
Appeal Decision

Site visit made on 6 December 2022

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 9 January 2023

Appeal Ref: APP/A3010/D/22/3306680

2 Ashfield Court, Everton, Nottinghamshire DN10 5ES

- 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 Thomson against the decision of Bassetlaw District Council.
 - The application Ref 22/00862/HSE, dated 8 June 2022, was refused by notice dated 3 August 2022.
 - The development proposed is a detached garage, new French doors and windows to existing garage to form family room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was confirmed during the course of the appeal that the appellant was Mr Thompson as stated on the decision notice, I have therefore used this within the banner above.
3. The Existing Site Plan (ref. 21242-PW-008); Existing Floor Plans (ref. 21242-PW-001); Existing East and North Elevations (ref. 21242-PW-002); and, Existing Roof Plan and Visual (ref. 21242-PW-003) all show the first floor and separate single storey side extension permitted under a previous planning permission¹. While the single storey extension has been constructed the remaining elements had not been, at the time of my site visit. I have assessed the scheme as proposed on the basis of the plans before me.

Main Issue

4. The main issue of this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. 2 Ashfield Court (No 2) is located on the edge of the settlement, within a wider residential estate. The design, size and massing of the houses within Ashfield Court is fairly consistent, which affords a unique feel to the residential development on the edge of the settlement when compared to development elsewhere along Everton Sluice Lane. No 2 is surrounded by residential development on three sides and agricultural land on the fourth.
6. The proposed detached garage would be located in front of the existing building line, in an elevated position, within the verdant edge of Ashfield Court.

¹ Planning Permission reference 22/00388/HSE

Surrounding properties fronting this section of Everton Sluice Lane are often set back and have large driveways or front gardens. Whilst this may be considered the most commodious location for the proposed garage, building here would create a greater sense of enclosure and would mean No 2 would dominate over this section of the road. As such, the siting of the garage would harmfully affect the character and appearance of the area.

7. The proposed detached garage would be a modest extension and would appear subservient to the house and is located within the bounds of the property. However, when considered cumulatively with other additions, No 2 would be overly dominant due to the scale of the development compared to neighbouring properties within Ashfield Court when viewed from Everton Sluice Lane. No 2 would be much larger than other properties within Ashfield Court and set forward of the existing building line, this would erode the openness of the existing street scene. This effect is amplified by the prominent siting of the property in a raised position at the entrance to Ashfield Court.
8. Existing landscape features at the site as well as agricultural buildings and nearby properties would partly screen the garage in wider views beyond the street and from the nearby public right of way. Nevertheless, given the position of the proposed garage and bulk of the build form at the site the proposed development would be clearly viewed from Everton Sluice Lane and Ashfield Court.
9. Parking to the front of properties is a common feature along this section of Everton Sluice Lane. Parking is a low level and transient activity which has a limited effect on the character and appearance of an area. The proposed garage is partly located in an area used for car parking. Given the permanence of the proposed garage it will have more of a harmful effect on the character and appearance than the car parking area.
10. There are a small number of garages fronting the highway on Everton Sluice Lane. However, these examples are located closer to the centre of the settlement where there is a tighter grain of development, and the properties are more enclosed by residential development. As such, the character and appearance of the area is materially different to the appeal site.
11. The introduction of French doors and windows to the existing garage would have a very limited effect on the appearance of No 2. The proposed conversion would appear similar to the extension on the other side of the property and would not increase the amount of built development on the appeal site. The conversion of the existing garage for accommodation for the appellant's relative would therefore be acceptable and not have a harmful effect on the character and appearance of the surrounding area.
12. Imposing a condition which relates to the proposed materials used in the development would not overcome concerns I have identified with regard to the position and scale of the proposed development.
13. I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area. The appeal scheme is therefore contrary to Policy DM4 of the Core Strategy² and Policies E1 and E7

² Bassetlaw District Local Development Framework Core Strategy & Development Management Policies DPD, adopted December 2011

of the Neighbourhood Plan³, which require new development to respect its context, to protect or enhance the character of the parish and requires schemes to be of a design, scale, mass and built form that respond to the characteristics of the site.

14. The appeal scheme is also contrary to paragraphs 126 and 130 of the National Planning Policy Framework which state good design is a key aspect of sustainable development and planning decisions should ensure developments are sympathetic to the local character.

Other Matters

15. It has been put to me that the introduction of temporary accommodation in the front garden represents a fallback position. The appellant indicates they would seek to proceed with this were the appeal to be dismissed. It would introduce a structure into the garden of the property. However, there is no completed certificate of lawfulness for such a proposal or plans showing the location, appearance and size of any such unit. Moreover, it is said to be temporary accommodation rather than a permanent building. Therefore, while it would be a realistic prospect on the evidence before me, I cannot be sure it would be more harmful than the appeal scheme and I give this fallback position limited weight.
16. The proposed garage would provide some privacy benefit to the occupiers of No 2. However, it has not been demonstrated that this would be the only solution to provide privacy benefits or that there is currently a significant issue with a lack of privacy.
17. Even if the proposed development did not give rise to harm with regard to highway safety; living conditions; biodiversity and archaeology these would be neutral factors. Support from neighbouring residents, or a lack of objections from consultees is not a reason in itself to allow development that is unacceptable.
18. I appreciate the appellant amended the scheme in an attempt to overcome concerns that were raised. However, I have found the scheme before me to be harmful.

Conclusion

19. I have found that the proposed development would not be in keeping with the existing character and appearance of the surrounding area, given its position and scale. The permanence of the proposed development would lead to it having an unacceptably harmful effect on the character and appearance of the area. I attach substantial weight to this finding against the appeal.
20. The proposed development would provide ancillary accommodation for an elderly relative and would assist the appellant, and their family, in meeting their relative's increasing care needs. However, I have not been provided with evidence that the appeal scheme is the only feasible option for providing ancillary accommodation for their elderly relative. I can therefore only attribute limited weight to the benefit the development would afford this person.

³ Everton Neighbourhood Development Plan 2019 – 2034 Everton Parish Council (Neighbourhood Plan), adopted Autumn 2019

21. I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010, but the harm caused by the proposed development outweighs its benefits in terms of eliminating discrimination against a person with the protected characteristic of age, advancing equality of opportunity for that person and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.
22. 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.
23. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR