



Appeal Decision

Site visit made on 8 November 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/B3030/W/22/3303679

11 Strawberry Hall Lane, Newark On Trent NG24 2EX

- 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 Brian Mardell against the decision of Newark & Sherwood District Council.
 - The application Ref 22/00024/FUL, dated 6 January 2022, was refused by notice dated 14 February 2022.
 - The development proposed is described as 'removal of existing double garage 2.No New dwelling bungalows to be added to the site. 2 Bedrooms - Please see drawings.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether satisfactory living conditions would be maintained for the occupants of the existing dwelling, with regard to privacy; and
 - whether satisfactory living conditions would be provided for future occupiers of the proposed development with regard to noise and disturbance.

Reasons

Character and appearance

3. The appeal site comprises a detached bungalow with a wide frontage, set within a generously sized plot. A detached flat roofed outbuilding and polytunnel are positioned to the rear of this dwelling.
4. Whilst there is some variety in the scale and appearance of houses along Strawberry Hall Lane, in the vicinity of the appeal site there are predominantly bungalows arranged in a strong linear form relative to the road. The total area of the side and rear garden at the appeal property appears larger than that of other residential dwellings along Strawberry Hall Lane. In addition, the extent of frontage hedgerow and landscaping within the site is greater than other dwellings in the street. Such space and the verdant nature of the appeal site make a positive contribution to the character and appearance of the surrounding area.

5. The appeal proposal seeks to introduce two new bungalows that would be positioned within the rear garden of the appeal property. Access to the new dwellings would be achieved by a shared private driveway alongside the existing driveway to be retained for the existing dwelling.
6. The appeal scheme would be visible from Strawberry Hall Lane as well as from neighbouring gardens. By reason of the position of the proposed dwellings, relatively close to the rear of the existing, they would appear to be squeezed in behind it. Furthermore, the amount of the site that would be given over to the proposed wide driveway and the consequent loss of garden planting would draw the eye to the proposed dwellings. Whilst some of the frontage hedgerow will be retained the appeal scheme would, nonetheless, detract from the spacious character of this side of Strawberry Hall Lane appearing as a discordant feature.
7. There are many outbuildings within rear gardens nearby, as well as within the appeal site. The height, scale and massing of the proposed development would, however, be significantly greater than such buildings. The existence of such rear outbuildings would not, therefore, justify backland residential development in a location where there is no similar development visible from the highway.
8. The proposal would make more efficient use of the appeal site, which is of a sufficient size that the resulting density of development would be appropriate for the area. The design and materials of the proposal would also be acceptable. Nonetheless, for the above reasons, the development would not sit well with the established pattern of development of the area and would appear as an intrusive and discordant addition to the street scene to its detriment.
9. Consequently, I find that the proposal would harm the character and appearance of the area. As such, it would be contrary to Core Policy 9 of the Newark and Sherwood Amended Core Strategy 2019 (CS) and Policy DM5 of the Newark and Sherwood Allocations and Development Management Development Plan Document 2013 (DPD) which seek, amongst other things, to ensure new development proposals contribute to and sustain local distinctiveness and character and resist inappropriate backland development. In addition, it would be contrary to the design aims set out in the National Planning Policy Framework (the Framework).

Living conditions of the occupants of the existing dwelling

10. Whilst overlooking of rear gardens is typical and accepted within most residential areas, in this case the first-floor windows of the proposed properties would look over the entire remaining garden area of the host property at close range. Furthermore, the limited separation distance and the consequent visibility between the proposed first-floor windows and the existing dwelling would result in a significant loss of privacy for the occupants of that property. Such a high level of overlooking would unacceptably harm their living conditions.
11. Consequently, the proposal would not maintain satisfactory living conditions for the occupants of the existing dwelling, with regard to privacy. As such it would conflict with CS Core Policy 9 and DPD Policy DM5 which seek, amongst other things, to ensure high quality design, that does not adversely impact on the amenity of neighbours. It would also be contrary to the Framework which promotes a high standard of amenity for existing and future users.

Living conditions of the occupants of the proposed dwellings

12. The appeal site shares a rear boundary with businesses on Northern Road. It is particularly close to a car body-shop, and it is reasonable to anticipate that such a business will generate noise, dust, and fumes which could have an adverse impact on the living conditions of the occupiers of the proposed development. The appellant says that a noise survey could be secured by condition. However, without an appropriate acoustic assessment there is insufficient information to show that noise attenuation would provide acceptable mitigation. Whilst landscaping along the rear boundary could provide a visual barrier it would not provide a suitable and effective sound barrier on its own.
13. Moreover, the proposal would introduce new noise-sensitive development much closer to existing commercial premises than other properties along Strawberry Hall Lane. The Framework advises that, existing business and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the agent of change should be required to provide suitable mitigation before the development has been completed. In the absence of an appropriate acoustic assessment, it has not been demonstrated that the proposal would not be prejudicial to the future of the established employment uses adjoining the site.
14. I find therefore that the proposal would not provide satisfactory living for future occupiers of the proposed development with regard to noise and disturbance. As such it would conflict with CS Core Policy 9 and DPD Policy DM5 which seek, amongst other things, to ensure high quality design, that does not adversely impact on the amenity of neighbours. It would also be contrary to the Framework which seeks to ensure that new development can be integrated effectively with existing businesses.

Other Matters

15. I acknowledge the benefit of the provision of two modest bungalows on an urban, brownfield site that is not allocated for any purpose or within a Conservation Area. In addition, I note that there were no objections from interested parties and consultees. However, these matters or any others raised do not outweigh the harm that I have identified.

Conclusion

16. For the reasons set out above, I conclude that the proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR