



Appeal Decision

Site visit made on 5 October 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/B3030/W/20/3249251

Land to Rear of 56 Winthorpe Road, Newark On Trent, Nottinghamshire NG24 2AB

- 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 Trevor Lovelace against the decision of Newark & Sherwood District Council.
 - The application Ref 19/02118/FUL, dated 22 November 2019, was refused by notice dated 29 January 2020.
 - The development proposed is proposed new detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding area, the living conditions of the occupants of neighbouring properties and on biodiversity.

Reasons

Character and appearance

3. The appeal site forms part of the large rear garden associated with No 56 Winthorpe Road (No 56). Along this part of Winthorpe Road, houses are generally aligned in a linear form, with a relatively consistent front building line and long rear gardens backing onto rear gardens of properties along Lincoln Road. This results in a pleasant, distinctly open character to the rear.
4. Despite the variety of housing in the area, the scale and massing of the proposed dwelling, in this location to the rear, would result in an unduly dominant built form. This would fail to harmonise with its open spacious surroundings. Moreover, the proposed access directly past the front property would accentuate the harm, resulting in a dwelling that would jar incongruously in its context.
5. Although there are houses between properties along Winthorpe Road and Lincoln Road, the majority are accessed from Spire Gardens rather than past the side of a frontage property in a backland location. The nearby backland dwelling accessed from Lincoln Road is a modest bungalow, which does not dominate the area to the rear, to the extent that the proposal would.
6. There is a large 2 storey property which is accessed through Spire Gardens and has a similar orientation and physical relationship to properties along

Winthorpe Road to that proposed. However, whilst this was permitted by the Council, its scale and location represents an example of development which fails to harmonise with the pattern of housing and character of the area. As such, it should not be used as a precedent to permit further proposals.

7. Even though the proposed dwelling would be to the rear, and largely screened from the public realm, it would be dominant in private views from surrounding residential properties. The materials and detailing would be compatible with the mix of housing in the area. However, this does not overcome my concerns in relation to its size in this backland location.
8. Each application would be assessed on its own merits and the rear garden of No 56 is particularly large. However, the approval of this proposal could still be used in support of a similar scheme 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 already identified.
9. I therefore find that the proposal would significantly harm the character and appearance of the area. The proposal would therefore conflict with the requirements of Core Policy 9 of the Council's Core Strategy (CS) and Policy DM5 of the Allocation and Development Management DPD (DPD). These policies, amongst other things, stipulate that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area. In this regard, the proposal would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which is concerned with achieving high quality design.

Living conditions

10. I have no substantive evidence before me as to the extent of any overshadowing of neighbouring gardens. Due to the scale of the proposal there would likely be some shadowing effects. Moreover, there would be a change in outlook from neighbouring properties and the proposed development would dominate, appearing overbearing from close quarters.
11. However, due to the overall size of the neighbouring gardens, there would be parts of the gardens where the proposal would appear prominent, but not overbearing, and shadowing effects would not occur.
12. The distance between windows would ensure that there would be no loss of privacy between properties. Overlooking to rear gardens would be possible from upper floor windows of the proposed dwelling and garage rooflights having angled views. However, such views are common in residential areas and I am not convinced that there would be a significant loss of privacy as a result. Whilst there would be additional activity at the appeal site, the level from 1 dwelling would not be such that it would result in significant disturbance.
13. Drawing the above together, there would be some increased overlooking, a change in outlook and likely additional shadowing resulting from the proposal. However, for the reasons stated, the extent of such effects would not, overall, harm the living conditions of the occupiers of the neighbouring properties.
14. On this matter, I find no conflict with the requirements of Core Policy 9 of the CS or Policy DM5 of the DPD. These policies, amongst other things, stipulate that development should not result in an unacceptable reduction in amenity.

Biodiversity

15. The appeal site contains a grassed lawn with a single tree to the rear and hedge along one boundary, though I understand some vegetation has previously been removed. However, I have no substantive evidence of the nature of this vegetation or reason for removal. Although no ecological survey has been provided, there is no substantive evidence that the appeal site, as a part of garden space in a residential area, makes any significant contribution to local biodiversity.
16. The existing tree and hedge would be retained. Although no evidence has been provided to demonstrate how they would be retained, given the size of the site and distances to the proposed building I have no firm reason to consider that such protection, or additional planting, could not be reasonably secured by way of conditions. I therefore find that adequate arrangements can be made for their protection and additional planting, were I minded to allow the appeal.
17. I therefore find that the proposal would not have a harmful effect on biodiversity. As such, the proposal would not conflict with the requirements of Core Policy 12 of the CS or Policies DM5 and DM7 of the DPD. These policies broadly seek to maximise opportunities to conserve, enhance and restore biodiversity and generally reflect the guidance within the Framework.

Other Matters

18. The government places considerable importance on boosting the supply of housing and the proposed dwelling would thereby contribute to the supply in a sustainable location. Nonetheless, given the scale of development proposed, the associated social and economic benefits would be limited, and I attach limited weight to the benefits in that regard.
19. The absence of harm in relation to other considerations raised by the appellant are neutral matters. Concerns regarding the processing of the application do not affect the planning merits of the proposal before me and are not issues that I can assess as part of this appeal.

Conclusion

20. The proposal would not result in unacceptable harm to the living conditions of the occupants of nearby properties and would not have a harmful effect on biodiversity. However, the proposal would result in significant harm to the character and appearance of the area. As such, the proposal would conflict with the development plan when read as a whole.
21. I have taken account of all the other matters raised, including the benefits of the proposal. However, 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.
22. For the above reasons, the appeal is dismissed.

Robert Walker

INSPECTOR