



Appeal Decision

Site visit made on 17 November 2020 by C McDonagh BA (Hons) MA MRTPI

by Martin Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/X3025/W/20/3255660

Land to side of 29 Derwent Avenue, Mansfield NG18 3PD

- 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 Woolley against the decision of Mansfield District Council.
 - The application Ref 2019/0782/FUL, dated 13 December 2019, was refused by notice dated 13 April 2020.
 - The development proposed is 1no new detached bungalow.
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Decision

1. The appeal is dismissed.

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.

Preliminary Matters

3. Since the application was determined and the appeal submitted, the Council has adopted the Mansfield District Local Plan 2013-2033 (the LP). The Council has referenced the new policy position in its appeal statement. As such, the appellant was given the opportunity to comment on the change to the development plan and I have had regard to any views expressed. It is my duty to determine the appeal against the most up to date development plan policies and I am satisfied that no party has been prejudiced by the consideration of the appeal proposal against the policies of the now adopted Local Plan.

Main Issues

4. The main issues are the effects of the proposal on the character and appearance of the area and the living conditions of occupiers of No.81 Big Barn Lane, with particular regard to visual impact and overshadowing.

Reasons

Character and appearance

5. The appeal site comprises a parcel of land on the corner of Derwent Avenue and Big Barn Lane. The roughly rectangular plot currently forms part of the garden area of No. 29 Derwent Avenue and is bound by a hedgerow to one side and No.81 Big Barn Lane (No. 81) to the other. The area is residential in

nature, with properties on Derwent Avenue consisting of two-storey semi-detached dwellings, although there are more variations in house types on Big Barn Lane. Houses in the area generally include a generous set-back from the street and a regular separation distance from one another.

6. The proposal involves the erection of a single-storey bungalow with a hipped roof. The front elevation would face Derwent Avenue, with access taken from the same street and 2 parking spaces provided. The majority of garden space and the parking spaces would be to either side of the bungalow.
7. The appeal site is visually prominent when travelling along both Big Barn Lane and Derwent Avenue given its corner location. Due to the narrow profile of the plot, the proposed dwelling would appear cramped to the front and rear of the site. While other properties in the area feature a generous set-back from the street, the front elevation of the proposal would be located just 1m from the pavement edge of Derwent Avenue. I acknowledge the side of the new dwelling would align with the front elevation of the neighbouring property at No. 81. However, it would be positioned forward of the houses on Derwent Avenue. Despite the indicated retention of hedges and the land being excavated on site in an attempt to reduce its prominence, the house would appear contrived due to the limitations of the plot and an incongruous form of development at odds with the established pattern of development in this location.
8. To conclude on this first main issue, the proposal would cause harm to the character and appearance of the area, contrary to Policies P1 and P2 of the LP. These policies seek to ensure development respects, where appropriate, existing patterns of development which contribute to the character of the area.

Living conditions

9. The proposal would introduce built form within close proximity of the side elevation of No.81. An existing fence lines the boundary at present. While this may already cause some shadowing of the rear garden of No. 81, the proposed bungalow would be significantly higher than the fence. As such, given its location to the south of the existing property and higher land level even after excavations take place, this would cause additional unacceptable overshadowing of the rear garden of No.81. Moreover, given the visibility of the new dwelling over the fence line of No.81, this would increase the sense of enclosure and appear overbearing in views from the rear garden.
10. I note the concern of the Council with regard to overlooking of No.81 from the proposal. However, given the single storey height and the use of rooflights to the rear elevation of the new dwelling, which are some 3m off the ground floor and offer only views upwards, I am satisfied there would be no adverse effect on No. 81 due to overlooking. Similarly, while there would be some noise and light emanating from the new dwelling, this would be minimal and would be expected in a residential area.
11. To conclude on this second main issue, the proposal would cause harm to the living conditions of the occupiers of No.81 with regard to visual impact and overshadowing. This would be contrary to Policy P7 of the LP, which seeks to ensure development does not have a significant adverse effect on the living conditions of existing and new residents and future occupiers of the proposed development through loss of privacy, excessive overshadowing or overbearing impact.

Other matters

12. I acknowledge there would be some benefits to the proposal, such as the addition to the Council's housing stock and the variety in housing type. However, while reference is made to the need for housing for over 55s and/or accessible housing for wheelchair users, there is no mechanism before me to secure the occupation of the dwelling in this manner. As such it carries limited weight in favour of the proposal.
13. I note the concern of the council with regard to drainage on site and any adverse effects on No. 81. I have nothing substantive on this, although I note the Council suggest a condition would suffice prior to commencement of any works on site to address these concerns. Given I am dismissing the appeal on other grounds I have not considered this further.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR