



Appeal Decision

Site visit made on 13 March 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Appeal Ref: APP/B3030/W/22/3308782

The Dials, Gray Lane, Halam, Nottinghamshire NG22 8AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Garratt against the decision of Newark & Sherwood District Council.
 - The application Ref 22/01479/OUT, dated 26 July 2022, was refused by notice dated 9 September 2022.
 - The development proposed is described as 'erection of a proposed 2 bedroomed bungalow'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly. A plan has been submitted as part of the appeal which indicates how a dwelling could be accommodated on the site. I have taken this plan into account for indicative purposes only.
3. Whilst I note the appellant's concerns that the Council determined the application prior to their target date, the appeals process should not be used to evolve a scheme and it is important that what is considered in this appeal is essentially what was considered by the Council, and on which interested people's views were sought. Consequently, I have not considered revision B of drawing 550_2022_10 – Proposed Indicative Plan in the determination of this appeal.
4. Since the determination of the application, a tree preservation order (TPO) relating to the appeal site¹ has been confirmed by the Council. The order relates to two mature trees situated on the southwest side of the appeal site, to the rear of the existing outbuildings.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the area, with particular regard to existing trees, and (ii) whether a safe and suitable access to the site could be provided

¹ Tree Preservation Order No. N402 2022

Reasons

Character and appearance

6. Despite variation in the age, architectural design, scale and proportion of the surrounding dwellings, Grey Lane is characterised by large, green plots that are spacious and open. The appeal site is located on the edge of the village adjacent open fields and acts as a gradual transition between the denser village centre and the openness of the countryside, with the scale of the existing outbuilding being subservient to the host property. There is a range of planting including several mature trees, two of which benefit from a TPO. Unobtrusive boundary treatments further increase the sense of openness and contribute to the pleasant verdant, rural setting.
7. The subdivision of the existing curtilage of The Dials would result in an uncharacteristically small plot, and its development with a bungalow and associated features, including areas of hardstanding would urbanise the plot and would significantly diminish the contribution that it makes to its rural setting. Due to its position at the edge of the village, and its prominence, the proposal would result in an abrupt transition between the village and the countryside, introducing incongruous development in this location, and greatly reducing the sense of openness.
8. The plan provided does not locate the protected trees nor the applicable root protection areas. Having been to site, the protected trees cover a large portion of the appeal site and contribute to the pleasant, verdant character of the area. While the layout of the proposal is not before me, I am not satisfied that a dwelling could be positioned on the site without the trees being harmfully affected both during the construction and once the house was constructed, particularly given the likely close relationship of them to the building.
9. Overall, I conclude that the proposal would harm the character and appearance of the area, in conflict with Spatial Policy 3 and Core Policies 9 and 13 of the Newark & Sherwood District Council Plan Review: Review of the Newark & Sherwood Local Development Framework Core Strategy & Allocations Amended Core Strategy (March 2019) (NSCS) and Policy DM5 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document (July 2013) which collectively seek to ensure development reflects local landscape distinctiveness and does not have a detrimental impact on character. Similarly, it would be contrary to the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character and maintain a strong sense of place.

Access

10. The portion of Grey Lane adjacent the appeal site is narrow, without pedestrian footways and a number of existing access points. While the vehicular access width would be below the Council's standard and visibility splays have not been shown on plan, the access is not dissimilar to others in the area, and I have no evidence before me to suggest that the existing access points are not safe. As Grey Lane is lightly trafficked, the speed limit is low and there is ample visibility in both directions of travel, I am satisfied that safe means of access and egress could be provided, subject to appropriate conditions.

11. I accept that the highway authority requires further details, however the internal layout of the site has been reserved for future consideration. While amendments may be required to the indicative plan, the site appears to be of a sufficient size to accommodate parking and turning space for two cars.
12. Therefore, the proposal would provide safe and suitable access to the site. It would comply with Spatial Policy 7 of the NSCS where it requires that safe access is provided. Similarly, it would accord with the Framework which seeks to ensure that safe and suitable access to a site can be achieved for all users and states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

13. The appellant has brought to my attention that the site benefits from permitted development rights and this is a fallback position. However, I have not been provided with any details and without such information a comprehensive comparison with the case before me cannot be made. Additionally, there is no evidence that the fallback position is a greater than theoretical possibility or that if the appeal is dismissed the fallback would be pursued. Consequently, I find the suggested fallback position to have limited weight in the determination of the appeal.
14. The proposal would provide an additional dwelling in an accessible location. Whilst the Framework seeks to boost the supply of housing, the social and economic benefits of a single dwelling would be limited and would not outweigh the harm identified to the character and appearance of the area.

Conclusion

15. I am satisfied that safe and suitable access could be provided, however, for the reasons given above, I conclude that the proposal would be harmful to the character and appearance of the area. The proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR