.
13. With regards to impact on residential amenity of neighbouring occupiers, the separation distance between the proposed properties and neighbouring dwellings, along with the positioning of the properties, would ensure that there is no significant loss of daylight as a result of the proposal. While there is the potential for shining of headlights and noise resulting from vehicular movements at the proposal, this would not be to such an extent that it would significantly impact on the residential amenity. The only first floor windows along the side elevations of plots 1 and 2 serve bathrooms and a condition could be attached to ensure that such windows would contain obscured glass to avoid any overlooking.
14. In terms of highway safety, the plans submitted show adequate visibility splays and the Council's Highway Authority have no objection to the proposal on that basis. A Flood Risk Assessment has been also provided, which concludes that subject to the mitigation measures which can be conditioned, the development is considered to be acceptable from a flood risk perspective.
15. With regards to need and sustainability, a Housing Needs Survey dated 2015 has been provided. This identifies a need for a level of open market housing that the proposal would meet. Furthermore, the proposal would be located in an area of other residential housing with local services in a reasonable proximity such that future residents would have access to facilities to meet daily needs. The Council did not dispute that the site was one which was, in principle, suitable for housing and I see no reason to disagree.

Conditions

16. Regard has been had to the conditions suggested by the Council. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning and certainty. A condition requiring approval of details of external materials is necessary having regard to the level of information submitted with the application and to secure an appropriate appearance and design of the development. For the same reasons conditions have been imposed relating to a landscaping scheme and approval of boundary treatment details.
17. An additional condition regarding the glazing and opening of the side elevation windows is included to ensure the privacy of neighbouring occupiers is not unduly impacted. Conditions are also required in relation to the provision of site access, visibility splays and dropped vehicular footway. This is necessary in the interests of highway safety.
18. In the interests of flood prevention, conditions are necessary regarding the development to be carried out in accordance with the Flood Risk Assessment. Condition 5 relates to drainage design in order that the Council may approve the drainage systems in the interests of avoiding flooding. This is a pre-commencement condition to ensure that the scheme is workable before development takes place.

19. Given that the site is located within an area with a high likelihood of prehistoric archaeological remains a condition is necessary to ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works. A condition is also necessary to prevent works, including clearance works, during the bird breeding season, unless a survey has been completed to demonstrate that no breeding birds are present in order to prevent any habitat disturbance.

Conclusion and Recommendation

20. Having had regard to all matters raised, I recommend that the appeal should be allowed and planning permission should be granted for the erection of three dwellings at Ashleigh, Great North Road, South Muskham NG23 6EA in accordance with the terms of the application, Ref 19/00782/FUL dated 24 April 2019, subject to the conditions set out in the attached schedule.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed and planning permission should be granted for the erection of three dwellings at Ashleigh, Great North Road, South Muskham NG23 6EA in accordance with the terms of the application, Ref 19/00782/FUL dated 24 April 2019, subject to the conditions set out in the attached schedule.

C Preston

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Plot 1, Job 18/34 Drawing No. 01 dated January 2019;
 - Plot 2, Job 18/34 Drawing No. 02 dated January 2019;
 - Plot 3 - Revised Scheme, Job 18/34 Drawing No. 11 dated April 2019;
 - Double Garage - Plot 3, Job 18/34 Drawing No. 12 dated April 2019; and
 - Proposed Site Plan Revised Scheme, Job 18/34 Drawing No. 10B dated April 2019
- 3) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwelling until details / samples of the materials to be used in the construction of the external surfaces of the houses hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) The development shall be carried out in accordance with the submitted Flood Risk Assessment prepared by Lumax Consulting dated 31 October 2016 with reference LMX166/FRA/01/Rev A (FRA) and the following mitigation measures detailed within the FRA:
 - Finished floor levels to be lifted to a level of at least 11.65m AOD; and
 - Finished floor levels to be maintained to at least 150mm above surrounding finished ground level and external levels to be shaped to direct flow away from property entrances.
- 5) No development shall commence until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall provide for separate systems for the disposal of foul and surface water; details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change); details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and details of how the scheme will be maintained and managed after completion. No building hereby permitted shall be occupied until the approved scheme has been implemented and any measures shall be retained for their intended use at all times thereafter.
- 6) No development, including the clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not in use by nesting birds. Should the survey reveal the presence of any nesting species, work shall cease on that part of the site until a methodology for protecting nest sites during the course of the

development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

- 7) Within three months of development commencing a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- proposed finished ground levels or contours; and
- car parking layouts and materials

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

- 8) Within 3 months of development commencing details of the siting, height, design, materials and finish of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before any buildings hereby approved are first occupied and shall be retained as such thereafter.
- 9) No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) shall have been submitted to and approved in writing by the Local Planning Authority. The WSI shall include: (i) provision to be made for analysis of the site investigation and recording (ii) a phased programme and methodology of site investigation and recording to include: • a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record; • a targeted archaeological evaluation; and • where appropriate, targeted area excavation. (iii) a programme for post investigation assessment to include: • analysis of the site investigation records and finds; • production of a final report on the significance of the archaeological interest represented. (iv) provision for publication and dissemination of the analysis and records of the site investigation. (v) provision for archive deposition of the analysis, report, finds and records of the site investigation. (vi) nomination of a competent person or persons/ organisation to undertake the work set out in the approved WSI. The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.
- 10) No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a

minimum distance of 5 metres behind the highway boundary in accordance with the approved plans.

- 11) No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 12) No part of the development hereby permitted shall be occupied until the existing site access has been permanently closed and this access crossing has been reinstated as verge/ footway in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 13) No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 10B are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.
- 14) Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the first floor bathroom window shown on the north facing side elevation of plot 1 and the south facing side elevation of plot 2 shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. Thereafter, any replacement windows shall be of the same degree of obscurity and shall be non opening.