



Appeal Decision

Site visit made on 5 September 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2024

Appeal Ref: APP/F4410/W/23/3315176

West Lodge, Sutton Road, Campsall, Doncaster DN6 9AJ

- 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 Chris Sayles of Elmfield Doncaster Ltd against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 22/01297/FUL, dated 26 May 2022, was refused by notice dated 5 August 2022.
- The development proposed is to erect a detached chalet bungalow and garage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address on the application form as that reflects the address used on the Council's decision notice.
3. The appeal follows a recent appeal decision¹ in respect of a very similar development on the same site. The appeal was also for a 'detached chalet bungalow and garage' and was dismissed on 14 February 2023. The dwelling and garage were largely in the same location as the appeal scheme before me, but differed in terms of siting, scale and appearance. I have had regard to this in reaching my decision.
4. Amended plans were provided to me with the appeal². These show a very minor increase to the rear of the garage by 150mm to meet parking standards. As the revised plans do not change the substance of the proposed development that was considered by the Council, having regard to the "Wheatcroft" principles and tests in recent legal judgements³ the Council and interested parties would not be prejudiced by my consideration of them.
5. The Council has withdrawn its third reason for refusal which relates to highway safety and parking arrangements. Therefore, I have not dealt with this aspect as a main issue.
6. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I

¹ Appeal Ref: APP/F4410/W/22/3305570

² Garage extended 150mm and Amended Block Plan – Garage extended.

³ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37 and Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

7. The main issues are:

- whether the proposed development would preserve or enhance the character or appearance of the Campsall Conservation Area (the CA) and its effect on the character and appearance of West Lodge, as a Non-Designated Heritage Asset (NDHA);
- the effect of the proposed development upon existing and protected trees; and
- the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to outlook.

Reasons

Designated and non-designated heritage assets

8. The appeal site is situated at the southern edge of the village and is formed from the subdivision of an existing residential garden at West Lodge. It is set behind a Limestone boundary wall and includes its garage. As a former lodge to the now demolished Campsall Hall, West Lodge is a diminutive, but distinctive building. It is now set within a comparatively large open plot, with a sizeable road frontage at the edge of the village. The appeal site has a boundary with properties at Wood Garth Court, a small residential enclave, which runs to the side and rear of the appeal site. There are trees of note within and adjacent to the site which are protected by the Tree Preservation Order A14 and A15 Doncaster Rural District Council Tree Preservation Order (No.18) 1972 Campsall with Sutton.
9. The appeal site is also within the Campsall CA. Based on my observations, the significance of the CA is derived from the well-preserved architectural quality of built development, which reflects the historic growth of the settlement. Together with trees, open spaces and limestone boundary walls, residential properties set within relatively generous plots and within a rural setting form part of its special interest and significance. The appeal site forms part of the current grounds of a traditional building, within a spacious plot at the edge of the village bordering a rural area, and this allows for visual links to the wider rural landscape. The appeal site and West Lodge therefore makes a significant positive contribution at the entry point of the village and to the CA.
10. The Council have explained that West Lodge is a key unlisted building, but is not included on any heritage local list, as this is at an early stage within the Borough. However, the Inspector appointed to determine the February 2023 appeal considered that West Lodge constitutes a NDHA, and I concur with that assessment. Even though it has been altered, its distinctive single storied form and canted projection contributes to its significance, which is also derived from the asset's physical isolation from West Garth Court and its, spacious sylvan and rural surroundings at the edge of the village. I have considered the effect of the proposal in line with paragraph 209 of the National Planning Policy Framework accordingly that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required

having regard to the scale of any harm or loss and the significance of the heritage asset.

11. The parties disagree on whether the entire appeal site recently became part of the grounds to West Lodge. It is not disputed that West Lodge was built to serve as a gatehouse for the estate of Campsall Hall. It is noted that West Lodge was not provided separate grounds but was set within an area on the Campsall Estate named Beevers Plantation. West Lodge was later enclosed and there is evidence of a short stub of brick wall, which I observed, and which appears to be in a similar position to a line shown on the 1893, 1932 and 1960 1:2500 Ordnance Survey maps (OS maps). The appellant contends the amalgamation of the site occurred after 1960. Although the current garden to West Lodge may therefore have not originally been designed as such, due to the associations of the land with the Estate there is an historical relationship with the land within the appeal site.
12. However, the above being said, the current defined curtilage of West Lodge appears to have been in existence for several decades. I am mindful that the description of the setting of a heritage asset contained within the Annex 2: Glossary of the Framework refers to the surroundings in which a heritage asset is experienced, and that its extent is not fixed and may change as the asset and its surroundings evolve.
13. At the time of my site visit the trees on and adjacent to the site provided extensive and impressive leafy canopies. The extent of hardstanding and garage was not the dominating feature of the site. The limestone boundary walls screened the hardstanding from the direction of the south, and the trees drew the eye away from the garage which was set far back into the site. The absence of development towards the site frontage, not only allows the distinctive appearance of West Lodge to be appreciated, it also allows glimpsed views across the appeal site to open fields and the rural landscape beyond. I am therefore minded to agree with the previous Inspector that the appeal site is an integral part of the setting of West Lodge and the surroundings in which it is appreciated within the CA.
14. Against this context, and as with previous appeal, the development would include the demolition of the existing double garage and erection of a detached dwelling with a pitched roof and dormer windows, a replacement garage, hard and soft landscaping, and boundary treatments between No 7 and West Lodge facing Sutton Road. It would be set back a little within the plot. It differs from the dismissed appeal in that its orientation to the road is altered, and it is over 1m lower than the previous proposal. The design now incorporates two front dormer windows and an external chimney stack.
15. I acknowledge that the site has the appearance of a domestic garden by virtue of the double garage and existing hard standing and that development is clearly visible to the rear of the site. However, the open space towards the frontage and its long boundary to Sutton Road is a visually positive aspect within the area. The proposed building would increase development on the plot. The elevations to the site boundaries with both No 7 and West Lodge would be close. Unlike No 7 it would have little space to the side of the development for any landscaping features. This would emphasise the scale of the building and make it appear large and visually cramped within the plot and less spaciouly laid out than development in the immediate area.

16. The development would be positioned on a similar building line to the front elevation of West Lodge. West Lodge and the taller trees to the south of it would screen the development from longer distance views, and on the approach from Sutton they would be largely unchanged. The development of the site would also not encroach further into countryside than the development surrounding it. However, No 7 in the opposite direction, like West Lodge is single storey and has a shallow hipped roof. The development would be positioned slightly forward of the main bulk of this building. The large gable, external chimney stack and dormer windows would be more prominent in views from the direction of Campsall.
17. The succession of closer views from the junction of the road from Burghwallis and along the frontage of the site would be significantly changed. The development would consist of a steeply pitched roof design, and its contrasting form to No 7 and West Lodge would therefore present a more suburban appearance. The remaining garden area which would be attributed to the side of West Lodge would be significantly reduced and therefore would not be sufficient to mitigate the bulk and appearance of the development. The intrusion of a substantial built development would almost fill the width of the appeal plot, a significant part of the existing wider site, thus eroding the isolation of West Lodge and interrupting views of it, to the detriment of the way the NDHA and the CA is now experienced.
18. The appellant asserts that there were previous buildings in the location of the proposed dwelling, to the north of West Lodge. The previous Inspector discounted an historic precedent for dwellings at the appeal site. Further evidence has been submitted which includes annotated photographs from 1937. The appellant contends the additional photographs show a small cottage, wall or fence with possible chimney stacks. It is unfortunate they are not clearly identifiable; however the appellant concludes that definitive evidence for the function of the buildings is lacking. The Council has also suggested that anecdotal evidence from nearby residents suggests the buildings were stores.
19. Regardless of whether these elements could have been one or two small cottages or outbuildings to the north of West Lodge, I do accept it is likely this appeal site had some form of development close to the road. There is also no dispute that the site is a suitable location for housing development and falls within the Council's 'Residential Policy Area.' However, the appeal proposal is for a single large substantial dwelling which appears substantially different in its layout and scale to those elements identified on the OS maps. The presence of former or historical development does not automatically mean that proposals are acceptable in terms of other planning issues. Any new scheme is subject to assessment against local and national planning policy. I give the historical presence of housing or buildings only limited weight.
20. Whilst the trees are intended to be retained, those at the rear, and within the grounds of No 7 would be obscured by the proposed dwelling, as would the glimpses of views of the rural landscape. Furthermore the effect of the health and longevity of the trees, a matter which I return to below, is uncertain. Although plans for residential development have been scaled back from those associated with a previously dismissed appeal, the alterations to the development now proposed are not extensive and are substantially the same as before. Therefore for the reasons above, I do not consider that this proposal addresses all the previously identified concerns.

21. The highlighted example of residential development to the west of the site does not present a comparable proposal. Set back from the road in a larger plot, on the opposing side of the road, and well screened by frontage trees it thus differs to the appeal site. I appreciate that it is located close to the village edge, but it is not within the CA.
22. Consequently, for the reasons set out above the proposed development would detract from the setting of the NDHA, and therefore harm would arise to the CA from the proposed development. Whilst the harm I have identified to the CA would be less than substantial, it nevertheless is of considerable importance and weight. Paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposal.
23. The proposal would result in the provision of one new dwelling which would help contribute to housing supply. There would be economic benefits arising from its construction and occupation, and support to local services. However, these benefits would be relatively limited in light of the modest scale of the proposal. Taking these points together, I conclude that they would not outweigh the harm identified.
24. For the above reasons I conclude that the proposed development would harm the setting of West Lodge, the character and appearance of the of the area, and would not preserve the character or appearance of the conservation area. The development would therefore conflict with Doncaster Local Plan 2015 – 2035 (the Local Plan) Policies 10, 32, 33, 34, 37 and 44. Insofar as they are relevant to the appeal, these seek to protect the setting, character and appearance of the area, including trees and the historic environment. The proposal would also be at odds with the Framework in relation to both designated and non-designated heritage assets.

Trees

25. As set out above, the site contains protected trees that significantly contribute to the character and appearance of the CA and the surrounding area. The application was supported by an Arboricultural Report and Impact Assessment (Jan 2022) (ARIA), which is the same document submitted in support of the dismissed appeal. Tree T4 is shown within the appeal site on the proposed block plan towards the rear, and Tree T5 is just outside the site, almost centrally positioned on the appeal site boundary. Trees T1, T2 and T3 are within neighbouring gardens. Trees T1 to T5 are highly visible and have either a moderate or high amenity value and comprise early mature to mature trees. The trees have crowns which overhang the appeal site and existing flat roof garage. Whilst some potentially have defects all have a life expectancy potentially up to and in excess of 40 years.
26. The previous Inspector was not convinced that the development could be constructed without causing harm to protected trees through damage to their root systems, leading to their decline or loss in the future. He also noted that the proposed dwelling, garage, and hardstanding would encroach significantly into the Root Protection Areas (RPAs) of Trees T1, T2, T3, and T5, including beyond the existing extent of hardstanding. Moreover, he expressed concern about the potential for drainage and servicing works to cause further damage, and the lack of detail and certainty regarding the use of micro piling and other such measures. Given that the current appeal proposal would encroach into

those RPAs to a comparable extent, the previous Inspector's concerns clearly apply. I see no reason to depart from my colleague's findings in this regard.

27. I do not dispute that some shade from trees may be beneficial, and pruning works could not be undertaken, as previous tree consents indicate. However, the Light Report is not clear whether it has addressed the proposed development as the drawings and shading diagrams are for the dismissed scheme. The previous Inspector also expressed a number of additional concerns relating to the effect of additional nuisance to future occupiers such as large trees causing apprehension and overshadowing which would likely lead to future pressure to prune or remove them.
28. I share these views due to the number proximity and size of the trees. The development would result in the dwelling having almost the entirety of its outdoor garden areas consisting of woodland or parking areas. Mature trees would dominate the rear of this property and could restrict light to its rear facing windows. In this regard, I note that the drawings show kitchen dining and bedrooms to the rear, which would be likely to be well used. The restricted light that would reach the rear of this property could cause resentment and lead to pressure to remove additional trees once the dwelling is occupied. Moreover, any lawn or flowerbeds that were created would also be heavily overshadowed. Future occupiers may also perceive the nearest trees as a potential hazard to the property. These factors are likely to create significant additional pressure to remove trees once the dwelling is occupied. The close proximity of the retained trees to the dwelling could also affect the Council's ability to resist future applications to prune or fell the trees.
29. There are no landscape or additional tree planting proposals before me. Whilst landscaping can be conditioned, I am mindful that any future replacement trees, would take years to establish, whereas the existing trees would otherwise continue to contribute to the amenity of the area for many years. It is also unclear why new ownership would facilitate tree maintenance, particularly as some are in separate ownership.
30. For the above reasons, I conclude that the development would significantly undermine the longer term existence and visual contribution of the protected trees. It would therefore be contrary to Policies 10, 32 and 33 of the Local Plan which, amongst other things, seek to ensure proposals for new development protect landscape character and successfully integrate and protect existing trees, and allow sufficient space for trees to flourish and mature. There would also be conflict with paragraph 136 of the Framework which recognises the important contribution of trees and sets out that existing trees should be retained wherever possible.

Living conditions

31. The existing rear living room of No 7 would look towards the gable of the proposed development. The rear garden of No 7 is shallow and the development would be highly visible above the joint boundary fence. Although it would be separated by the driveway and the development would not extend as far along the boundary as the dismissed scheme, it would be brought closer to No 7. The development is wide, and there would be additional massing from the steeply pitched gable. In combination with the gable the higher external chimney stack and dormer windows would be close to the dwelling and the garden areas both of which would be likely to be well used.

32. The property at No 7 already experiences some overshadowing by trees, the introduction of development would be a significant contrast with the current open character of the site and would make the garden in particular a less attractive area to spend time. The development would feel oppressive when viewed from within the living room and garden areas. I find that the above factors would result in a harmful sense of enclosure, detrimental to the outlook from the dwelling and garden area of No 7.
33. There are several windows and doors on the side of West Lodge facing the appeal site, as well as the adjacent side garden area. The proposed development would be sited almost on the proposed joint side boundary with West Lodge with only minimal space between the development and boundary fence. The gable and dormer windows would be highly visible and dominant above any boundary treatment. Combined with the above features the proposed dwelling would also be quite deep and extend along a large part of the garden. In combination with the trees on the site this would therefore have an enclosing effect on the garden to West Lodge which would feel oppressive and affect the occupiers enjoyment of the garden area.
34. Whilst I have found that development may give rise to additional nuisance to future occupiers which would result in pressure for additional works to the trees, this would not equate to harmful living conditions. Although the proposed development is different and the light report reflects the previous proposal, I am satisfied that sufficient light to the proposed garden and dwelling would be provided. However, that does not alter my other concerns in relation to the living conditions of No 7 and West Lodge.
35. Overall, whilst I appreciate the scheme has been amended, the development would be overbearing and would harm the outlook of neighbouring residents from within their dwellings and garden areas.
36. For the above reasons, I conclude that the development would harm the living conditions of neighbouring occupiers with regard to outlook. The proposal would therefore conflict with Policies 10 and 44 of the LP which seek to ensure, amongst other things, that new development provides an acceptable level of residential amenity for both new and existing residents. The proposal would also conflict with paragraph 135 of the Framework, which seeks to ensure new development provides a high standard of amenity for existing and future users.

Other Matters

37. As set out above, the Council has withdrawn its reason for refusal relating to highway safety. This resulted from the previous appeal, where that Inspector found the proposed access arrangements to be acceptable. The access and turning arrangements proposed here are identical to those previously considered, and I see no reason to depart from my colleague's findings on this matter.
38. The appellant has referred to the site as being brownfield. However, the Framework states that the definition of previously developed land excludes residential gardens in built up areas.

Conclusion

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

K Williams

INSPECTOR