The Planning Inspectorate

Appeal Decision

Site visit made on 5 October 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2022

Appeal Ref: APP/F4410/D/22/3305657
17 Top Road, Barnby Dun, Doncaster DN3 1DB

- 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 Matthew White against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 22/01660/FUL, dated 30 June 2022, was refused by notice dated 12 August 2022.
- The development proposed is Erect front and rear ground and first floor extensions and replacement garage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the planning history of the site, and the detailed references to amendments to the design of the appeal proposal. However I have determined this appeal on the basis of the plans that are before me.

Main Issues

3. The main issues are:

    - the effect on the character and appearance of the area; and
    - the effect on the living conditions of occupiers of 15 and 19 Top Road with specific regard to overshadowing.

Reasons

Character and appearance

4. Top Road serves as an arterial route through Barnby Dun. There are a range of building and dwelling types along its length, some of which are close to the appeal site. However, near the appeal site, development is predominantly in the form of single storey dwellings in spacious plots, giving the street a domestic character. While there is variation in the design of the dwellings particularly in relation to the roofs and roof heights, and some of the dwellings have clearly been altered and extended, this does not change the prevailing appearance of single storey development.

5. The appeal proposes alterations and extensions to the dwelling. To the front elevation, the increase in the ridge height of the roof and introduction of a two-storey gable feature would substantially increase the mass of the dwelling. The

gable feature would appear particularly prominent given it would project forward of the remainder of the extended bungalow. The appeal proposal would result in the appeal property being perceived as a two-storey dwelling which would appear incongruous in the context of the prevailing development type.

6. The appellant has highlighted dwellings in the surrounding area which have had alterations to allow occupation in the roofspace of the dwelling. The majority of these are not on Top Road and so are in a different context to the appeal site. I observed the development of two storey dwellings further along Top Road, however this site is in proximity to where the character and appearance of Top Road changes to where two storey dwellings are predominant and so is in a different context to the appeal site.

7. I observed the development at 40 Top Road. It was approved prior to the current development plan being adopted and I am unaware of the policy framework in place at that time. It has resulted in No 40 having the appearance of a two storey dwelling when viewed from Top Road and this strengthens my view that the appeal proposal would appear as an incongruous feature in the street.

8. Given the scale and extent of the proposed works, they would not appear as poorly related additions to the host property and as such would have an acceptable effect on the appearance of the host dwelling in and of itself. However this would not overcome the harm to the street scene that would arise from the overall scale and prominence of the proposed development.

9. The appellant has referred to Doncaster Local Plan adopted September 2021 (DLP) Policies 10 and 45, however these are not relevant to the appeal as they concern applications for new dwellings. Both parties have referred to the guidance contained within the Doncaster Transitional Developer Guidance April 2022 (TDG) and the South Yorkshire Residential Design Guide 2011. However I attach limited weight to these as they are not formally adopted supplementary planning documents. I have also had regard to the principles of good design in the National Planning Policy Framework (the Framework) and National Design Guide in reaching my decision.

10. In relation to this main issue, I conclude that the appeal proposal would not have an acceptable impact on the character and appearance of the surrounding area. This would be contrary to DLP Policies 41 and 44 which require development to respect and respond positively to the context and character of the existing area. It would also be contrary to paragraph 120 of the Framework which requires upwards extensions to be consistent with the prevailing form of neighbouring properties and the overall street scene.

Living conditions

11. The application was accompanied by a Daylight and Sunlight Report (the report) which assessed the proposal against the guidance in the Building Research Establishment guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition', which acknowledges that it provides guidance and is not mandatory.

12. The affected windows at 15 Top Road are enclosed by No 17, limiting the amount of light they receive. This would be further reduced were the appeal proposal built. While the report concludes this would be acceptable due to the

level of change from the existing situation, the effect would be that there would be less light to those windows than the generally accepted standard and this would be harmful to the living conditions of the occupiers of No 15.

13. The area of the garden in proximity to the rear elevation of 19 Top Road is already shadowed due to the siting of the dwellings relative to each other. The increased mass of the appeal proposal would result in an increase in general overshadowing to this area. Although the report assesses that the effect to the window in the rear elevation would remain acceptable, the increase in overshadowing to the garden area would be harmful to the living conditions of the occupiers of No 19.

14. The report is not applicable to the side window at No 19 due to its orientation. It is enclosed by the existing dwelling and so receives very limited light. Although this would be further reduced by the appeal proposal given its height and proximity to the window, it would not have a serious effect on the enjoyment of the property given the current situation with regard to light.

15. I acknowledge the advice in Paragraph 125 of the Framework, however I note this is primarily in relation to designing for housing development in areas where there is an anticipated shortage of land for housing and ensuring efficient use is made of land and so is not of direct relevance to this appeal.

16. In relation to this main issue, I conclude that the appeal proposal would have an adverse impact on the living conditions of neighbouring properties due to the increase in overshadowing. This would be contrary to DLP Policy 44 which requires development to protect existing amenity and not significantly impact on the living conditions of neighbours.

Other Matters

17. Paragraph 9 of the Framework confirms that the objectives of sustainable development are not criteria against which every decision should be judged. There is no suggestion that the development plan is out of date and it does contain policies relevant to this appeal, therefore Paragraph 11c of the Framework is engaged. The starting point is therefore that this appeal should be determined in accordance with the development plan.

18. The appellant has raised concerns with the way in which the Council's report summarised national policy. I have considered national policy in reaching this decision and not relied on the Council's summary.

19. The appellant has set out that the existing dwelling needs work to bring it to current standards. There would be a wider public benefit from the dwelling being more energy efficient. I also acknowledge the needs of the appellant's family to have sufficient space. Although this is primarily a private benefit to the appellant, it is nonetheless a material consideration that weighs in favour of the appeal scheme.

20. The appellant has suggested there is a shortage of housing suitable for families with ample amenity space. I have no specific evidence before me to demonstrate this and have therefore afforded it limited weight.

Conclusion

21. For the reasons given above, the appeal proposal would be harmful to the character and appearance of the area, and to the living conditions of neighbouring occupiers, so would conflict with the development plan. There are no material considerations, including the identified benefits and national planning policy and guidance, of sufficient weight to indicate that a decision should be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

J Downs

INSPECTOR