



Appeal Decision

Site Visit made on 7 September 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/F4410/W/21/3276251

Supasave Food Store, Chestnut Grove, Conisbrough, Doncaster DN12 2JQ

- 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 Jatheesan Gunarajah against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/03323/FUL, dated 30 November 2020, was refused by notice dated 14 April 2021.
 - The development proposed is originally described as re-place the damage container.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises siting of a storage container to replace existing damaged one. The Council dealt with the proposal on this basis and so shall I.
3. The container is already in situ at the site, I am therefore considering the appeal as retrospective.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.
5. The Council in their statement of case, have referred to policies within the emerging Doncaster Local Plan 2015-2035 (DLP). The DLP has been independently examined by an Inspector and the Council are preparing main modifications. Most relevant to this appeal are emerging Policy 10, 41 and 42. As such, in accordance with paragraph 48 of the Framework, and given its advanced stage of the plan preparation, I have afforded these policies moderate weight.

Main Issues

6. The main issues are (i) the effect of the development on the character and appearance of the area; and (ii) the effect of the development on the living conditions of neighbouring occupiers, with regard to overshadowing and outlook.

Reasons

Character and appearance

7. The appeal site relates to a parcel of amenity land which is enclosed to the south of a detached brick shop building, '*Supasave Food Store*'. It is located within an established residential estate and faces onto Chestnut Grove, with a large hardstanding area to the frontage. The appeal site sits alongside the shop, bounded by a brick wall, gate and in part hedgerows. The garden area of No.2 Palm Grove directly (No.2) adjoins the site to the south and is separated by a wooden boundary fence.
8. The area is predominantly residential in nature and features rows of terrace and semi-detached properties, in render and artificial stone with generous separation distances between blocks. Properties feature low level boundary treatments with open views across both properties and garden areas. Despite the shop building being at odds with the residential character, detached and in conflict to the appearance of nearby dwellings. The appeal site itself, is grassed in part and offers a level of openness to the area with views being afforded from both Chestnut Grove and the entrance of Ellershaw Lane, by the relatively low mesh gate, wall and wraparound hedgerow that encloses it.
9. However, the container is clearly discernible within those views, and given its colour, size and industrial appearance, it appears rather oddly in comparison to the immediate and wider domestic and residential character of the street scene. The container is visually intrusive, and this is exacerbated by the substantial length, width, height and colour of it, resulting in an incongruous structure to the detriment of the immediate and wider street scene. Therefore, the container appears as a discordant feature causing harm to the character and appearance of the area.
10. For the reasons given above, I conclude that the proposal causes harm to the character and appearance of the area. It would be in conflict with Policy CS14 of the Doncaster Core Strategy 2011-2028, 2012 (CS), which requires all proposals to be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. It would also be at odds with the guidance contained in the Council's SPD¹ relating to design principles for commercial development.
11. Moreover, it would be in conflict with emerging Policy 41 and 42 of the DLP, which amongst other things only supports development where they are of high quality design that contributes to local distinctiveness and integrate visually and functionally with the immediate and surrounding area at street and plot scale.

Living Conditions

12. The container is situated in close proximity to the boundary with No.2. The boundary between the appeal site and No. 2 is separated by a fence of moderate height. As I observed at the time of the site visit, and due to the design of the wooden panels of the fence. There were glancing views of the enclosed private outdoor amenity area, including a seated patio and lawn area directly adjacent to the boundary.

¹ Doncaster Council Development Guidance and Requirements: Supplementary Planning Document (July 2015)

13. Given the substantial width and height of the container and that it is positioned on raised ground supports, it results in it being excessively higher than the boundary fence with No.2. Therefore, when viewed from No.2 it is highly visible from their garden and would be seen as an oppressive, overbearing, and dominant structure causing harm to the outlook for any existing or future occupiers of No.2. This is further exacerbated for No.2 as there is a noticeable change in ground levels with the garden area set at a lower level to the appeal site.
14. Furthermore, due to its scale, excessive height and being within such close proximity to the shared boundary, it is likely to cause some overshadowing to the garden area of No.2. As such, the siting of the container is significantly harmful to the living conditions of No.2, particularly when viewed by occupiers of No.2 from their garden area and to the detriment of their right to enjoy the private outside amenity space.
15. Moreover, due to its overall scale, materials, colour and height it appears as a dominant and unsightly addition when viewed from the adjacent residential properties, including first floor rear windows of No.2, No.4 Palm Grove and the flat above the shop. Resulting in it being seen as an overbearing, excessively large and oppressive container to the detriment of living conditions of nearby occupiers.
16. For the reasons given above, I conclude that the proposal causes harm to the living conditions of neighbouring occupiers, with regard to overshadowing and outlook. It would be in conflict with Policy CS14 of the CS and Saved Policy PH12 of the Doncaster Unitary Development Plan, 1998, taken together these policies require new development to have no unacceptable negative effects upon the amenity of neighbouring land uses; and permits such development that does not cause unacceptable loss of residential amenity.
17. It would also be in conflict with emerging Policy 10 of the DLP, which supports the establishment or increase of non-residential uses of appropriate scale provided they would not cause unacceptable loss of residential amenity, for example unsightliness.

Other Matters

18. The Council have referred to CS Policy CS1, I have no evidence that the container is not fit for purpose or any substantive evidence that it attracts pests or vermin. Therefore, I have given this limited weight.
19. The appellant's evidence heavily relies on that it is a replacement container for a previous one on site. I have not been provided with any evidence that a previous container was lawfully sited within/or on the land, its size or design. I did observe at the time of the site visit that there is an additional white container on the site. Nonetheless, no details are provided of this container and it is not the subject of this appeal. Therefore, its planning status would be a future matter for the Council. In any case, I must consider the appeal on its individual merits on the basis of the evidence before me.
20. In regard to the container providing much needed storage space for the shop and is a benefit for the community. I have not been provided with any evidence of the floor area or layout of the shop, nature of items that would solely rely on storage within the container that would prevent internal or alternative storage

solutions. I accept that the shop would be used by nearby residents due to its location on the estate. However, it appears that the container could only benefit the shop owner as customers would not directly use the container to shop.

21. Neither have I been provided with any substantive evidence that the container would minimise theft of storage within the shop, matters of crime that may have taken place within the shop or within a mile of the premises are for the regulatory authority to deal with.
22. These matters, however, do not outweigh my findings in respect of the harm I have found to the character and appearance of the area and living conditions of existing occupiers, nor the conflict I have found with the development plan read as a whole. Moreover, it would also conflict with the emerging policies contained within the DLP, Policies 10, 41, 42 of which I have afforded moderate weight.

Conclusion

23. The development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed

K A Taylor

INSPECTOR