



Appeal Decision

Site visit made on 11 January 2022

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/A3010/W/21/3281159

Land Off Robertson Grove, Shireoaks Road, Worksop, Nottinghamshire S80 3FR

- 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 Walker & Sons (Hauliers) Ltd against the decision of Bassetlaw District Council.
 - The application Ref 21/00131/FUL, dated 26 January 2021, was refused by notice dated 7 April 2021.
 - The development is described as 1 No single storey dwelling with detached single garage and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. During the course of the consideration of the planning application by the Council, the appellant made a number of amendments to the proposal, one of which was the removal of the proposed garage. I have assessed the scheme on the basis of the amended plans considered by the Council.

Main Issues

3. The main issues are:
 - the effect of the proposal on the biodiversity enhancement area/buffer zone; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Biodiversity enhancement area/buffer zone

4. Planning permission was granted for the development of the wider estate within which the appeal site is located for the erection of 80 dwellings¹. Subsequent amendments, and further planning approvals since the 2016 application was granted, reduced the overall total number of dwellings to 78. The current proposal for one bungalow would not therefore lead to an addition to the overall, original 80 planned dwellings.
5. The site as a whole is in proximity to Tranker Wood Local Wildlife Site (LWS), an Ancient Woodland. Under the 2016 application, areas to the north and east

¹ 16/00725/FUL (the 2016 application)

of the site were marked as a buffer zone to the LWS which would be planted and managed for biodiversity enhancement as a conservation margin as recommended within the BSG Extended Phase 1 Habitat Survey 2016 submitted with the 2016 application, in order to avoid any direct impact on the LWS. The approved plan² shows the boundary of the buffer zone, although does not quantify the amount of biodiversity enhancement to be achieved.

6. The location of the appeal site is such that it would result in the loss of part of that buffer zone. I saw at my site visit that the buffer zone area has not yet been planted. In its current form therefore, the proposal would be unlikely to harm the biodiversity of the buffer zone itself. Furthermore, if it were to be developed, there would still be a large area available to facilitate biodiversity enhancement given this is not quantified in the evidence before me. Nevertheless, the appeal site forms part of the planned green infrastructure for the development as well as part of the buffer zone giving protection for the LWS incorporating Ancient Woodland. The National Planning Policy Framework (the Framework) states that development resulting in the loss or deterioration of irreplaceable habitats such as Ancient Woodland should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
7. I saw that No 13 Goransson Walk (formerly plot 53), is sited very close to the LWS and canopies of the trees extend over its garden area. According to the appellant, the closest part of No 13 is 5.8 metres from the tree canopy. The proposed house would be 6.8 metres away, although I saw on site that the tree canopies, would likely extend over the garden area. In addition, a proposed driveway at the rear of the plot would be significantly closer to the tree canopy as identified on the submitted plan.
8. While the proposed house would be no closer than No 13, it is clear from the submitted approved plan 15/2043/103D that No 13 was part of an overall planned layout which incorporates a buffer zone to the LWS. Furthermore, the Council reports that that trees on the edge of the woodland area have experienced damage and land level change during construction on the site as a whole. The proposal would detrimentally erode the buffer zone and the rear driveway and garden area would introduce fencing and hardstanding very close to, and within the 6.6 metre root protection area as advised within the original Arboricultural Report.
9. Moreover, trees grow, and the presence of a buffer zone allows provision for this without the potential to cause harm to the trees and the integrity of the LWS or the living conditions of occupiers of the houses, noting that the approved plan shows the garden of No 13 located away from the tree canopy. The apparent closeness of the existing houses on the site to the woodland confirm that to locate houses in proximity to the canopy of the Ancient Woodland may be to the detriment of the trees and, in the longer term, to the living conditions of residents. This would be caused by overhanging tree canopies to private garden spaces causing increasing shade and leaf fall leading to pressure to fell or prune the trees, resulting in the loss or deterioration of the Ancient Woodland. I have been presented with no robust wholly exceptional reasons for the siting of the house in this location.

² 15/2043/103D

10. For the reasons above, I conclude that the proposal would cause harm to the biodiversity enhancement area/buffer zone. It would therefore conflict with Policy DM9 of the Bassetlaw Core Strategy & Development Management Policies Development Plan Document 2011 (the DPD) and the National Planning Policy Framework (the Framework). This requires that development proposals provide improvements to the green infrastructure network that benefit biodiversity through the incorporation of retained habitats and by the creation of new areas of habitat.

Character and appearance

11. The appeal site is within a modern housing estate, with a variety of house types. In the vicinity of the appeal site, the predominant style is bungalows set back from the road with open frontages and planned areas of green infrastructure, creating a modern spacious suburban character and appearance.
12. The proposed bungalow would be of a similar design and form to those existing so would integrate well in that respect. Furthermore, boundary treatment to the buffer zone would be of an appropriate design and scale. However, having been designed to front the main road, and sited in isolation from other built form, it would present a blank side elevation to Goransson Walk together with a solid 1.8 metre fence, enclosing the rear garden, necessary to provide privacy to that space. Consequently, it would not integrate well with the street, giving a sense of enclosure that would not reflect local character. I saw that on the whole, elsewhere on the site, this had been avoided through good, well thought out design on corner plots. The siting of the proposed house would also harmfully erode a planned area of green infrastructure clearly defined on the approved plan.
13. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. There would therefore be conflict with Policy DM4 of the DPD and the Framework which require that development should be of good design which complements and enhances the character of the built, historic and natural environment.

Other Matters

14. I appreciate that the proposal was subject to amendments at the request of the Council, however I have found harm in the proposed form of development.

Conclusion

15. The proposal would result in the addition of one house, which would have some economic and social benefits. However, these would not be sufficient to outweigh the conflict with the development plan as a whole. Therefore, the appeal should be dismissed.

Zoe Raygen

INSPECTOR