



Appeal Decision

Site visit made on 1 March 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/R1038/W/21/3283752

48 Sheffield Road, Killamarsh, Sheffield S21 2EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Hill against the decision of North East Derbyshire District Council.
 - The application Ref 21/00100/OL, dated 23 December 2020, was refused by notice dated 9 April 2021.
 - The development proposed is the erection of 2 No. 4 bed detached dwellings with double detached garages and double detached garage to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline permission is sought but with access to be considered at this stage. I have had regard to the indicative site layout (Drawing 01 Rev A) submitted with the application. I note that revised indicative layouts have been submitted during the course of the appeal (Drawing PL01 submitted with the appeal statement; and subsequently Plan A: Drawing PL30 and Plan B: a plan superimposed on an ariel photograph). As this scheme is in Outline seeking permission for access only, I recognise that the indicative layouts are intended solely to demonstrate the potential for the scheme to adequately accommodate the scale of development proposed. For this reason, as well as noting that the Council were able to consider these plans prior to the submission of their statement, I consider that no other interests will be prejudiced, and I shall therefore determine the appeal on the basis of the plans referred to in the application, as well as being informed by the alternative indicative layouts submitted by the appellant.
3. Since the Council refused planning permission, the North East Derbyshire Local Plan (2021) (LP) has been adopted. The policies referred to in the refusal notice as being from the 'Publication Draft' are now adopted and supersede those policies quoted from the North East Derbyshire Local Plan 2005. As both sets of policies were quoted in the decision notice and the aims of both sets of policies are similar, neither party has been prejudiced by this change in policy circumstances. The appellant has also had the opportunity in their comments to respond to this change in the development plan.
4. A further application for one detached dwelling on this appeal site has been approved since the Council issued its refusal (Ref. 21/01176/OL). The decision notice confirms that this is an outline permission with all matters reserved for a four-bedroom, detached dwelling with double detached garage, and double

detached garage for the existing dwelling. This demonstrates that the Council considers that the site can satisfactorily accommodate an additional dwelling and two detached garages, and I note that the indicative plan submitted with this application (Drawing PL20) suggests how the development might be accommodated.

Main Issues

5. The main issues are:

- the effect of this proposal on the character and appearance of the surrounding area; and
- whether the proposed development would provide acceptable living conditions for the occupiers of 48 Sheffield Road with particular regard to noise and disturbance, and the amount of amenity space.

Reasons

Character and appearance

6. The appeal site is located within an area of mixed character with variety to the size and design of buildings. With the exception of some more recent cul de sac housing developments nearby, most dwellings front Sheffield Road, with small front gardens and a mainly consistent building line.
7. The appeal site is part of a large garden extending to the side and rear of 48 Sheffield Road (No.48). The property is set back and elevated from the road behind a small front garden and bounded by a retaining wall with a sloping drive to the side of the dwelling, accessing a single garage at the rear.
8. Properties to either side of No.48 share long, linear gardens with a common boundary at the rear, backing on to Primrose Close, a more recent estate development. No.48 has a substantially larger garden, primarily because the plot extends down the side of the dwelling to the road.
9. The recent planning approval has confirmed that the site has the potential to accommodate one additional dwelling. However, accommodating a further dwelling, together with three, detached double garages is a considerable amount of development for the plot to absorb.
10. Whilst the appellant has submitted various indicative site plans to demonstrate that a form of development could be accommodated in a variety of ways, it would be squeezed in and unlikely to achieve the totality of development sought without detrimentally affecting the character and appearance of the area. The siting of two dwellings, with their amenity space and detached double garages, together with parking and hard surfacing for a total of three dwellings, and a further detached garage, would considerably erode the green, open character of the garden. It would create a site dominated by drives, hardstanding and cars. I agree with the Council that it has the potential to create a vehicle dominated, characterless space which would be visible from the road along the access drive. The anticipated fencing to screen gardens would further reinforce the unattractive nature of the site.
11. Furthermore, a dwelling at the rear would be isolated and wholly unrelated to the character of the linear plots to either side, and out of place with the surrounding built form.

12. I accept that garden sizes in the area vary and that the overall character of Killamarsh is of a much higher density because of more recent housing estates and I note that in some areas car parking is prevalent. However, I must reach my decision based on the immediate character of the area and the effect that a development of this scale will make to it.
13. The example of a development at 120 Sheffield Road is some distance from the appeal site, I have not been provided with any details that led to this proposal being accepted and cannot be certain of any direct parallels that could be drawn with the current proposals. In any case, I have determined the appeal on its own merits and in the case before me there is no precedent for backland dwellings in this immediate area.
14. The development would considerably change the nature of this plot and would cause harm to the character and appearance of the surrounding area and conflict with Policies SS1, SS7 and SDC12 of the LP and the Supplementary Planning Guidance Document 'Successful Places: A Guide to Sustainable Housing Layout and Design' (2013) (SPG), which together seek to create well designed places, that relate to the site and its surroundings, and respond positively to local character. It would also be contrary to the 2021 National Planning Policy Guidance (the Framework) which seeks to resist the inappropriate development of residential gardens where such development would cause harm to the local area.

Living Conditions

15. The widened access, potentially serving all three properties, would pass close to the side elevation of No.48. Although the comings and goings of the occupants to the additional dwellings are likely to be minimal, there would be potential for some noise and disturbance to existing and future occupants of this property. However, the potential mitigation, including removing the large patio door in the side gable and adjusting the position of the access, together with some screening (providing details would be submitted and determined at reserved matters stage) would be reasonably capable of implementation. With these points in mind and acknowledging the fact that planning permission has already been granted for one additional dwelling on the site, I am satisfied that the appeal proposal would not result in any harmful disturbance to the occupiers of No.48.
16. Although the appeal scheme is in outline form with only indicative layouts, No.48 would have a much-reduced rear garden. Each indicative layout has suggested that adequate amenity space (as defined in the SPG) cannot be provided for each of the three dwellings alongside the rest of the development sought. If permission was approved then at reserved matters stage it is likely that the overall development would be compromised, either in respect of amenity space, parking and manoeuvring space or in both these respects. Consequently, at reserved matters stage, although it is possible that No.48 may have adequate amenity space at the rear, it is likely to be at the expense of some other aspect of the development. It is very possible, therefore, that the private amenity space would be inadequate and far less than would reasonably be expected by future occupants of this family-sized dwelling.
17. Taking the above points together, although I find no harm to the future living conditions of the occupants of No.48 in terms of noise and disturbance, I consider that the proposed development is likely to result in an inadequate

amount of amenity space for those occupants, and potentially also for the occupants of the other new dwellings. The development would, therefore, conflict with Policy SDC12 of the LP and the SPG which seek to create good quality living conditions for existing and future occupants, including adequate amenity space. This approach is broadly consistent with the requirements of the Framework which seek to ensure the provision of appropriate levels of amenity for existing and future users.

Other Matters

18. I recognise that the appeal site is in a sustainable location and that it will make efficient use of a large garden area. However, these matters do not outweigh my findings in respect of the effect of the proposed development on the character and appearance of the area, and on the living conditions of the occupants of No.48. The harm identified clearly outweighs the benefits of providing two new dwellings.

Conclusion

19. I therefore conclude that the proposal would be contrary to the development plan and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR