
Appeal Decision

Site visit made on 19 January 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2021

Appeal Ref: APP/B3030/W/20/3260214

47 Lower Kirklington Road, Southwell NG25 0DN

- 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 and Mrs D Andrews against the decision of Newark & Sherwood District Council.
 - The application Ref 20/01163/FUL, dated 30 June 2020, was refused by notice dated 17 August 2020.
 - The development proposed is 'bungalow on land adjacent to (garden of) 47 Lower Kirklington Road'.
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Decision

1. The appeal is allowed and planning permission is granted for a bungalow on land adjacent to (garden of) 47 Lower Kirklington Road, Southwell NG25 0DN in accordance with the terms of the application Ref: 20/01163/FUL dated 30 June 2020, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the area and, (ii) the living conditions of future occupiers of the development with particular regard to outlook and light.

Reasons

Character and appearance

3. No 47 is a detached property on a corner plot located at the junction of Lower Kirklington Road and Byron Gardens. The area is characterised by residential properties, including bungalows, of various design and siting, generally set back from road frontages behind mature hedging and low walls which enclose front gardens.
4. The large side garden area of the appeal property is not a common feature within the immediate area. Nevertheless, the enclosure provided by the mature beech and laurel hedging around it contributes to the area's established character.
5. The proposed bungalow would be of a limited scale with a hipped pitched roof orientated with its main elevation towards Byron Gardens and flank wall facing Lower Kirklington Road. The existing house on the appeal site and its two immediate neighbouring properties along Lower Kirklington Road share a similar building line. The siting of the proposed bungalow would be markedly

forward of this line. However, the proposed drawings indicate that 5.5 metres would be retained between the proposed side elevation and the appeal site's boundary to Lower Kirklington Road.

6. Approaching from the roundabout, the maturity of plot frontages limits the prominence of the appeal site. Views are also limited by the existing development on the opposite corner, which is set closer to the road frontage and is of a greater mass. Given the siting and design of the bungalow I am satisfied that when taken together with the variety of development in the area, the bungalow would not appear obtrusive or incongruous in the street scene.
7. The proposal would be on a similar building line to the neighbouring dwelling on Byron Gardens and would take access from this road. I am satisfied that the proposal would not appear out of place with the variety of development within Byron Gardens and would not appear discordant or conspicuous.
8. I note that trees have been removed from within the garden area, however, the drawings show that the proposed landscaping scheme would retain the existing hedging except where the pedestrian and vehicular accesses require its removal. Although landscape planting is not permanent and it should not be relied upon to hide inappropriate development from public view, I am satisfied that the existing hedge can be retained as part of the landscaping proposals and would enhance the setting of the development.
9. Overall, I conclude that the proposal would not harm the character or appearance of the area and would accord with Core Policy 9 of the Newark and Sherwood Amended Core Strategy (2016) (Core Strategy), Policy DM5 of the Newark and Sherwood Allocations and Development Management Document (July 2013) (Allocations Document) and Policy DH1 of the Southwell Neighbourhood Plan (SNP) adopted 2016 which together, amongst other things, seek to ensure that development is appropriate to local character. It would also comply with the National Planning Policy Framework (the Framework) where it seeks to ensure that development is sympathetic to local character.

Living conditions

10. The main living space of the proposed bungalow would be located to one side with living room and kitchen windows and patio doors facing the side boundary of No 42 Byron Gardens. The outside area, although limited in size would provide a private space away from the road with good access to it from the living accommodation.
11. No 42 has a single storey hipped roofed garage set in from the boundary line behind a hedge and boundary fence with a two-storey gable elevation further from the boundary. The Council refers to the development being 7.9 metres away from the adjacent property, however, this is to the lower garage roof with the distance to the gable wall being greater. I am satisfied that the gable wall is sited a sufficient distance from the joint boundary so as not to appear dominant, overbearing, or oppressive from within the proposed garden area.
12. The windows on the side elevation of the proposal would be supplemented by additional windows to the front and rear elevations and the orientation of the plot is such that there would be adequate sunlight and light into the garden area and living spaces.

13. For these reasons, I conclude that the proposed development would provide acceptable living conditions for its future occupiers with particular regard to outlook and light and would accord with Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations Document. These policies seek to ensure adequate separation between development to protect residential amenity. It would also accord with the Framework where it supports development that provides a high standard of amenity for future users.

Other Matters

14. I note the concerns of the Town Council with regard to flood mitigation. However, I have no evidence before me that would lead me to disagree with the Council that matters of surface water drainage could be adequately dealt with through an appropriately worded condition.

Conditions

15. The appellant commented on the pre-commencement condition suggested by the Council in final comments. Despite this, I sought the views of the appellant on pre-commencement conditions and no concerns were raised about these.
16. As well as the standard implementation condition it is necessary to refer to the approved drawings in the interests of certainty.
17. A drainage condition is necessary to provide effective surface water management. The drainage condition is required prior to commencement to ensure that full consideration is given to how Sustainable Urban Drainage Systems (SUDS) and flood resilience measures can be incorporated into the development.
18. A condition to protect the existing hedging during the construction period is necessary to ensure the development is visually attractive and is required prior to commencement for obvious reasons. I have imposed a landscaping condition to enhance the setting of the dwelling.
19. A condition securing the implementation of improvements to the vehicle access is necessary to provide safe and suitable access to the site.
20. The Council's suggested conditions in relation to hard landscaping and boundary treatment replicate the requirements of the landscaping condition and are therefore not necessary.

Conclusion

21. For the reasons given above, the appeal is allowed.

Diane Cragg

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall not begin later than three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:
 - Location Plan & Site Plan – 20 / 192 / 01 dated Oct 2019;
 - Ground Floor Plan & Elevations – 20 / 192 / 10 dated June 2020;
 - Roof Plan & External Works – 20 / 192 / 11 dated June 2020;unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.
- 3) All the hedges shown on the landscaping plan Roof Plan & External Works – 20 / 192 / 11 dated June 2020 as being retained shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 4) No part of the development hereby approved shall commence until details of surface water drainage for the development have been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall :
 - demonstrate that the development will use SUDS throughout the site as a primary means of surface water management where possible and that design is in accordance with CIRIA C753.
 - ensure the development does not increase the risk of flooding to surrounding areas.
 - incorporate flood resilient construction techniques and materials.
- 5) No part of the development hereby permitted shall be brought into use until the improved dropped vehicular footway crossing at Byron Gardens is available for use and constructed in accordance with the highway authority's specification.
- 6) The approved soft landscaping shown on plan reference Roof Plan & External Works – 20 / 192 / 11 dated June 2020 shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being

planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 - 1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme and boundary treatment shall be completed prior to first occupation of the approved dwelling.