



Appeal Decision

Site visit made on 22 August 2023

by C Livingstone MA(SocSci) (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/B3030/D/23/3315860

102 Whinney Lane, New Ollerton, Newark, NG22 9TZ

- 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 Mrs Joanne Sutherland against the decision of Newark and Sherwood District Council.
 - The application Ref 22/02205/HOUSE, dated 15 July 2022, was refused by notice dated 13 January 2023.
 - The development is described as "the proposed retrospective planning application is to build a single storey porch extension from front of the house with built in toilet. This change has already been started but its still in initial stages and the walls has been built. However once completed this extension will have a render finish and a flat roof with skylight window. This project is built for a disabled patient who cannot go upstairs constantly to use the toilet, therefore. this will be extremely convenient for her use."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form refers to the application as being retrospective. I noted whilst on my site visit that a concrete block work extension has been erected, up to wall head height, on the front elevation. My determination of this appeal is made against the plans before me. These plans form the basis for the planning application in any event.

Main Issue

3. The effect of the proposed extension on the character and appearance of 102 Whinney Lane and the surrounding area.

Reasons

4. The application relates to a house on a corner plot at the junction of Whinney Lane and Alder Grove. The properties in the area are set back from the road and most front gardens are landscaped and undeveloped, giving the area an open spacious quality. The application relates to a semi-detached house that is of a traditional red brick construction. Both the appeal property and neighbouring 100 Whinney Lane are set back from the road at an angle. The position of the host property is such that the garden area to the front and side is maximised with the front and side elevations being clearly visible from both Alder Grove and Whinney Lane. As such the property is a prominent element within the street scene and makes an important contribution to the character and appearance of the area.

5. When considered in relation to the appeal property, due to its projection and width, the proposed extension would be of a scale that would be larger than expected of a typical porch extension. The more modern design of the extension does not reflect the traditional detailing of the host property. Details including the slightly sloping roof, velux roof light and high level window are not typical on principle elevations within the immediate area. As such the proposed extension would be unsympathetic to the appeal property in terms of design, resulting in an overly dominant element on the principal elevation.
6. The open area to the front and side of the appeal property plays an important factor in establishing the character of the area, with its position forming a gentle open corner at the junction between Whinney Lane and Alder Grove. The proposed extension would result in the development of a large proportion of the front curtilage of the dwelling. This would not reflect the pattern of development within the area. The scale of the extension would be further emphasised by the prominent position of the host property. Consequently, the proposal would appear as an incongruous element in the street scene and would not be in keeping within the established character and appearance of the area.
7. I conclude that the development would harm the character and appearance of 102 Whinney Lane and the surrounding area. It would therefore conflict with Core Policy 9 of the Newark and Sherwood Amended Core Strategy DPD (adopted March 2019), policies DM5 and DM6 of the Allocations and Development Management DPD (adopted July 2013) and the Householder Development SPD (adopted November 2014). These policies are consistent with the National Planning Policy Framework in requiring the new development respects both the host dwelling and local distinctiveness.

Other Matters

8. I understand the appellant's requirement to have accessible toilet facilities on the ground floor of the property. Disability is identified as a protected characteristic for the purposes of the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010. In my assessment of this appeal, I have due regard to the three aims of the PSED, in this instance the accessible toilet facilities would meet the needs of an individual with a disability and minimise the disadvantage they face in accessing toilet facilities as part of their day-to-day life. However, no information has been submitted to demonstrate that alternative options have been explored to meet their needs, such as an extension in an alternative position. Therefore, it has not been demonstrated that an extension, of the scale proposed, would be essential on the principal elevation. As such, personal circumstances are not sufficient to outweigh the harm that I have identified.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

C Livingstone

INSPECTOR