



Appeal Decision

Site visit made on 8 March 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 23rd March 2022

Appeal Ref: APP/B3030/D/21/3289889

188 Mansfield Road, Clipstone NG21 9AE

- 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 Robert Bargh against the decision of Newark and Sherwood District Council.
 - The application Ref 21/01614/HOUSE, dated 27 July 2021, was refused by notice dated 15 October 2021.
 - The development proposed is to build a concrete sectional building on a concrete base for storage of garden furniture, garden tools, etc.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The proposed development includes the erection of an outbuilding within the front garden of an end of terrace of 2-storey dwelling situated at the junction of Mansfield Road and Seventh Avenue. The property is located within Clipstone Colliery Village which is a non-designated heritage asset. The value of this heritage asset is associated with being a planned village constructed in the 1930s with development blocks created by a predominantly grid layout of roads which are fronted by semi-detached and terraced dwellings. These dwellings have clear building lines by being set back from the footways to the rear of landscaped gardens which are also used for parking.
4. Paragraph 197 of the National Planning Policy Framework (the Framework) refers to the determination of applications, and appeals, taking into account the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. For non-designated heritage assets the Framework requires a balanced judgement to be taken having regard to the scale of any harm, or loss, to the significance of the asset.
5. The property's front garden is substantially enclosed by a wooden fence with an opening to provide vehicular access from Mansfield Road. The appellant has explained the outbuilding is being proposed to be sited in the front garden

- because of the limited size and triangular shape of the rear amenity space and this was observed during the site visit.
6. The proposed outbuilding would be sited adjacent to the shared boundary with 2 Seventh Avenue and close to the single storey garage which has been erected within this neighbouring property's front garden. From the evidence, this neighbouring outbuilding was erected without planning permission but is now immune from enforcement action.
 7. Based upon the site visit, there are examples of other outbuildings being sited forward of host dwellings elsewhere within the Clipstone Colliery Village. However, by reason of scale, materials and design these other schemes do not contribute positively to the character and appearance of the non-designated heritage asset. They do not represent positive precedents for the appeal scheme. This assessment applies equally to the garage within the front garden of No. 2.
 8. Although substantially screened by the boundary fence, by reason of height the roof of the proposed outbuilding would be visible from locations around the junction. There would also be views from Mansfield Road where there is a gap in the boundary fence for vehicular access. The appellant is willing to change the external materials of the appeal scheme but the proposed outbuilding's siting within the front garden and its size, in particular the degree of projection above the boundary fence, would result in an incongruous form of development. The appeal scheme would detract from the open and spacious character and appearance of the streetscene, including at the road junction notwithstanding the presence of the adjacent garage.
 9. Accordingly, by reason of siting and size the proposed outbuilding would cause unacceptable harm to the character, distinctiveness and significance of this non-designated asset. This harm is not outweighed by the appellant's circumstances associated with why an outbuilding of the size proposed should be sited in the front garden.
 10. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with Policies DM5, DM6 and DM9 of the Newark and Sherwood Allocations and Development Management Development Plan Document. Amongst other matters, these policies require development to take into account the local distinctiveness and character of an area and also the significance and setting of any heritage asset. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR