



Appeal Decision

Site visit made on 1 December 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/B3030/W/23/3323489

11 Station Road, Collingham, Nottinghamshire NG23 7RA

- 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 Miss Charlotte Palmer against the decision of Newark and Sherwood District Council.
 - The application Ref: 22/02248/FUL, dated 17 November 2022, was refused by notice dated 17 February 2023.
 - The development proposed is the erection of a new dwelling; alteration of an existing dwelling; demolition of an existing garage and shed and erection of new garaging.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling; alteration of an existing dwelling; demolition of an existing garage and shed and erection of new garaging at 11 Station Road, Collingham, Nottinghamshire, NG23 7RA, in accordance with the terms of the application Ref 22/02248/FUL, dated 17 November 2022, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs is made by Miss Charlotte Palmer against Newark and Sherwood District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the development upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of adjacent land in terms of outlook.

Reasons

Character and appearance

4. The application relates to the existing residential curtilage of a two-storey, semi-detached dwelling located on the north side of Station Road, within the village of Collingham. The site is located near to but outside of the designated conservation area. To the north-east is the car park of the Local Centre Co-op

store and to the north-west is a medical centre. The long rear gardens of Nos. 9 and 17 Station Road lie to the west and east respectively. The plot wraps behind the adjacent rear garden of No.15 Station Road (there is no No.13).

5. The application proposes the erection of a new two-storey, detached dwelling measuring approximately 14.2 metres by 9.4 metres with a pantile pitched roof measuring approximately 5.3 metres to eaves and 8.3 metres to the ridge. The proposed new dwelling would be constructed of bricks and clay pantiles and have a traditional character and appearance. It would include a hall, w.c., kitchen/dining room, utility, living room and study to the ground floor and four bedrooms, two with en-suites, and a bathroom to the first floor. The application also proposes the erection of a timber garage/cart shed building to serve the existing and proposed dwelling. The proposed garage would measure approximately 13.5 metres by 7 metres and include a hipped roof measuring approximately 2.3 metres to eaves and 4.8 metres to the ridge. The application also proposes to relocate the main entrance door from the side to the front elevation of the existing host dwelling (No. 11 Station Road).
6. The proposal includes 'backland' development. Core Policy 9 of the Council's Core Strategy 2019 (CS) states that all proposals for new development should be assessed with reference to the design criteria outlined in Policy DM5 (Design) of the Allocations and Development Management DPD, which states *'proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted'*.
7. However, other forms of backland development have been approved in the area including No. 7 Station Road¹. I find that the development is appropriately sited, and it is in keeping with the character and density of development in the area. In terms of cumulative impacts, I do not find that the proposal, together with existing backland developments to the rear of No.7 Station Road and at No.1 Station Road, would harm the established character and appearance of the area. I note the concern raised by the Parish Council about backland development becoming the norm, but there is a specific policy in the development plan which provides criteria for the assessment of such proposals. I have considered this appeal upon its individual planning merits and in the context of the character and appearance of the locality.
8. While it would be necessary to ensure some control over materials and rainwater goods, as well as the treatment of outside areas from a hard and soft landscaping point of view, overall, and subject to the imposition of conditions, I am satisfied that the proposed dwelling would assimilate well into the surrounding landscape. It would be acceptable in terms of its siting, scale, density and appearance and hence would constitute good design. I find that the proposed garages would appear subordinate in scale and would be

¹ Allowed on appeal – Ref APP/B3030/A/14/2228410

acceptable in terms of their appearance and function. I note that the Parish Council has requested that the use of these garages is controlled by condition, but this would not be necessary as a material change of use of the garages would require separate planning permission.

9. The proposal to relocate the main entrance door from the side to the front elevation of the existing host dwelling would not cause any harm to the character and appearance of this property or the area.
10. Therefore, I conclude that the proposed development would not cause harm to the character and appearance of the area. Consequently, there would be no conflict with the character, appearance and design requirements of Core Policy 9 of the CS, Policy DM5 of the Council's Allocations and Development Management DPD 2013 (DM DPD), and chapter 12 of the National Planning Policy Framework 2023 (the Framework). In reaching this conclusion, I have also considered the location and scale of the development proposed, and I do not find that it would cause any harm to the setting of the Collingham Conservation Area and hence its significance. In this regard, there would be no conflict with Core Policy 14 of the CS.

Living conditions

11. I have considered the position and scale of the development and the separation distances involved with neighbouring land and properties. The Council considers that the development would have a dominating or overbearing outlook leading to loss of outlook. This is not reasonably substantiated in terms of specific evidence of harm.
12. I consider that while the proposed development would change the existing site, it would not result in any material harm being caused to occupiers of the new development or indeed surrounding development in terms of outlook. I appreciate that the development would be visible from the gardens of neighbouring properties, but owing to the separation distances from properties and the retention of garden areas where surrounding land would remain relatively open, I do not find that it could reasonably be argued that the development as a whole would have an oppressive or overbearing impact upon the occupiers of existing or future properties.
13. In addition to the above, I am satisfied that the proposal would be acceptable in terms of all other living condition matters including privacy, levels of light and the size and useability of garden areas.
14. I therefore conclude that the proposal would accord with the amenity requirements of Policy DM5 of the DM DPD, and paragraph 130(f) of the Framework.

Other Matters

15. I have considered representations made by other interested parties including Collingham Parish Council. While it may be the case that the Parish of Collingham has exceeded its housing targets, I have not been provided with

any development plan policies which would prohibit the erection of additional dwellinghouses in the area in principle.

16. Concern has been raised about the effect of car parking upon the occupiers of No.9 Station Road in respect of noise, vibration and air pollution. I consider that given the limited amount of development proposed, I do not find that any material harm would be caused to the occupiers of this property in respect of these matters. I acknowledge that existing views of the site from surrounding properties may change. However, the courts have held that a right to a view is not a material planning consideration. I do not find that access to the rear of the host property would be unacceptably narrow.
17. None of the other matters raised alter or outweigh my conclusion that planning permission should be approved.

Conditions

18. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
19. In the interests of the character and appearance of the area, it is necessary that I impose conditions relating to finished levels for the site, landscaping and materials.
20. In the interests of the living conditions of surrounding residents and the character and appearance of the area, it is necessary to impose a condition which prohibits specified activities from taking place on the site.

Conclusion

21. Subject to the imposition of conditions, the proposal would not cause harm to the character and appearance of the area or to the living conditions of existing or future occupiers of the site or surrounding land. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons outlined above, I therefore conclude that the appeal should be allowed.

S. Hartley

INSPECTOR

Schedule of Conditions

- 1)The development hereby permitted shall not begin later than three years from the date of this permission.
- 2)The development hereby permitted shall not be carried out except in complete accordance with the following approved plans/documents: 1885 A 2 Block Plan; 1885 A 1 Plans and Elevations (New Dwelling and Garages); 1885 A 3 As Existing and Proposed (Host Dwelling); Tree Protection Measures detailed within Section 4.2 and shown on Figure 4 Root Protection Area Plan of the Tree Survey Report prepared by CBE Consulting dated 21 July 2022.
- 3)No part of the development in respect of the new dwelling hereby approved shall be commenced until details of proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4)No development in relation to the following details shall be commenced until manufacturer's details and samples as required have been submitted to and approved in writing by the Local Planning Authority in respect of the following: bricks (for infilling on the existing dwelling and construction of the new dwelling); brick sample panel (for the new dwelling, showing brick bond, mortar finish and pointing technique); timber cladding (for the timber garage/cart shed building) and roofing materials (for the new dwelling and the timber garage/cart shed building). Development shall thereafter be carried out in accordance with the approved details and sample panel.
- 5)No development shall be commenced in respect of the features of the new dwelling hereby approved as identified below, until details of the design, specification, fixing and finish in form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted for approval are external windows, doors, and their immediate surroundings, including details of glazing and framing; treatment of window and door headers and cills; rainwater goods, extractor vents, flues, airbricks, soil and vent pipes; eaves, verges and ridge. The development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.
- 6)Notwithstanding the submitted details, the dwelling hereby permitted shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of new trees and hedging to compensate for tree losses noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of local native plant species; existing trees and hedgerows which are to be retained as detailed within the submitted Tree Survey Report prepared by CBE Consulting dated 21 July 2022; details of new boundary treatments, including gates (height and appearance); details of any other means of enclosure; permeable driveway, parking and turning area

materials and other hard surfacing materials. The approved planting scheme shall thereafter be carried out within the first planting season following approval of the submitted details. If within a period of seven years from the date of planting any tree, shrub, hedging, or replacement is removed, uprooted, destroyed, or dies, then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority.

7) The following activities must not be carried out under any circumstances. A) No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site. B) No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on or adjacent to the application site. C) No temporary access within designated root protection areas without the prior written approval of the District Planning Authority. D) No mixing of cement, dispensing of fuels or chemicals outside of existing areas of hardstanding within the application site. E) No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site. F) No stripping of topsoils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site. G) No topsoil, building materials or other things to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site. H) No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

End of Conditions