



Appeal Decision

Site visit made on 6 June 2023

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/X3025/W/23/3315963

2 Sherwood Rise, Mansfield, Woodhouse, NG19 7NP

- 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 Smith against the decision of Mansfield District Council.
 - The application Ref 2022/0314/FUL, dated 13 May 2022, was refused by notice dated 03 August 2022.
 - The development proposed is 1 no. new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The site comprises of what the appellant refers to as a former domestic garaging area, now redundant, and part of the residential curtilage of number 2 Sherwood Rise. The Council has not challenged this description, and I have no grounds to do so either.
4. Sherwood Rise runs broadly in a north-south direction between Dunsil Road and Debdale Lane. A loop road extends off Sherwood Rise, forming a broadly rectangular block of dwellings, which are sited around, and fronting, the road's perimeter. Although the loop road does not appear to be formally named, I shall refer to it, like parties have, as 'Middle Lane'.
5. At the time of my visit there were timber fences, around 1.8m high, around the boundary of the former garaging area, including a fence along the boundary separating it from the rear garden and domestic curtilage of number 2 Sherwood Rise. The land of the former garaging area was grassed over, and the section of the rear garden that forms part of the proposed site had a domestic timber outbuilding sited on it with the remainder being covered with lawn, shrubs, and garden items.
6. The site is located to the rear of, and between, number 2 Sherwood Rise and a further section of access road that runs in a north-south direction between the northern and southern 'legs' of Middle Lane. The section of road broadly goes through the centre of the area of land located to the rear of all the properties sited around the perimeter of the loop road.

7. The land comprises of the rear gardens, associated domestic outbuildings, garages and other plots of land like the former garaging area of the appeal site. The domestic outbuildings and garages are of varying sizes, though all are single storey. The character and appearance of this area of land is simply that of a collection of quiet, private, rear outdoor amenity spaces and buildings. As none of the buildings are higher than single storey, the area has a spacious open feel to it. The section of Middle Lane that runs broadly through the centre of the land provides access to the garaging, domestic outbuildings, and rear gardens of the houses around its perimeter. This area of land to the rear of the dwellings is primarily for use by people residing within the block.
8. The character and appearance of the land differs to, and contrasts with, the character and appearance of the areas in front of the properties sited around the perimeter of the block. The fronts of the dwellings are their public face. They, and the areas in front of them, are visible to and accessed by the public. People other than residents of the properties walk, drive or cycle past them. Commercial visitors to the dwellings, such as delivery services and a range of trades people, would approach and access the properties primarily from the front.
9. The introduction of a detached, one and a half storey dwelling fronting the access road running through the centre of the area of land described, would alter the character and appearance of the area in a manner, and to an extent, that I consider would harm both. The proposal would change the area from that of a predominantly private space for use by residents, to that of including access to the space by members of the public, such as the examples noted above.
10. I appreciate the appellant has sought to minimise the impact of the proposal on the area by designing the property with habitable space in its roof. However, the form, design and size of the proposed building would distinguish it from, and result in it contrasting with, the existing domestic outbuildings and garages in the area. That is, it would be shaped and designed like a house; and the presence of dormers and roof lights, serving habitable accommodation in the roof space, would emphasise its height, as well as its use being different to the ancillary buildings that are currently present on the land.
11. I therefore conclude that the proposed development would have a significant, detrimental effect on the character and appearance of the area of land referred to. Consequently, the proposal does not accord with Policy P2 of the Mansfield District Local Plan 2013-2033, 2020, (the LP), or sub paragraphs 130 a), b) and c) of the National Planning Policy Framework (the Framework). These policies collectively, and among other things, require new development to respect, and be sympathetic to, local character and existing patterns of development that contribute to the character of the area.

Other Considerations & Planning Balance

12. The appellant has drawn my attention to 2 other planning applications related to land within the vicinity of the site where the Council granted planning permission for the construction of a detached dwelling in both instances, references 1999/0522/P and 2009/0697/NT. I acknowledge the permissions granted.

13. However, firstly, given the date of each of the applications (1999 and 2009), both were granted under different development plans to the existing one. Moreover, both sites are located within the rows of dwellings around the perimeter of the loop road, not along the road which dissects the area of land referred to. Additionally, both dwellings front the loop road. Furthermore, due to their respective locations, neither of them alters the character or appearance of the area of land within which the appeal site sits. The cases referred to are therefore not directly comparable to the case before me. Consequently, I attach little weight to this aspect.
14. The appellant suggests that the area of land of the former garages, ie most of the appeal site, could be developed through permitted development¹. However, I have not been provided with details of the permitted development rights the appellant has in mind. As this land is outside of the domestic curtilage of number 2 Sherwood Rise, permitted development rights related to development within the curtilage of a dwellinghouse would not apply. I therefore attach little weight to this matter.
15. The appellant has drawn my attention to several sections of the Framework in support of the proposal. I accept that the proposal would, all-be-it to a small extent, support the Government's objective to significantly boost the supply of homes². As the proposal is only for one dwelling, I attach moderate weight to this matter.
16. I also accept that the Framework identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. As such, the Framework advises that support should be given to the development of windfall sites; and that great weight should be given to the benefits of using suitable sites within existing settlements for homes³.
17. I appreciate that the site is within an existing settlement and would constitute a small, windfall site. However, as I have found that the proposal would harm the character and appearance of the area, I fail to see how the site can be deemed to be "suitable". I therefore attach limited weight to this matter.
18. The appellant suggests that the proposal would not harm the living conditions of existing occupiers, would not pose a risk to flooding and would not create any unacceptable highway safety issues. Additionally, the proposal would be located such that future occupiers would have access to services and facilities to meet day-to-day needs, without reliance on private motor vehicles, and the building would be constructed to meet all current building regulations. I accept these points. However, they are requirements of current local and national planning policies and building regulations. As such, they are neutral factors in the planning balance.
19. The appellant lists Policy H5 of the LP, custom self-built homes, on P5 of the Design & Access and Planning Statement. However, other than listing this policy, there is no other reference to the proposal being a custom self-built dwelling within the evidence provided, nor has any mechanism been provided to secure such an arrangement. Consequently, I am unable to attach any weight to this matter.

¹ Paragraphs 1.12 and 1.15 of the appellant's statement, produced by JF Planning

² Paragraph 60 of the Framework

³ Paragraph 69 Of the Framework

20. I have found that the proposal would cause significant harm to the character and appearance of the area, and as such does not accord with Policy P2 of the LP. I consider none of the other considerations outlined, including policies in the Framework, outweigh the harm I have found. Consequently, I find no reason to conclude other than in accordance with the development plan.

Conclusion

21. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR