



Appeal Decision

Site visit made on 23 August 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal Ref: APP/X3025/W/23/3318261

Redcot, 14 Hermitage Lane, Mansfield, Nottinghamshire NG18 5HA

- 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 Ms Baldeo against the decision of Mansfield District Council.
 - The application Ref 2022/0660/FUL, dated 6 October 2022, was refused by notice dated 16 February 2023.
 - The development proposed is described as 'Demolition of existing attached garage, proposed two, 3-bed semi-detached dwellings with off-street parking, and parking area for 14 Hermitage Lane, Mansfield'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans have been provided with the appeal documents, re-positioning the proposed dwellings and amending the design of the northernmost plot. The Council's Officer Report states that these plans were provided informally and that a decision was made based on the originally submitted scheme. As such, I have not considered these drawings as part of this appeal because doing so would deprive those who should have been consulted, with an opportunity to comment.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of the occupiers of No 8 Hermitage Lane, with specific regard to outlook and light.

Reasons

4. The appeal site comprises part of the side garden, garage and parking/turning area of the host dwelling, No 14 Hermitage Lane, which is positioned to the south. The garage is set back from the road, single storey in height with a pitched roof, and a flat roof section to the side. The surrounding area is residential in character, and an extended detached bungalow (No 8 Hermitage Lane) lies to the north. No 8 has kitchen and dining room windows within its side elevation facing the appeal site, along with a partially glazed entrance door to a hallway. At the rear, the dining room leads to an orangery, served by rear patio doors and roof light. No 8 is positioned off the shared boundary by the width of the driveway. Land levels gradually rise to the north and so No 8 is set at a higher ground level than the appeal site.

5. The proposed development would introduce 2, two-storey, semi-detached dwellings to the appeal site, with the side elevation of the northernmost plot separated from the shared boundary with No 8 by the width of a footway. The footprint of the new dwellings would be set back somewhat from the front elevation of No 8, and set in, to a lesser extent, from the rear elevation of No 8.
6. The proposed dwellings would be set at a lower ground level than No 8 and a gable roof design has been incorporated, which would reduce the massing of the development when viewed from this neighbouring property, in comparison to a pitched roof design. Nevertheless, the occupiers of No 8 presently experience an open outlook from their kitchen and dining room windows over the boundary fence. The proposed development would introduce two-storey development close to both windows, separated only by the width of the driveway and footway. Due to its positioning, size and proximity, the proposed development would take up a large portion of the view from both windows. This would have a dominating impact on the outlook of occupiers of this neighbouring property.
7. Further, the proximity and massing of the proposal would likely result in an unacceptable loss of light, given its position directly south of No 8. Whilst there is an internal opening from the dining room into the orangery, this would not be sufficient to offset the loss of light, due to its internal nature. Nor would this address the harm arising in relation to outlook.
8. Whilst a condition could be imposed to remove permitted development rights afforded to dwellinghouses by the GPDO¹, given the harm I have identified arises from the development itself as proposed, imposing such a condition would not be sufficient to overcome the identified harm.
9. I am provided with evidence indicating that until recently, there were trees present along the shared boundary, which would have had some impact on outlook and light for the occupiers of No 8. It is also suggested that a further window serving the dining room at No 8 has been removed through choice (as a result of extending that property). Nevertheless, I am required to make a decision based on the circumstances at this present time.
10. The appellant states that planning permission has previously been given for development of the appeal site and I am provided with floor plans and elevations of a detached dwelling. However, no site plan is provided showing the relationship of this single dwelling to No 8 and the resolution of the drawing is such that I cannot distinguish any address details or dates. As such, I cannot ascertain whether this previous scheme was comparable to that proposed in terms of its physical relationship to No 8, nor can I be certain that it was subject to same policy regime.
11. It has been questioned whether development at No 8 benefits from GPDO permitted development rights or planning permission. However, the information before me is not conclusive and the Council has not raised any such concerns. It is also suggested that the extensions to No 8 have had a comparable impact on the living conditions of occupiers of No 6 Hermitage Lane. However, the extension to No 8 is single storey only and so it is not directly comparable to the appeal scheme. Further, No 6 is a two storey

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015

dwelling and there is no information before me to show it has the same layout as No 8.

12. I have been provided with images demonstrating new build development has been accepted in the area, as well as an example of an existing bungalow set between two storey housing, which is said to represent a similar arrangement to the appeal scheme and No 8. However, there is insufficient information before me to ascertain whether similar circumstances exist in this example, such as the type of room served by windows within the side elevation. Further, I do not have the relevant information to confirm whether this existing development was subject to the same policy regime as the current proposal. As such, this does not alter my findings on the main issue.
13. To conclude, the proposal would harm the living conditions of the occupiers of No 8 Hermitage Lane by way of loss of outlook and light. The proposed development would therefore conflict with Policy P7 of the Mansfield District Local Plan 2013-2033, adopted September 2020, which requires, amongst other matters, that new development does not have a significant adverse effect on the living conditions of existing residents through excessive overshadowing or overbearing impact. Further, it would not meet the requirements of Paragraph 130 of the National Planning Policy Framework in terms of achieving a high standard of amenity for existing and future users.

Other Matters

14. Whilst the Council has not raised any additional concerns in relation to the internal standards of the proposed housing or external amenity space, or the retained space for the host property, this does not overcome the concerns raised above.
15. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as drainage arrangements, the character and appearance of the area, the presence of solar panels, suitability of parking and turning arrangements, highway safety, loss of privacy, noise and disturbance, and impacts on biodiversity. Whilst I have taken them into account, given my findings in relation to the main issue, it has not been necessary for me to consider these matters further.

Conclusion

16. For the above reasons, the appeal scheme would conflict with the development plan when considered as a whole, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR