
Appeal Decision

Site visit made on 4 October 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/A3010/W/22/3296370

Land East Of 19 Milton Drive, Worksop S81 0DQ

- 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 Phil Cunningham against the decision of Bassetlaw District Council.
 - The application Ref 21/01727/FUL, dated 10 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed is erection of a single two-bedroom dormer bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single two-bedroom dormer bungalow at Land East Of 19 Milton Drive, Worksop S81 0DQ in accordance with the terms of the application, Ref 21/01727/FUL, dated 10 November 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. At the time of my site visit, I noted that a fence had been erected within the garden of No.19 to form a separate parcel of land. For the avoidance of doubt, this appeal is determined on the basis of the plans as submitted with the planning application.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and,
 - Whether the proposal would provide acceptable living conditions for the occupants of No.19, with particular regard to outlook, light and private amenity space.

Reasons

Character and Appearance

4. The area is characterised by a layout with a regularity of building lines and dwelling-types, generally comprising either semi-detached two storey gabled or tile-hung mansard roof dwellings. No.19, like other corner plots, has a significantly larger garden than other dwellings in the area. This gives a spaciousness to its corner location, which is also enhanced by mature hedging around the periphery and the open aspect towards the school playing fields

- opposite the site. The site contributes positively to the surrounding area, giving a pleasing consistency to the street scene.
5. The proposed dwelling would be located in the side garden on No.19, roughly in line with the front and rear elevations of No.19 and in line with the front elevation of 4 Milton Walk (No.4) to the rear. As such, it would not project forward of the established building lines in the area. Moreover, although the proposed dwelling would be detached, a gap would be retained around the proposed dwelling respecting similar spacings in the area.
 6. Although not of typical design and appearance to surrounding properties, I noted varying types and sizes of development and boundary treatments within other corner plots in the immediate area, some of which include significant extensions and outbuildings.
 7. The Council's Successful Places Supplementary Planning Document 2013 (SPD) states, amongst other things, that in designing development, inspiration should be drawn from the positive aspects of the wider context rather than recreate an existing poor design. It goes on to recognise that in some circumstances, the design of a proposal may depart from the local context and character (although not be ignored). The height of the proposed dwelling would sit somewhere between that of No.19 and No.4 and whilst the design would replicate some elements from the surrounding dwellings a more modern approach would be apparent. The proposed dwelling would reflect a similar ratio of roof to walling as the mansard design of properties along Milton Drive whereas the gable design would imitate that of buildings along Milton Walk.
 8. The relatively small garden proposed for the appeal dwelling and the reduced garden to No.19 would not be out of character in the context of comparable examples of short rear gardens on corner plots in the area. It is not clear to me, from the information provided, whether the attractive hedge fronting Milton Walk would be retained. However, this matter could be dealt with by way of a condition along the lines of that suggested by the Council, were planning permission to be granted.
 9. There are other examples of frontage parking along Milton Drive and as this would be designed as an integral part of the proposal, with appropriate boundary treatment, the proposed parking arrangements for the appeal site and No.19 would not harm the appearance of the street.
 10. I recognise that any additional unit would increase the density of development upon the site and remove an open parcel of garden land. Nevertheless, whilst the proposal would be clearly visible in the street scene, it would not appear unduly prominent or conspicuous as the dwelling would be seen in the context of a residential area with various building forms on corner plots.
 11. Therefore, the proposal would not harm the character or appearance of the area. It would accord with the design and character aims of Policy DM4 of the Bassetlaw Core Strategy and Development Management Policies DPD adopted December 2011 (CS) and the guidance provided in the SPD, the Framework¹ and the Design Guide².

¹ National Planning Policy Framework

² National Design Guide June 2021

Living Conditions for occupiers of No.19

12. The blank gable elevation of the proposed dwelling would be located in close proximity to the gable of No.19 which contains a ground floor kitchen/dining window. However, there is also a large rear-facing window and external glazed door to this room that both overlook the rear garden. While the proposal would result in a more imposing outlook for occupiers than currently exists from the side facing window of No.19, the main outlook and source of sunlight and daylight to the room would be retained. Consequently, the proposal would not significantly reduce light or be significantly overbearing for occupiers of No.19.
13. The size of the garden remaining for occupiers of No.19 would be reduced. The SPD advocates that a minimum of 70sqm of private amenity space should be provided for 3 bed houses. No measurement of the rear garden has been provided to me; however, the garden would be a single rectangular area, making it easily useable for typical domestic purposes. Moreover, even though the garden would be north-facing, due to the split-level arrangement, it would receive sufficient sunlight. The resultant amount of private garden space would not be significantly less than the private amenity space provided for other properties in the surrounding area and would be adequate for and commensurate with the size of dwelling.
14. Accordingly, the proposed development would provide acceptable living conditions for the occupants of No.19, with particular regard to outlook, light and private amenity space. It would accord with Policy DM4 of the CS and the guidance provided in the SPD, the Framework and the Design Guide which together, amongst other things, seek to ensure development respects the living conditions of future and neighbouring occupants.

Other Matters

15. I acknowledge that a previous scheme at the site was dismissed at appeal. However, this decision was more than ten years ago and I have been provided with limited information and plans. Regardless, it would appear to have been made prior to adoption of the CS and the Framework. In any event, I have considered this appeal on its planning merits.
16. It is likely that some of the mature hedge fronting Milton Walk would be pruned to accommodate the proposed development. However, there is no indication that all the hedge would be removed and were planning permission to be granted, a condition could be imposed to ensure appropriate boundary treatment is maintained to protect privacy and security. I have been presented with limited evidence that works to the hedge, if required, would significantly affect wildlife.
17. At the time of my site visit, which I appreciate is only a snapshot in time, I noted there were no parking restrictions in place along Milton Drive. While some on-street parking was taking place, there were spaces available in the vicinity of the site and the proposal would include off-street parking utilising part of an existing vehicular access. Although there is a school opposite the site, there is no main vehicular access to the school from Milton Drive. The area lies within a 20mph zone, therefore, traffic speeds would be low. I consider the vehicle movements generated by one additional dwelling would not result in a

significant effect on highway safety, a view supported by the Council's highway team.

18. Any effects from the construction period would be short-term and could be mitigated by careful construction management. This matter could be dealt with by way of a condition, were planning permission to be granted.
19. I note the concerns of a neighbour with regard to the effect of the proposal on privacy and light. The provision of screen fencing between the appeal site and No.4 would maintain internal privacy. Overlooking already occurs from occupiers of several surrounding properties towards the rear garden area of No.4 and the proposal would not worsen this situation.
20. The application boundary excludes the brick outbuilding adjacent to No.4. As such, the ownership and maintenance of this outbuilding is not a matter relevant to the planning merits of the case before me.

Conditions

21. I have considered the Council's suggested conditions in accordance with Paragraph 56 of the Framework and the Planning Practice Guidance (PPG)³. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. Along with the standard time limit, a plans condition is imposed in the interest of certainty.
22. To protect the character and appearance of the area, a condition requiring details of external materials is necessary. In addition, I also consider that, due to the sloping nature of the site, details of levels are necessary for the same reason. A condition requiring details of construction vehicle access and storage of materials during construction is necessary in the interests of preserving highway safety on and about the site. These conditions are necessary prior to the commencement of development as features and underground works may be affected by early parts of the development and neither party have raised an objection to their inclusion.
23. To provide clarity regarding future boundary treatment, particularly the hedge fronting Milton Walk, and to ensure some screening of off-street parking, a condition requiring details of boundary treatment is necessary. Provision of an electric vehicle charging point to the proposed dwelling is necessary to facilitate sustainable transport options.
24. I have amalgamated and rationalised two of the Council's suggested conditions relating to the provision of parking spaces for the proposed and existing dwelling in to one condition for clarity. This condition is necessary to secure parking for occupiers of the dwellings and to prevent loose material going on to and prevent flooding of the highway. However, having regard to the PPG's advice on the inclusion of restrictive conditions, I have not included the Council's suggested condition to removed permitted development rights for additional windows on the proposed dwelling as it is not necessary in this circumstance. Additional windows to elevations of the proposed dwelling would not worsen the situation with regards privacy for the occupiers of neighbouring properties.

³ PPG Paragraph: 003 Reference ID: 21a-003-20190723; revision date: 23 07 2019

25. In addition to the suggested conditions, I have also imposed a condition requiring details of drainage to ensure the development would be suitably drained without risk to surface water flooding on the site or elsewhere. Neither party have raised an objection to its inclusion.

Conclusion

26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Veevers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 21-01 (Location Plan); Drawing No. 21-02 (Block Plan as Existing); Drawing No. 21-03 (Block Plan as Proposed); Drawing No. 21-04 (Plans as Proposed); Drawing No. 21-05 (Elevations as Proposed)
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces (walls and roof) of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) The dwelling hereby permitted shall not be occupied until details of boundary treatment, together with a timetable for implementation, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) The dwelling hereby permitted shall not be occupied until two parking spaces have been provided fronting 19 Milton Drive as detailed on plan reference 21-03. The parking spaces shall be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0m from the highway boundary, shall have an overall width of 6.0m, shall be drained to prevent the unregulated discharge of surface water onto the public highway, and a dropped vehicular footway crossing shall be provided to the extent of the parking spaces.
- 8) The dwelling hereby permitted shall not be occupied until an EV fast charging point has been installed for that dwelling (minimum specification - 7w Mode 3 with Type 2 connector, 230v AC 32 Amp single phase dedicated supply) in a location accessible from the parking spaces.
- 9) The dwelling hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning

authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

END