



Appeal Decision

Site visit made on 7 June 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/F4410/D/22/3295548

Blacksmiths Lodge, 11 Grove Court, Marr, Doncaster DN5 7AL

- 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 M Cooper against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/02686/FUL, dated 26 August 2021, was refused by notice dated 1 February 2022.
 - The development is described as 'proposed single storey rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for development described as 'proposed single storey rear extension' at Blacksmiths Lodge, 11 Grove Court, Marr, Doncaster DN5 7AL in accordance with the terms of the application, Ref 21/02686/FUL, dated 26 August 2021, subject to the condition set out below:
 - 1) The development hereby permitted is as shown on drawing reference 015/045/PD/REV B.

Procedural Matters

2. Notwithstanding the description of development, the appeal documents (and my site visit) confirm that the extension has been completed. I have considered the appeal accordingly. In addition, the appeal documentation refers to a previously approved permission on the site for a single storey rear extension. The Council also refer to the fact that permitted development rights have been removed for the property. Nevertheless, I have considered the appeal scheme on its own merits.

Main Issue

3. The main issue is the effect of the development on the living conditions of neighbouring and existing occupiers with specific regard to outlook and provision of garden space.

Reasons

4. The crux of the Council's concerns in regard to the main issue related to the outlook of the occupants of No 9 Grove Court and the provision of garden space for the host dwelling. No 9 is sited at a higher level than the appeal site. This change in levels and the boundary fences between the properties results in effectively only the roof of the extension being visible from their garden and ground floor level. Any effect on the outlook of occupiers of No 9 is further

reduced by the roof of the extension sloping away from the shared boundary and the overall size of the garden afforded to No 9. The extension is consequently not unacceptably dominant or over-bearing to the point that the outlook of the occupiers of No 9 would be adversely affected.

5. While the extension does cover a considerable area of the host dwelling's garden, a reasonable amount, for the purposes of private enjoyment, seems to remain. The area provides adequate space for unencumbered sitting out amongst other things. In addition, I have not been provided with any policy which sets out a minimum amount of private garden space for the size of the host dwelling.
6. The development does not therefore harm the living conditions of neighbouring occupiers and would be acceptable in terms of the living conditions of existing occupiers. It therefore complies with Policies 41 and 44 of the Doncaster Local Plan 2021 and the provisions of the National Planning Policy Framework (NPPF) which, amongst other things, seek to ensure that good design creates high quality residential environments and that developments are not over-bearing or result in an unacceptable loss of garden space.

Other Matters

7. In their reason for refusal, the Council express substantive concerns over the effect of the development on the Green Belt. Whilst they allude to openness and character, they confirm that the development is not in the Green Belt. Thus, for planning policy purposes, the tests of the relevant section of the NPPF would not apply.
8. The officer report also expresses concerns that the siting of a timber shed within the Green Belt demonstrates that insufficient private amenity space remains and that allowing this appeal would lead to future pressure on the Green Belt. I have concluded that the remaining garden space would be sufficient. It would therefore be for the Council to address any issues as they arise in relation to the Green Belt when or if any encroachment thereinto occurs.
9. The site is within the Marr Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. As the appeal proposal is to the rear of the host dwelling, not readily visible from any public area, and is acceptable in design terms for the host dwelling, the character and appearance of the CA would be preserved.

Conditions

10. Since the appeal scheme seeks retrospective planning permission, the only condition I have imposed relates to the approved plans, to define the planning permission and for the avoidance of doubt.

Conclusion

11. For the reasons given above, the appeal scheme complies with the development plan. As such, the appeal should be allowed.

J Downs

INSPECTOR