



Appeal Decision

Site visit made on 6 December 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/F4410/W/22/3302873

Hawthorne Cottages, Fenwick Lane, Fenwick, Doncaster DN6 0EZ

- 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 Oliver Tanner against the decision of Doncaster Council.
 - The application Ref 22/00349/FUL, dated 11 February 2022, was refused by notice dated 30 June 2022.
 - The development proposed is the part demolition of existing cottage, with proposed 2-storey new build 4-bed family home with parking and gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (Framework);
 - the effect of the proposal on the purposes of the Green Belt;
 - the effect of the proposal on the character and appearance of the existing property and the area;
 - the effect of the proposal on the living conditions of neighbouring occupiers with regard to outlook, privacy and amenity space provision;
 - whether the site forms an appropriate location for residential development having regard to local and national planning policy; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

4. The appellant has set out that the development can be considered against different exceptions referenced in local policy and found in the Framework at paragraphs 149 and 150. This includes the exception at paragraph 149 g) of the Framework relating to the partial or complete redevelopment of previously developed land.
5. The appeal site forms part of the garden to an existing property and the Council accept that it is previously developed (brownfield) land. Although the appellant states that the volume of the proposal is the same as the existing cottage, as is its narrow two storey form, in order to meet the exception at paragraph 149 g), it is necessary for the development to not have a greater impact on the openness of the Green Belt than the existing development. The proposal includes for the demolition of part of the existing cottage. I have however been provided with limited information that would enable a comparison between the size of the new dwelling and the extent of the proposed demolition. It is however clear from the submitted plans before me, that the proposed dwelling would have a considerably greater footprint and mass than that part of the existing cottage that is to be partially demolished, which would result in a spatial loss of openness.
6. I was able to see the screening provided by the coppice to the west of the site, the trees on the eastern boundary and the hedgerows to the front. Whilst these provides some enclosure, the appellant acknowledges that the proposed dwelling would be seen from Fenwick Lane. Despite the orientation of the proposed dwelling, with its narrow elevation facing the road as well as the selection of materials, and other features such as the use of large glazing, the proposed dwelling would nevertheless be positioned further forward, closer to Fenwick Lane than the existing dwelling and hence in a more prominent position from public vantage points. There is a concrete hardstanding area currently on the appeal site, but the proposal would also incorporate significant areas of hard landscaping around the proposed dwelling. It would also result in the creation of a vehicular access and driveway, which contrary to the appellant's view that this would create more openness, would result in further development, and provide views towards the proposed dwelling. Consequently, the proposal would result in a significant visual reduction in openness.
7. Given the above, and whilst noting the site's status as previously developed land, the proposal would have a greater impact on the openness of the Green Belt than the existing site. Therefore, it would not meet the exception set out at paragraph 149 g) of the Framework.
8. The appellant has also set out that the development could be considered as a 'proportionate extension' and reference has also been made to the 're-use of existing buildings'. Although the proposal includes for the partial demolition of the existing cottage, the erection of a new detached dwelling such as that proposed, cannot be considered as an extension of a building as set out at paragraph 149 c) of the Framework. The existing cottage would be modernised, but the proposed dwelling would also not meet the exception at paragraph 150 d) relating to the re-use of buildings as it involves the construction of a new dwelling.
9. Consequently, in not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which the Framework states is, by definition, harmful to the Green Belt and should not be approved

except in very special circumstances. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. I also find that the proposal would not comply with Policy 1 of the Doncaster Local Plan 2015-2035 (Local Plan), which seeks, amongst other matters, for the openness and permanence of Doncaster's Green Belt to be preserved.

Purposes

10. Paragraph 138 of the Framework sets out the five purposes of the Green Belt. One of these is to assist in safeguarding the countryside from encroachment.
11. The appeal site is within the curtilage of the existing property and is contained on a number of sides by existing trees and other vegetation. Despite this, the introduction of a dwelling largely beyond the end of this group of buildings which the appeal site forms part of, would however have the effect of spreading development into an open area of land. Although the proposal includes for the demolition of part of the existing dwelling and there is some hardstanding on the site, the size and positioning of the proposed dwelling, which would also be served by a new access, would be seen to encroach into the countryside by more than the existing development.
12. Given the above, I conclude that the proposed development would not assist in safeguarding the countryside from encroachment. As such it would conflict with Paragraph 138 of the Framework and with Policy 1 of the Local Plan. Although the Council has referenced restricting sprawl in its first reason for refusal, as the proposal does not form part of a large built-up area, I do not consider there would be a conflict with this purpose that the Green Belt serves, as set out in paragraph 138 a).

Character and Appearance

13. The appeal site is situated in a rural landscape that contains small groups of buildings that are bounded by fields and open land. The generally flat topography and the boundary treatments to surrounding fields and properties that comprise in part of hedges and other vegetation, results in a verdant, spacious character which contributes positively to the wider countryside setting.
14. The appellant has set out that the external detailing of the proposed dwelling has been carefully considered and has referenced a number of features such as the depth of windows and doors and the use of timber cladding. I note the Council do not raise any concerns in this respect but reference the siting of the proposed building, which would be forward of the building line of the existing dwelling. This positioning, and the largely two storey form of the proposal, would appear incongruous in the front garden area of the existing dwelling and would harm the spacious characteristic of the area. Although the appellant considers that the orientation of the proposed dwelling minimises its visual impact, I find its long, linear form with its narrow elevation facing the road would be at odds with many of the nearby buildings. It would not therefore sit harmoniously within the site and would detract from the rural character of the area.
15. For these reasons, I conclude that the development would have an adverse impact on the character and appearance of the existing property and the area.

It would be contrary to Policies 41 and 44 of the Local Plan, insofar as they seek, amongst other matters, for proposals to respond positively to their context. It would also be contrary to Paragraph 130 the Framework, which requires development to add to the overall quality of the area.

Living Conditions

16. The proposed dwelling would be positioned a short distance to the front of the existing cottage in a slightly offset position. The bulk of this dwelling would be seen at close quarters from a number of windows in the front elevation of the existing property. Given the size and the close proximity of the proposed dwelling to the existing property, this would have a dominating effect on the latter's occupants.
17. The first floor of the proposed dwelling would have a number of bedroom windows that would directly face the front garden area of the existing property, and also the front garden of The Hawthornes which adjoins the existing property to the east. Given the elevated position of these windows and the distance to these gardens, the development would have a harmful overlooking effect on their occupants. The appellant has stated that the same family members would be living in the existing and proposed dwellings. Whilst I do not doubt this intention, this may not always be the case and as a separate dwelling, it could be occupied by non-family members.
18. The Council has also raised concerns on the loss of garden space, but both the existing and proposed dwellings would be provided with garden areas to the front and rear and I do not therefore find the proposal harmful in this regard.
19. Nevertheless, I conclude that the proposed development would have an unacceptable adverse impact on the living conditions of neighbouring occupiers with regards to outlook and privacy. It would therefore be contrary to Policy 44 of the Local Plan, which seeks, amongst other matters, for development proposals to not significantly impact on living conditions in terms of privacy and over-bearing impact. Reference is also made to Local Plan Policy 41 A), but this relates to character and local distinctiveness rather than living conditions matters. It would also be contrary to Paragraph 130 of the Framework, which seeks a high standard of amenity for existing and future users.

Appropriate Location

20. Local Plan Policy 1 sets out details of the Council's spatial strategy with the majority of new homes to go to the 'Main Urban Area', 'Main Towns' and 'Service Towns and Villages'. In addition to these, development limits are also drawn around 'Defined Villages'. The appeal site is not situated within the defined development limits of Fenwick, which the Council states does not have allocations for new development given it has a limited number of services.
21. Given the limited nature of such services in Fenwick and in the absence of details of sustainable travel modes to access services and facilities elsewhere, I consider that future occupiers would be reliant on private vehicles as their main means of transport. The appellant has set out various measures for the proposed dwelling to exceed Building Regulation standards and also referenced family members residing locally in Fenwick, but these matters would not outweigh the harm that I have identified in relation to the location of development.

22. As such, I conclude that the development would not be in an appropriate location for residential development having regard to Local Plan Policy 1, which seeks to prioritise development within the development limits of existing settlements to make the most of existing services and facilities. Although the appellant has referenced the proposal would make good use of land and the support from paragraph 120 of the Framework in promoting and supporting the development of underutilised land, paragraph 124 c) of the Framework states in relating to development making efficient use of land, the need to take into account the availability and capacity of infrastructure and services, to promote sustainable travel modes and limit future car use which this proposal would fail to do.

Other Considerations

23. The proposal would result in a net additional family dwelling that would be occupied by the same family as the existing dwelling. It would contribute to the Council's supply of housing and in this respect the proposal receives support from the Local Plan. The Framework also states that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. The provision of a new dwelling therefore weighs in favour of the appeal, although as it involves a net additional single dwelling, this would attract limited positive weight as would the economic benefits of using local labour and materials in the construction, and the ecological enhancements set out.

24. I appreciate the design of the dwelling, with openings on the western side seeks to maximise the presence of the coppice. I further note reference to the proposal according with local guidance documents in relation to design and the new dwelling exceeding the nationally described space standards, including the provision of adequate parking and amenity space. It would also not place additional pressure on the existing sewer networks, is in an area with a low probability of flooding and would preserve a mature tree. These are however neutral matters that do not weigh in favour of the proposal.

25. Reference has been made to the part demolition of the existing building which would be brought up to modern standards. This could however be undertaken independently of the proposed new dwelling.

26. The appellant has referenced efforts that were made to work with the Council and the lack of feedback from them as well as delays in issuing a decision. These are administrative matters and are outside the scope of this appeal. A number of amendments have been suggested by the appellant, but I am required to determine the appeal before me on its own merits.

27. My attention has been drawn to a number of planning permissions in Fenwick for single dwellings. Although the full details of those cases are not before me, the Council has stated the referenced approvals relate to sites within the settlement boundary of Fenwick or were granted permission in a different policy context. As such, given the circumstances of these referenced planning permissions differ from the appeal proposal, they are of limited relevance.

Conclusion

28. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm, in this case that relating to character and appearance, living conditions and the location of the development, is clearly outweighed by other considerations.

29. I have attached limited weight in favour of the scheme to the provision of a net additional family dwelling, to the economic and ecological benefits. The other considerations raised, are neutral matters.
30. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
31. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR