



Appeal Decision

Site visit made on 30 November 2021

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/A3010/W/21/3277232

Land adjacent to Tickhill Road, Tickhill Road, Harworth

- 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 D Wallis against the decision of Bassetlaw District Council.
 - The application Ref 20/01571/FUL, dated 29 November 2020, was refused by notice dated 31 March 2021.
 - The development proposed is erection of a detached new build bungalow dwelling and the siting of a mobile home.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's name and the appeal site address from the appeal form as these appear more accurate and complete.
3. In response to matters raised in the reasons for refusal the appellant has submitted amended plans which revise the materials of construction for the bungalow and illustrate the width of the access and the position of bin storage. An arboricultural report has also been provided. Having regard to the 'Wheatcroft' principles, I am satisfied that there would be no prejudice to any party by considering the amended plans which are referred to in the appellant's appeal statement and acknowledged in the Council's appeal submission.
4. The description of the development includes the siting of a caravan which is already on the site. The appellant clarifies that the proposal is to site the caravan for a temporary period during the construction of the dwelling, and I have taken this into account in reaching my decision.
5. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 and I have had regard to it in reaching my decision.

Main Issues

6. The main issues are the effect of the development on:
 - (i) the character and appearance of the area;
 - (ii) the living conditions of the occupiers of neighbouring properties and the future occupiers of the proposed development with particular regard to privacy and noise and disturbance;
 - (iii) trees covered by a tree preservation order;

- (iv) highway safety; and
- (v) whether the development would affect the setting of the grade II listed All Saints Church.

Reasons

Character and appearance

7. The appeal site comprises an area of former garden land to the rear of Grey Gables and the Coach House accessed via a shared drive from Tickhill Road. The site boundaries are defined by mature hedges, trees and fencing to the north, west and south, with fields adjacent. A well-used public footpath is located near to the western site boundary. The footpath runs from the village dropping down towards the appeal site and joining Tickhill Road further north.
8. The appeal site is within the landscape character assessment area of the Idle Lowlands Policy Zone 11. The character area is acknowledged as being fragmented by roads but includes pockets of arable and mixed farmland and small scale deciduous and coniferous woodland blocks and belts with non-vernacular housing being dominant. The assessment identifies that a weak sense of place combined with moderate visibility results in low landscape sensitivity overall. Nevertheless, the appeal site, is part of the undeveloped landscape on the edge of the village, its boundaries incorporate good quality tree cover and hedges and the land adjacent is open and undeveloped. The appeal site contributes to the rural landscape and is therefore sensitive to change.
9. The proposed bungalow would be sited centrally within the lower part of the plot at an angle to the site boundaries. Although the appeal site may be visually contained by the existing landscaping, from the footpath the bungalow and its parking, turning, and outdoor amenity space with associated paraphernalia would be apparent and would appear separate and isolated from the development along the road frontage. As a result, the bungalow would appear as an incursion into the countryside which would be at odds with its immediate undeveloped surroundings and result in significant harm to the countryside setting of Harworth.
10. I accept that the materials of the proposed dwelling, as amended, could reflect those used nearby. I also acknowledge that with the boundary treatment along the Tickhill Road frontage, it is unlikely that the bungalow would be visible when entering the village along the road. Even so, the proposed development would appear as an encroachment into an undeveloped area and would be prominent when approaching the site along the footpath. The prevailing pattern of development to the west side of Tickhill Road, adjacent to the appeal site, is of open land to the rear of dwellings in generous plots closer to, and facing, the road. From the footpath the appeal scheme would appear as a form of back land development, wholly out of keeping with the established character.
11. For these reasons, the proposed dwelling would harm the character and appearance of the area in conflict with Policies DM4 and DM9 of the Policies DM4 and DM9 of the Bassetlaw District Local Development Framework Core Strategy & Development Management Policies DPD (2011) (CSDMP) and Policies 1 and 8 of the Harworth and Bircotes Neighbourhood Development Plan 'made' 2015 (Neighbourhood Plan). These policies seek to ensure that

development respects its wider surroundings in terms of historic development layout, plot sizes and forms and where density and designed should be sensitive to their landscape setting. For similar reasons it would conflict with paragraph 3.5 of the Successful Places Supplementary Planning Document 2013 (SPD). These policies and SPD are consistent with the Framework which amongst other things requires that planning decisions should ensure development is sympathetic to local character and contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.

Living conditions

12. The access to the appeal site is via the existing joint access which also serves Grey Gables and the Coach House. The Coach House is separated from the access route by a fence, a wall and an area of mature landscaping. Grey Gables has an attached double garage with first floor accommodation above adjacent to the driveway. First floor windows in this elevation are small and face away from the access route. The side wall of Grey Gables is solid brick with no window openings and follows the line of the access route. Most of the garden space for both existing properties is set away from the driveway.
13. Due to the orientation and layout of Grey Gables and the set back of the Coach House from the driveway, the additional vehicle movements associated with one dwelling would not be noticeable to the existing properties and would not detract from their living conditions.
14. I agree that the proximity between the location of the caravan and the proposed dwelling would result in mutual overlooking between the two plots, particularly given the change in land levels and the positioning of the caravan. However, a condition requiring the caravan to be removed after the dwelling is constructed could be imposed as it is the intention of the appellant to remove the caravan following the erection of the proposed dwelling. Further, concerns raised about the visibility of the caravan from Grey Gables would be resolved by the removal of the caravan.
15. Consequently, the proposed development would not harm the living conditions of the occupiers of neighbouring properties or the future occupiers of the proposed development with particular regard to privacy or noise and disturbance. In these respects, the development would not conflict with Policy DM4 of the CSDMP with respect to residential amenity or the SPD where it refers to privacy by design. The proposal would also accord with the Framework where it seeks to ensure that development creates places with a high standard of amenity for existing and future users.

Trees

16. There are mature trees on the northern boundary of the site covered by a Trees Preservation Order (TPO). The TPO indicates that within the group G3 adjacent to the site there are 4 oak trees and 4 horse chestnut trees. However, the recent arboricultural report identifies two specimen Oak trees and three horse chestnut trees. Nevertheless, I saw at my site visit that the group of trees appreciably contribute towards the appeal site's rural surroundings.
17. The arboricultural report clarifies that the dwelling can be sited without damaging the existing trees on the site. A method for tree protection during

the construction phase of the development has been provided and the root protection areas are identified in the report. A suitably worded condition could protect the trees as suggested within the arboricultural report. Further, the design, siting, and orientation of the bungalow is such that the development would not be overshadowed by the existing trees.

18. On this basis the development would not have a detrimental effect on the amenity value of trees within the site and the proposal would accord with Policy DM9 of the CSDMO where it requires the protection of green infrastructure. It would also accord with the Framework where it seeks to ensure that development contributes to the natural and local environment including through the protection of trees.

Highway Safety

19. The Council required clarification about the width and construction of the access and the location of a bin storage collection point. These details have been provided on a further plan which identifies that the Council's standard for the access road can be achieved and a bin collection point can be positioned close to the site entrance.
20. Therefore, the development would not be detrimental to highway safety and would accord with the Framework where it seeks to ensure that in assessing development safe and suitable access to the site can be achieved for all users.

Heritage asset

21. The significance of the Church of All Saints derives from the aesthetic value of the C12 and C14 origins of the building and its later C17 and C19 additions and alterations in a prominent position on Church Lane and adjacent to open countryside. It also has significant communal, evidential, and historical value associated with its continued use within the village.
22. The church is prominently located at the end of Church Lane on land higher than the appeal site. From the Church Lane entrance to the public footpath views open up across a rural landscape including view towards the appeal site. Even though the development introduces additional built form that is not characteristic of its surroundings, the intervening space between the church and the site and the change in land levels limits the influence of the proposed development on the surroundings in which the church is experienced. The effect of the development on the significance of the church as a heritage asset would be neutral.
23. In coming to this view, I have had special regard to sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and the Framework where these documents respectively require special attention be paid to conserving the setting of heritage assets and great weight to be given to the conservation of heritage assets.
24. Consequently, the proposal would not detract from the setting of the grade II listed All Saints Church and would accord with Policy DM8 of the CSDMP where it seeks to preserve or enhance the setting of heritage assets. It would also accord with the Framework and the Act.

Other Matters

25. The appellant cites Policies CS1, CS4, and CS9 of the CSDMP which address the distribution of development within the plan area. Harworth Bircotes is identified as the main regeneration settlement in the plan area and a focus for development. Even so, the appeal site is beyond the development boundary for Harworth and in the countryside for the purposes of the spatial strategy. The appeal proposal does not therefore gain support from these policies.
26. The appellant also refers to the proximity of services and facilities. There is no dispute that the appeal site is accessible to services and facilities but not all such sites are suitable for development.
27. My attention is drawn to the approved location of an urban extension on the east side of Tickhill Road. Whilst I appreciate that this would change the approach into the village, the character of the east side of Tickhill Road is distinctly different, including development of a smaller scale at a higher density. The approval of the urban extension does not change my conclusions in respect of the appeal proposal.

Planning Balance

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.
29. It is not disputed that the Council is able to demonstrate a 5-year supply of housing. However, the Council's Officer Report refers to the policies in the CSDMP as not having been reviewed in the last 5 years. Consequently, the Council considered the application with reference to the so called 'tilted balance' set out at Paragraph 11d of the Framework. This states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
30. Although the CSDMP and the neighbourhood plan pre-date the Framework, paragraph 219 (of the Framework) states that existing policies should not be considered out of date simply because they were adopted or made prior to the Framework's publication. Moreover, the main issues for determination in this appeal are the effects of the proposal on the character and appearance of the area, living conditions, heritage assets, trees, and highway safety. Therefore, the most important policies for determining this appeal are Policies DM4, DM8 and DM9 and Policies 1 and 8 of the Neighbourhood Plan which, as outlined previously, are consistent with the Framework. As such, the most important policies for determining this appeal are not out-of-date and paragraph 11d of the Framework is not engaged in this case.
31. Even if paragraph 11d of the Framework were engaged, there would be minimal benefit associated with the contribution of the proposal to the supply of housing. There would also be limited economic and social benefits arising from a single dwelling.
32. Against these limited benefits, the proposal would result in significant harm to the character and appearance of the area and the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

33. The absence of harm in relation to living conditions, heritage assets, trees and highway safety are matters that carry neutral weight.

Conclusion

34. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR