
Appeal Decision

Site visit made on 16 August 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/B3030/W/23/3317340

Land to the rear of 57 & 59 Jubilee Street, Newark NG24 4DA

- 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 James Brown against the decision of Newark & Sherwood District Council.
 - The application Ref 22/01085/FUL, dated 31 May 2022, was refused by notice dated 20 September 2022.
 - The development proposed is the removal of the existing garages and workshop and the erection of 3 bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the design of the scheme itself; and
 - whether the scheme would provide suitable living conditions for future occupiers.

Reasons

Character and appearance

3. The proposal, amended slightly during the course of the application, is for one single and a pair of semi-detached bungalows on a site to the rear of Nos. 57 and 59 Jubilee Street. The site is currently occupied by thirteen garages and a workshop, all single storey, accessed by a driveway alongside No 59.
4. The area is characterised by two-storey housing, Nos 57 and 59 lying at one end of a long line of traditional two-storey terraced properties with similar semi-detached and terraced houses fronting Lime Grove to the west of the appeal site and Pollard Close, a modern housing estate, to the south. Whilst the proposed bungalows would be a departure from this prevailing two-storey character the scheme would be almost completely screened from view by the surrounding buildings and only just glimpsed from Jubilee Street.
5. However, the scheme itself would comprise an excessively tight form of development with the bungalows facing each other across a small courtyard which would be dominated by car parking. With five spaces located

immediately in front of the bungalows and a further space hard up alongside the bungalow on Plot 3, there would be minimal space for any meaningful landscaping to soften the development, just short strips barely 1 m wide in front of each bungalow and a slightly larger area alongside the rear garden of Plot 3. The front door of Plot 3 would open immediately onto its car parking space. Three grasscrete parking spaces are proposed, but if well used there would be little grass in practice giving an untidy appearance to the scheme. No landscaping is planned along the lengthy access drive.

6. Overall, the result would be an undesirably cramped scheme out of character with the area. Whilst Jubilee Street and Lime Grove are urban in nature, one side of the former and both of the latter are set back behind short front gardens allowing some vegetation with their long linear form and in most cases large rear gardens providing some sense of space for the residents. The proposal would not reflect or complement this character.
7. For these reasons, due to the design of the scheme itself, the proposal would unduly harm the character and appearance of the area contrary to Policy DM5 of the Allocations & Development Management DPD 2013 and Core Policies 9 and 12 of the Amended Core Strategy 2019. These require the form, layout and design of proposals for new development to reflect the character of the built form, to represent a high standard of sustainable design and layout, to complement the existing built environment and to maximise opportunities to enhance biodiversity.

Living conditions

8. The main front facing living room windows of Plots 1 and 2 would be only about 11 m across the parking court from the front facing kitchen window of Plot 3 with clear intervisibility between the two and no opportunity for any intervening screening. Whilst front windows often face each other across residential roads, in this case the properties would have no private rear facing living rooms, an unusual arrangement. In these circumstances the limited separation distance from the kitchen window would result in a lack of privacy and undue feeling of surveillance in the sole living rooms. In addition, albeit not raised by the Council, the living room windows would face north, precluding direct sunlight entering the rooms for most of the day in summer and at all times in winter, significantly reducing their attractiveness to users*.
9. With Plots 1 and 2 only having bedroom windows on the rear elevation access to their private rear gardens would be via a side door. This would restrict easy access to a rear patio and the gardens thus reducing their amenity value to the occupiers*. The two rear gardens would also back onto a line of five tall trees subject to a tree preservation order which would shade the rear gardens for part of the day and potentially cause some nuisance due to falling leaves and other debris. However, the five trees lie nearly 5 m from the rear boundary and their canopies and root protection areas only slightly project into the appeal site. With rear gardens about 9 m long and an open aspect to either side the degree of overshadowing would not unduly detract from the use of the gardens nor lead to undue pressure to cut back or remove the trees which are in any event protected and in separate ownership.
10. The proposal includes a shared vehicular/pedestrian access drive from Jubilee Street to the properties where users would have to give way to one another. Albeit narrow, given the low traffic flows involved this would be a safe and

satisfactory arrangement. However, the car parking layout would be relatively cramped restricting turning movements to leave in forward gear and in the absence of a swept path analysis proving otherwise it is not clear that all the spaces would be easily useable in practice.

11. For these reasons, whilst in some respects acceptable, the proposal would not provide suitable living conditions for future occupiers contrary to Policy DM5 of the Allocations & Development Management DPD 2013, Core Policy 9 and Spatial Policy 7 of the Amended Core Strategy 2019. These require the layout of development within sites and separation distances to be sufficient to ensure privacy, expect a high standard of sustainable design and layout, and seek effective parking provision. The two concerns marked with an asterisk are particularly important in the case of bungalows aimed at the retired as such residents spend more time at home.

Conclusion

12. The proposal would provide three new dwellings in a sustainable location which would make a useful contribution to local housing needs and provide social and economic benefits for the town. The dwellings would also be much sought after bungalow units likely to be attractive to older residents. The scheme would make use of a previously developed site, replace 13 garages and a workshop with unfettered use potentially causing noise and disturbance to nearby residents, reduce potential traffic flows from the site and involve a reduction in built footprint. There are no objections from the highway authority relating to road safety. However, these material considerations do not outweigh the harm that would result to the character and appearance of the area, the unsuitable living conditions that would be provided for future occupiers and the resultant conflict with the development plan. The appellant draws attention to a number of permitted redevelopment schemes on garage court sites but the design of each scheme inevitably raises different considerations.
13. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR