



Appeal Decision

Site visit made on 15 November 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2022

Appeal Ref: APP/A3010/W/22/3303578

12 Highfield Lane Worksoop, Nottinghamshire S80 2QR

- 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 Ms Okey-Umeh, Primeprof Holmes Ltd against the decision of Bassetlaw District Council.
 - The application Ref 22/00430/FUL, dated 25 March 2022, was refused by notice dated 9 June 2022.
 - The development proposed is the erection of a new dwelling house attached to No 12 Highfield Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address, appellant's name, company details and description of development in the above banner heading is taken from the original planning application form, instead of the decision notice or appeal form. The appeal form does not indicate that any changes were agreed.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of No.12 Highfield Lane (No.12), having particular regard to garden space.

Reasons

Character and appearance

4. The appeal site comprises a distinctive semi-detached, two-storey dwelling and its garden. The front elevation of this corner property is positioned at a tangent towards Dukeries Crescent and is then articulated to face towards Highfield Lane. The prominent and spacious corner position of the appeal site means that the front elevations of the host building are visible from surrounding roads. The garden immediately at the rear of the host dwelling is relatively shallow, but there is a wider garden space to the side which is slightly elevated above Highfield Lane and the land level of No.10 Highfield Lane (No.10). This type of corner dwelling and garden arrangement is loosely repeated on the opposing side of Highfield Lane and at some prominent junctions throughout this residential area, which although there are varied house designs, there is an

overall cohesive vernacular and spacing of semi-detached properties and terraced dwellings.

5. The gap afforded by the side garden of the host dwelling, and that on the opposing side of Highfield Lane provides visual relief from otherwise built-up frontages. The proposal would roughly fill two thirds of the side garden of No.12 leaving a driveway width between it and No.10. This would harmfully erode the space between the dwellings, and thus be of detriment to the spacious character of this site.
6. The proposal would also be sited forward of its neighbour at No.10. It would therefore be closer to Highfield Road, which at this point is not significantly wider than a single car width. This would enclose the entrance to Highfield Lane and form a dominant feature in this streetscene. Although the particular arrangement of the appeal building, having a front elevation facing Dukeries Crescent and Highfield Lane, breaks up the length and massing of the resultant terrace, nevertheless I find that the loss of the space around this corner property would be apparent from both these converging roads and the proposed dwelling would affect the spatial character of the area appearing cramped in its plot notwithstanding that it is seen against other dwellings and to the side of No.12.
7. On its own, the proposal's overall design, appearing as a terrace or semi-detached property, its external details and materials would not be at odds with the host dwelling or surrounding residential properties. I also note the appellant would be willing to accept suitable conditions. However, these aspects would not overcome the harm resulting from the proposal in this location. Nor does the fact that the site is not in the Green Belt, Conservation Area or subject to any other design restrictions justify the development which for the reasons stated would be harmful.
8. I therefore conclude the proposal would have a harmful effect on the character and appearance of the area. It would therefore be contrary to the Bassetlaw Local Development Framework - Core Strategy & Development Management Policies Development Plan Document December 2011 (CSDMP) Policy DM4, which amongst other aspects seeks to ensure development respects the character of the area. Similar guidance is contained in the Council's adopted Supplementary Planning Document 'Successful Places' (December 2013) and as such the proposal would not accord with this guidance. The scheme would also be contrary to the National Planning Policy Framework 2021 (the Framework) where it seeks to ensure proposals are sympathetic to local character.

Living conditions

9. The garden area immediately at the rear of the host dwelling is already enclosed as a result of neighbouring boundary treatment to the side and rear, and the presence of a garden tree. It is likely that a further boundary would be required by the appeal proposal. This would enclose the garden further, but even if there was low boundary treatment, it would still result in an awkward, enclosed small triangular space, which would be difficult to use.
10. The garden in front of No.12 facing Highfield Lane is also awkwardly shaped being wide and narrow, and also includes the driveway for parking for No.12, which would affect the amount of useable space if vehicles were parked. Whilst it is bounded by medium height hedging to Highfield Lane any activity within

the garden would be in public view, and close to two roads and therefore not private. Whilst I note the guidance contained in the National Design Guide (January 2021) and notwithstanding the figures for cumulative garden space provided by the appellant, nevertheless the proposal overall would result in a garden with limited privacy and awkward proportions for No.12. To my mind this would not be commensurate to the size of the building it serves, which is a relatively substantial semi-detached dwelling, which could house families, who would need outdoor space for play.

11. I therefore conclude that the development would harm the living conditions of the occupiers of No.12 as a result of the resultant garden space. Consequently, the proposal would be contrary to CSDM Policy DM4, which seeks to ensure that consideration is given to living conditions of nearby residents. The proposal would also not provide a high standard of amenity for existing users which is now set out in paragraph 130 of the Framework.

Other Matters

12. The appeal scheme would be in a suitable location for housing. However, the contribution of 1 dwelling to the supply and mix of housing in the area would be minimal, as would be any economic benefits resulting from the construction period and spending of future occupiers. The scale of the scheme also means any energy efficiency or sustainable construction benefits would be small. A lack of refusal reasons regarding matters such as the accessibility of the site to services and facilities, and highways safety, do not weigh in favour of the scheme and are not a reason to allow development that is unacceptable.
13. I note representations have been made in relation to the effect on the living conditions of the occupiers of No.10 Highfield Lane. The Local Highway Authority has also objected to the proposed development. This has not been transposed to the Council's reason for refusal. As these aspects are not an area of dispute between the main parties, and the scheme is unacceptable for other reasons there is no need for me to consider these matters further.

Conclusion

14. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination which outweigh this finding. For the reasons given above I conclude that the appeal should be dismissed.

K Williams

INSPECTOR