



Appeal Decision

Site visit made on 6 November 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/F4410/W/23/3322813

12 Oldfield Crescent, Stainforth, DONCASTER DN7 5PG

- 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 RTS Properties against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/01870/FUL, dated 4 August 2022, was refused by notice dated 15 March 2023.
 - The development proposed is described as "Conversion of previously approved two storey side extension to form independent dwelling (Retrospective) (being resubmission of 21/02066/FUL refused 2.8.2022)".
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by RTS Properties against Doncaster Metropolitan Borough Council. This is a matter the subject of a separate decision.

Preliminary Matters

3. A two-storey side extension was granted by the Council in 2020 and a version of this has been erected. The Council inform that the constructed extension differs from the approved plans inasmuch as it does not include a reduced ridge height, a front set-back of 0.6m and includes a front doorway. As such, the extension as built is set slightly lower and slightly behind the front elevation of the host dwelling, however it appears that the extent of set-back is less than that which was approved.
4. Nonetheless, the width of the approved two-storey extension is the same as that built and as such the overall mass of the constructed extension is generally similar in form and bulk. The approved extension forms a material fall-back position, essentially demonstrating the general scale of development that could be undertaken without the requirement for any further consent. It is not my place, within this appeal, to comment on the suitability of the variance of the 'as built' extension.
5. An amended site plan, drawing reference 'Site Plan-Scale 1:250' dated 23/5/23, has been submitted in support of the appeal showing wider parking spaces on the frontage of the site. This plan shows parking spaces that are 2.75 metres wide and thus meet the requirements of the Highway Authority. It is not the role of the appeal process to evolve a scheme. However, I have dealt with the appeal on the basis of the amended plan, which does not materially

change the substance of the proposal and would not prejudice any party. Furthermore, the revision appears to address the Council's second reason for refusal and as such I have not considered this matter further.

Main Issue

6. The main issues are:

- the effect of the proposed dwelling on the character and appearance of the area,
- the effect of the proposal on the living conditions of existing and future occupiers with particular regard to overlooking and the provision of external space, and
- whether the proposed dwelling would include sufficient details of drainage provision.

Reasons

Character and appearance

7. Oldfield Crescent is a residential street in a suburban location. Dwellings are a variety of styles with semi-detached and bungalow properties featuring predominantly in the local area. The appeal site is a corner plot, it is a semi-detached dwelling that stands with a short row of similar style properties. The host dwelling has been recently extended with a two-storey side extension that consists of a largely complete weatherproof structure, although it is absent its garage door and internal divisions at first floor. Key characteristics of the built form in the area include predominantly two-storey development, with a consistent front building line and enclosed front gardens behind various styles of front boundaries. The appeal site accords with these characteristics and therefore makes a positive contribution to the character and appearance of the area.
8. The proposed scheme seeks to convert the approved side extension into a separate dwelling. The existing extension, whilst not fully in accordance with the approved plans, is a wide and bulky addition to the host dwelling. This has eroded the articulation and design rhythm of the pair of semi-detached dwellings. However, the approved extension would have resulted in similar effects and would have effectively doubled the width of the previous dwelling and equally unbalanced the appearance of the semi-detached pair of dwellings. As such, the extension, as approved and as built, would and has to some extent intruded into the established pattern of development with an uncommon form of development.
9. The proposed alterations to accommodate the proposed dwelling would include a front door and bay replacing the approved garage door and include various internal changes. Furthermore, the front and rear gardens would be subdivided. As a result, most proposed changes to the plot would be relatively minor in comparison to the approved extension, having a negligible further visual effect on the street.
10. The proposed dwelling would be only marginally set back from the ridge and front elevation of No 12. As a result, it would not read as a subservient form of development. The proposal would therefore have a similar sense of presence as

other dwellings within the street. Accordingly, whilst the plot subdivision would create the appearance of a short terrace row, this alone would not result in an adverse effect on the character of the area. Nonetheless, the absence of first-floor cladding would to a modest extent prevent the proposal from integrating well with neighbouring dwellings, which instead has the appearance of an extension.

11. Furthermore, the street is currently well enclosed by low walls and fences that define the regular spacing of paired driveways. The proposed on-plot parking, whether for three or four spaces, would result in the removal of a large section of the front boundary fencing and the introduction of a substantial area of hardstanding within an extremely wide driveway. This urbanising feature would substantially erode the existing enclosed and landscaped character of the site and wider street. This would create a stark and dominant parking area that would be out of keeping with the established character of the area.
12. The Appellant refers to local properties that do not have enclosed front gardens. However, these have not been specifically identified. During my site visit, and in walking the surrounding area, I observed a predominant character of frontages with enclosed front gardens. Furthermore, suitable on plot parking provision is required by the Council to meet other policy objectives and as such the removal of the proposed on-plot parking, or some of it, would be unlikely to satisfactorily resolve this matter.
13. Consequently, the proposed dwelling would fail to complement the character and appearance of the area. Accordingly, the proposal would conflict with policies 41(A), 42(A) and 44 of the Doncaster Local Plan [2021](LP) and the National Planning Policy Framework (the Framework) with respect to matters of character. These seek, among other matters, for development to respond positively to the context and character of an area and to be sympathetic to local character.

Living conditions

14. The Council has produced Transitional Design Guidance in the form of the South Yorkshire Residential Design Guidance (SYRDG) which, due to its unadopted state, affords only limited weight. The SYRDG requires habitable room windows to be at least 10 metres from a shared boundary. The Council identifies that the distance from the rear bedroom window and the boundary with 34 Kingsway (No 34) would be around 2.5 metres.
15. The proposed dwelling would include bedroom and bathroom windows on the rear elevation at first floor. The approved side extension included a bedroom and ensuite window in a similar situation. Whilst the bathroom window could be obscurely glazed, the bedroom window of the proposed dwelling would enable occupiers to look into the rear garden of No 34 and oblique views into some rooms. However, a high level of intervisibility already exists between these dwellings due to their arrangement and proximity. Moreover, the extent of overlooking would not be materially different to that which could be observed from the approved extension. As a result, the living conditions of neighbouring occupiers would not be harmed by overlooking.
16. Occupiers of the proposed dwelling would have access to two small pockets of external private space. These would be to the rear of the dwelling and to its side/front. The SYRDG requires a two-bed dwelling to provide access to 50sqm

of outdoor private amenity space. This provides a useful indication of the Council's normal expectations for such development despite the limited weight of the guidance. It seems that the rear and side gardens when combined would achieve this requirement.

17. The side/front garden could be suitably enclosed by privacy fencing. However, due to the irregular shape of both, and the disconnect of the side garden to the dwelling, I am unconvinced that the external area would create spaces that would be capable of meeting the day-to-day needs of a family. Furthermore, the location of the side garden, close to parking and the street would be poor quality, which further detracts from the overall functionality of the garden.
18. Accordingly, whilst the proposal would not result in a loss of privacy it would harm the living conditions of future occupiers but providing inadequate and poor-quality outdoor space. Consequently, the proposal would conflict with LP policy 44(A) and (B) and the Framework in regard to effect on living conditions. These seek development to, *inter alia*, would provide an adequate provision of garden space and a high standard of amenity for future users.

Drainage issues

19. LP policy 56 requires development to incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately to reduce flood risk to existing communities. The site is within flood zone 3 and therefore within an area at risk of flooding. I am cognisant that the Environment Agency raised no objection to the scheme on the understanding that the finished floor level was no lower than 5.92m above Ordnance Datum. It has not been confirmed, within the submitted evidence that this has been achieved for the 'as built' extension.
20. Furthermore, the Lead Local Flood Authority (LLFA) has objected to the proposal. This is on the basis that the proposed development has not been supported by the required drainage strategy and a permeability test for the proposed soakaway. The Appellant asserts that the drainage has been installed as part of the works to build the approved extension. However, I am unconvinced that a drainage solution for an extension would necessarily be sufficient to meet the needs of the occupiers of a separate dwelling. No details have been provided, in evidence, to address this matter to my satisfaction.
21. A pre-commencement condition, requiring drainage details appears to have been accepted by the Council when approving the side extension. However, I am conscious that this has not been sought by the LLFA in connection with this proposal which further indicates that it may require a different drainage solution to that secured previously.
22. As a result, taking a precautionary approach to flood related matters, the proposal includes insufficient information to demonstrate that it would prevent off-site flooding due to an absence of robust drainage details. Consequently, the proposal would conflict with LP policies 56 and 57 and the Framework. These include the requirement for development to incorporate satisfactory measures for dealing with their drainage impacts and to avoid increased vulnerability to the range of impacts arising from climate change.

Other Matters

23. The site is within a settlement and is well located for future occupiers to gain access to nearby goods and services. It would also make efficient use of land. These benefits weigh in favour of the proposal.
24. The site plan shows the provision of four parking spaces. The two nearest to No 12 would be set away from its frontage preventing direct overlooking and creating security concerns. It is also noted that the bin store area would not be accessed by a pathway and the extended dropped kerb is not shown on the proposed plan. Nonetheless, the site is of sufficient space to address these matters. Accordingly, it is likely that these could have been suitably addressed by means of planning condition if I had been minded to allow the appeal.

Conclusion

25. Although the dwelling would be within an accessible location, this merit would be limited and outweighed by the identified conflict with the development plan when taken as a whole.
26. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR