
Appeal Decision

Site Visit made on 16 August 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2021

Appeal Ref: APP/B3030/W/21/3274562

200 Norwood Gardens, SOUTHWELL, NG25 0DS

- 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 Paul Fryer against the decision of Newark & Sherwood District Council.
 - The application Ref 21/00066/FUL, dated 11 January 2021, was refused by notice dated 26 February 2021.
 - The development proposed is demolition of an existing detached garage and the erection of a two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework was revised on 20 July 2021 and the Council and appellant have had an opportunity to comment on the implications of this.

Main Issues

3. The main issues in this appeal are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers.

Reasons

Character and appearance

4. The appeal site comprises an area to the side of 200 Norwood Gardens, a two storey semi detached dwelling. Norwood Gardens comprises a mix of terrace and semi-detached two storey dwellings and is predominately residential in character. The majority of Norwood Gardens is characterised by evenly spaced dwellings, in a generally linear pattern, with some differences including the appeal site, where the dwellings are arranged in smaller groups fronting parking areas. There is a consistency to the built form which contributes to the pleasant suburban character.
5. The appeal site is currently occupied by an existing garage which is located to the side of the dwelling and has its own access off Lower Kirklington Road. Beyond the entrance to the appeal site the road becomes a footpath which runs behind properties in Ridgeway and Norwood Gardens. This part of the estate is

characterised by the hedges and landscaping which are visible along the boundaries of neighbouring properties, as well as the existence of ancillary outbuildings.

6. The garage would be replaced by a single storey detached dwelling which would be located towards the rear of the site, fronting onto the existing driveway and with the amenity space located to the side of the dwelling. The proposed position of the dwelling, in close proximity to the public footpath which runs to the side of the plot, would enable views of the building from within the public realm.
7. Although there is a greater variety of dwelling styles along Lower Kirklington Road, the dwelling would not have a direct frontage onto that road and would instead be set behind no 112 and not be visually related to either Norwood Gardens or Lower Kirklington Road. I consider that the siting of the proposed dwelling would introduce a discordant and incongruous feature which would be highly visible from the public footpath. The introduction of a dwelling fronting onto the existing access would lead to a change from the subservient ancillary function of the existing area, resulting in a contrived and incongruous form of development.
8. Reference has been made to other similar developments within the vicinity of the site, including at 24 – 26 Norwood Gardens. Whilst no plans have been submitted of this scheme, the evidence before me indicates that this permission included the demolition of two detached blocks of garages and a redevelopment of the site for affordable housing which is not the same as the case before me. In any event, I am not bound by other decisions of the Council and I give this minimal weight.
9. With reference to the appeal at 47 Lower Kirklington Road¹, this part of the road is of a different character to the site before me and does include a more varied street scene. The appeal site was a corner plot with two road frontages and therefore is not the same as the case before me.
10. I therefore conclude that the proposed development would introduce a discordant built form to the locality that would be out of keeping with and harm the character and appearance of the surrounding area. Consequently, it would conflict with Core Policy 9 of the Newark and Sherwood District Council Plan Review, Amended Core Strategy 2019 (CS) which requires development to demonstrate a high standard of sustainable design, which optimises site potential at a level suitable to local character. It also fails to accord with Policy DM5 of the Newark and Sherwood Local Development Framework, Allocations and Development Management Development Plan Document 2013 (DPD) which requires development to reflect within its layout the character of local built form.
11. The development would also conflict with Policy SD1 and DH1 of the Southall Neighbourhood Plan 2016 (NP) which requires development to deliver contextually responsive design solutions and is appropriate to its location and enhances the built environment.

¹ APP/B3030/W/20/3260214

Living Conditions

12. The proposed single storey dwelling would be located adjacent to the boundary of both 112 Lower Kirklington Road and 200 Norwood Gardens and has been designed with a blank elevation facing no 112. The elevation parallel with the boundary with no 200 has windows which would serve a bedroom and bathroom and would be adjacent to a proposed 1.8m high fence. This would limit both the outlook from those windows and any potential overlooking from the first floor windows of the neighbouring property.
13. The windows serving the proposed living/dining room would face onto the amenity space and would be set at an oblique angle to the existing dwelling. Additional windows to the living space would be located on the front elevation and would not be overlooked. The private amenity space would be provided adjacent to the boundary with 200 Norwood Gardens and would be directly accessed off the living area. Whilst it would be small it would be commensurate with the size of the proposed dwelling and would be large enough to sit out in. The area would be overlooked by 200 Norwood Gardens, to a modest degree, taking into account the oblique angle between the first floor windows and the proposed amenity space. However, this is not uncommon in urban areas where dwellings are positioned closely together.
14. Therefore, taking account of the siting of the dwelling and the proposed boundary treatment, the relationship with 200 Norwood Gardens would not cause unacceptable harm to the living conditions of future occupiers with regard to overlooking of the living area or amenity space.
15. In summary, the amenity space provided would, despite some modest overlooking from neighbouring properties, be attractive and inviting, and therefore would promote its use as a space for leisure and relaxation. However, the limited outlook from the proposed windows of Bedroom 2, leads to a development which would fail to provide acceptable living conditions for future occupiers.
16. The development would be contrary to Core Policy 9 of the CS which expects a high standard of design with homes fit for purpose and Policy DM5 of the DPD which seeks to ensure that neither proposed or existing development suffers from a reduction in amenity, including overbearing impacts.

Other Matters

17. The Council adopted its Residential Cycle and Car Parking Standards and Design Guide SPD in June 2021 and has noted that this would require the provision of 2 no. parking spaces to be provided.
18. The layout plan indicates a single parking space, however the area is of sufficient size to provide 2 parking spaces and therefore this could be secured by an appropriately worded condition. Therefore, I am satisfied that the development would accord with the relevant parking guidance
19. Due to the limited depth of the frontage of the site the parking spaces may impact on the ability for cars to turn within the site, resulting in cars needing to reverse into or out of the space. However, this would be the same as the existing situation, as the space to the front of the existing garage does not provide sufficient space for turning and therefore this would not result in an unacceptable impact on the safety and convenience of highway users.

20. The provision of additional housing, noting its small scale which would meet an identified need for smaller properties, attracts modest weight. There would also be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
21. Nevertheless, the identified adverse impacts of the development in respect of harm to the character and appearance of the area and living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

22. For the reasons given above, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR