



Appeal Decision

Site visit made on 22 November 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/B3030/W/22/3304243

36 Bullpit Road, Balderton, Nottinghamshire NG24 3LY

- 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 & Mrs James & Baker against the decision of Newark & Sherwood District Council.
 - The application Ref 22/00954/FUL, dated 13 May 2022, was refused by notice dated 30 June 2022.
 - The development proposed is 2no. dormer bungalows.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The address used in the banner heading above is taken from the planning application form but with the town and county inverted in the correct order.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. Bullpit Road consists of a mixture of bungalows, dormer bungalows and 2 storey dwellings fronting the residential street. Architectural styles and the material palette vary, which contributes to the mixed character of the street scene.
5. The dwellings on the eastern side of the road are set behind reasonably spacious front gardens some of which are used as off-street car parking and turning spaces. Hedgerows and mature planting are evident to the front of the dwellings adding to the pleasant, green character of the area. In addition, each of these properties benefits from a substantial long linear rear garden containing mature planting, that can be partially viewed from Bullpit Road between and behind the detached dwellings, emphasising the spacious, verdant nature of the plots.
6. The appeal site consists of a portion of the rear gardens belonging to the dwellings of 34 and 36 Bullpit Road (No 34 and 36), which I am advised by the appellant have both undergone extension and alteration. Both parties agree that it has a backland position behind the existing detached dwellings. However, the crux of the dispute between the parties is whether the proposal would be in-keeping with the character and density of existing development in the area, a requirement of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD 2013 (DPD).

7. The long rear gardens of the neighbouring dwellings fronting Bullpit Road are largely devoid of development, other than the presence of occasional single-storey detached outbuildings and structures, the majority of which are small-scale. I am referred to the officer report for a garage within the rear garden of 38 Bullpit Road (planning application reference 17/01288/FUL). The report indicates that the development was a replacement outbuilding, deemed not to be highly visible in public views. I saw that this outbuilding is of a generous footprint but with a low eaves height and a shallow hipped roof. Its low scale, combined with its siting much further back at the very rear of the garden, prevents it from being visible from Bullpit Road.
8. In contrast, the proposed dwellings would be of a considerably larger scale, occupying a good proportion of the existing rear gardens of No 34 and 36 and being wider, taller and longer than any of the nearby outbuildings. At 3.3m, the eaves height of the proposed dwellings would be considerably taller than those of No 34 and No 36, and the extent of the roof would be large in proportion to the elevations. There is limited evidence before me by way of section drawings to demonstrate how this compares to the overall heights of No 34 and 36 and therefore, I cannot determine the degree to which the development would be dominant. Nonetheless, it seems to me based on the proposed plans and my observations on site that the proposed dwellings would have a greater overall mass and scale than the existing dwellings.
9. Due to the orientation of the gable to No 34 facing Bullpit Road, a gap is present between it and No 36, particularly at first floor level, enabling partial views through to the appeal site. Such views would become more open as a result of the proposed development through the removal of existing trees, the car port and single storey structure to No 34, the reduction in the width of the garage to No 36 and the removal of the boundary fence between the 2 properties. The backland nature of the development would therefore be apparent with the scale of development being obtrusive.
10. Whilst I appreciate that the proposed dwellings have been designed to have a balanced and traditionally referenced design, it is not the design or visual appearance that is contrary to the prevailing character of the area, but rather their siting and scale. I acknowledge that the resultant plots for both the proposed dwellings and No 34 and 36, would provide a sufficient quantum and quality of garden comparative to the size of the dwellings. Nevertheless, the siting and scale of the proposed development would result in the subdivision of the long, linear rear gardens into smaller plots, eroding their cohesive and open character. It would further increase the concentration of development such that it would not reflect and would be harmful to, the prevailing low-density of development along this side of Bullpit Road.
11. I find that the proposed dwellings would result in an adverse effect upon the character and appearance of the area. As such, the proposal would fail to accord with Policy 9 of the Newark and Sherwood Amended Core Strategy 2019 (Core Strategy) and Policy DM5 of the DPD (2013) which amongst other things, seek to resist inappropriate and uncharacteristic backland development and ensure that development is of an appropriate form and scale to its context. The proposal would also fail to comply with paragraph 134 of the National Planning Policy Framework (the Framework) which requires high quality design that responds to local character.

Other Matters

12. I am referred to a development of 6 dwellings on The Oaks to the north of the appeal site, that the appellant considers sets a local precedent for backland development. I note that this development was originally approved in 2001 under application reference 01/01282/OUT, prior to the adoption of the Core Strategy and the DPD, as well as the current iteration of the Framework (2021). Notwithstanding the difference in the local planning policy context, I saw that this development is accessed off Wolfit Avenue through a reasonably wide break in built development, rather than via a narrow driveway between 2 dwellings. The circumstances are not therefore comparable to those before me.
13. My attention has been drawn to other examples of backland development that have been approved by the Council at Clipsham Close, Jasmine Court and the rear of 5 Chaucer Road and 188 London Road. Although the appellant considers they are similar to the appeal proposal, from the evidence before me, I find that the contexts are very different, including the proximity to other dwellings and the variety of plot sizes at the rear of No 188, and the lower-scale development of one bungalow at the rear of No 5.
14. The details of the decisions that led to the Clipsham Close and Jasmine Court development are not before me and so, it is unclear to what extent they are equivalent to the current proposal. Clipsham Close is a small housing estate and as such, is different in character and scale to the development proposed. Again, I do not find the circumstances comparable to those before me.
15. It is contended that the proposal would not have an adverse impact on the living conditions of existing occupants of neighbouring dwellings or the future occupiers, heritage assets, trees and protected species and would not result in the development of land that is unstable or within a flood risk zone. Absence of harm in these respects is to be expected of all new development. These are neutral matters that weigh neither for, nor against allowing the appeal.
16. The appellant suggests the proposal would be a sustainable form of development. However, paragraph 12 of the Framework indicates that development that conflicts with an adopted development plan should usually be refused. Moreover, the Framework shares similar aims to the development plan of protecting an area's character and appearance. Hence, I find the policies of the Framework taken as a whole, do not weigh in favour of allowing the appeal.
17. The appellant has questioned whether the issue of the proposal setting an undesirable precedent is relevant. I note that Policy DM5 of the DPD seeks to ensure that proposals do not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. As I have found harm would be caused to the character and appearance of the area from this particular proposal and I am dismissing the appeal on the main issue, a precedent for backland development would not be set.

Conclusion

18. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

M Clowes - INSPECTOR