



Appeal Decision

Site Visit made on 25 November 2020

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2020

Appeal Ref: APP/A3010/W/20/3258241

Car Park, Plantation Hill, Worksop S81 0AZ

- 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 Wes Hague of A Shade Greener Ltd against the decision of Bassetlaw District Council.
 - The application Ref 20/00107/FUL, dated 3 February 2020, was refused by notice dated 7 May 2020.
 - The development proposed is described as "Construction of 20no apartments and associated parking together with new vehicular access - in amendment to planning application 19/00984/FUL previously withdrawn."
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Wes Hague against Bassetlaw District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are whether the proposal would provide satisfactory living conditions for future occupiers of the development with regards to amenity space; the effect of the proposal on the living conditions of occupiers of neighbouring properties regarding noise, disturbance and odours; and the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Living conditions of future occupiers

4. Outdoor space is important to meet the demands of everyday life for occupants, providing an area for relaxation as well as essential activities. The "Successful Place – A Guide to Sustainable Housing Layout and Design" Supplementary Planning Document 2013 (SPD) states that schemes should provide a level of outdoor amenity space that is proportionate to the type of accommodation, appropriate to its location and suitable to meet the occupiers likely requirements. The SPD states further that flats should be provided with 25 square metres of outdoor space each.
5. The proposal would incorporate landscaping consisting of trees and low level planting. However, the proposed development would not provide the required outdoor amenity space as detailed in the SPD. The lack of suitable outdoor

amenity space would give the properties an oppressive feel that would have a detrimental effect on the living conditions of future occupants.

6. Accordingly, I find that the proposal would have a harmful effect on the living conditions of future occupiers of the properties with regards to amenity space. The proposal would not be in accordance with Policy DM4 of the Bassetlaw District Local Development Framework Core Strategy & Development Management Policies DPD 2011 (CSDMP) and the SPD which seeks development to provide proportionate levels of outdoor amenity space and not have a detrimental effect on residential amenity.
7. I note the appellants intention to make a financial contribution towards infrastructure improvements on nearby allotments however, a signed legal agreement securing this contribution has not been submitted. I therefore attribute no weight to this matter.

Living conditions of neighbouring occupiers

8. It is not uncommon for the storage of residential refuse to be located at the boundary of a site which can be adjacent to existing residential properties. Whilst no specific details have been submitted which indicates the control of noise, disturbance and odours in this instance, the use of planning conditions to control such matters are common practice. I also note that the Council's Environmental Health Manager has not raised any specific concerns regarding the proposed bin storage.
9. I therefore do not consider that the location of the proposed bin store would have a harmful effect on the living conditions of the occupiers of neighbouring properties with regards to noise, disturbance and odour.

Character and appearance

10. The surrounding area is characterised by a mix of residential and commercial properties. The built development in the area is mixed with variant design styles however, there is a prominent linear form of buildings fronting onto Kilton Hill road. It is this linear built form with mixed architectural design styles which contributes positively to the character of the area.
11. The proposed development would be sensitive in scale and massing and would not appear unduly obtrusive within the surrounding built form. The height and design elements, including hipped roofs, would be in keeping with the appearance of surrounding buildings. The proposal would be a prominent structure however, due to its positioning, it would not compromise the linear form of the street scene and not appear a dominant or incongruous feature.
12. The proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would accord with the part of Policy DM4 of the CSDMP which seeks new development to respect context in terms of density, height, scale, mass, materials and detailing.

Other Matters

13. The proposal would be the development of previously developed land being an effective use of land and contribute to the supply of housing in the area. There is a history of applications for residential development on this site and it is noted that the existing car park is not attracting users and therefore not self-

sustainable. The design of the proposal has also been amended from its original submission. I attribute minimal weight to these matters.

Conclusion

14. I have found that the proposal would be an effective use of land, contribute to housing supply and would not adversely affect the character and appearance of the area or compromise the living conditions of neighbouring occupiers in terms of noise, disturbance and odour. However, these benefits do not outweigh the harm I have identified with regards to living conditions of future occupiers in terms of amenity space, and the conflict with the CSDMP and National Planning Policy Framework.
15. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR