



Appeal Decision

Site visit made on 3 April 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/F4410/W/23/3334482

Woodbine Cottage, 6 Park Drive, Sprotbrough, Doncaster DN5 7LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Wellings against the decision of the City of Doncaster Council.
 - The application Ref is 23/00727/FUL.
 - The development proposed is described as 'new build residential with demolition of existing unit.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's first name was omitted from the planning application form. However, it has been confirmed via an email and I have used this name in the banner heading above.
3. Notwithstanding the description of the development set out in the banner heading, which is taken from the application form, it is clear from the plans and accompanying details before me that the development comprises the demolition of a bungalow and the erection of a 2 storey detached dwelling. I have determined the appeal on this basis.
4. Subsequent to the date of the Council's decision, a revised version of the National Planning Policy Framework (the Framework) was published. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

5. The main issues are the effect of the proposed development on the living conditions of the occupiers of neighbouring properties in respect of outlook and light, and the character and appearance of the area.

Reasons

Living Conditions

6. The submitted plans show the proposed dwelling to be located in proximity to the shared boundaries with 127 Melton Road and 4 and 8 Park Drive respectively. These neighbouring properties have been built very close to the shared boundaries with the appeal site.

7. A flat roof has been incorporated into the design of the scheme to minimise the height of the proposed dwelling. Nonetheless, it would still be of a considerable size and scale, over and above that of the existing bungalow and detached garage. It would also result in a substantial 2 storey elevation spanning the majority, if not all, of the length of the shared boundary with No 127's rear garden area. The other side elevation would also run alongside a large amount of the shared boundary with No 4 and be adjacent to its main outside seating area.
8. At such close quarters to the shared boundaries and rear garden areas of these 2 neighbouring properties the mass and bulk of the proposal would visually dominate and have a significantly enclosing effect on them. It would also reduce the amount of natural light, thereby having an oppressive and overbearing effect.
9. Due to the angled relationship and degree of separation between the proposed dwelling and the rear habitable windows of No 4 and No 8 I am satisfied that no undue loss of outlook or light to them would occur. I am also mindful that No 127 does not have windows within its side elevation and that its front and rear habitable windows do not directly face the proposal. However, No 127 is located much closer to the proposal than No 8. Accordingly, there would not be such an oblique viewpoint of the proposed building from this neighbouring property's rear habitable windows to prevent an unacceptable reduction in natural light and outlook to and from these openings.
10. Given the proposed dwelling's proximity, size, scale and orientation in relation to the sun path an unacceptable amount of overshadowing would also occur to the garden area and rear habitable windows of No 127, and the rear garden area of No 4. In reaching this view I have had regard to the appellant's submitted sun path analysis. However, the appellant accepts that this does not fully reflect the full mass of the proposed dwelling. As such, I am unable to be certain that it is accurate and have therefore given this limited weight in my deliberations. The provision of opaque glazing within the side elevations of the proposal to ensure the privacy of neighbouring occupants, would also not overcome or outweigh this harm.
11. As such, I find that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of neighbouring properties arising from the lack of outlook and light. The proposal would therefore conflict with Policies 10 and 44 of the Doncaster Local Plan 2015–2035 (2021) (Local Plan). These policies require, amongst other things, that developments provide an acceptable level of residential amenity for existing residents. The proposal would also be contrary to paragraph 135 of the Framework which seeks to ensure developments create a high standard of amenity for existing users.

Character and Appearance

12. The prevailing character of the immediate locality comprises a mixture of 2 and 3 storey detached dwellings, of varying size and styles. The majority of these dwellings have small gaps between them and are set well back from the highway.
13. As previously noted, the proposed dwelling would be of a greater size and scale than the existing bungalow. It would also have a larger footprint than most

other neighbouring properties in the area and occupy most of the width of the plot. Nonetheless, the distance from its shared boundaries would be similar to the majority of the gaps found between neighbouring dwellings and their shared side boundaries on this end of Park Drive.

14. It would also have a lower height than adjacent neighbouring properties' pitched roofs, with a sizeable set back and generous amount of back garden space. These factors would ensure that the proposal would not appear cramped, overdeveloped, or deviate from the established street pattern to such a degree as to significantly harm the character and appearance of the surrounding area. The proposal's modern contemporary design would also not appear conspicuous in the context of the diverse range of nearby properties.
15. I therefore find that the proposal would not cause unacceptable harm to the character and appearance of the area. As such, it would not conflict with Local Plan Policies 10, 41, 42 and 44 and Policy S1 of the Spotbrough Neighbourhood Plan Up to 2035 (2021). These policies seek, amongst other things, to ensure that developments have their own identity appropriate to the area, responding positively to their context, by demonstrating how the general character, scale, mass, layout and appearance of the surrounding area has been considered. In similar respects, no conflict would arise with advice contained in Paragraph 135 of the Framework which seeks to ensure that developments are sympathetic to local character.

Other Matters

16. The appellant's statement of case refers to the effect of the proposal on the windows within the side elevation of No 4. However, this does not appear to form a part of the Council's case or reasons for refusing the scheme and has therefore not been included in my assessment. Similarly, there is reference to a lack of garden space for future residents in the Council's Delegated Planning Officer Report. As this has also not formed a reason for refusal, and in light of my overall conclusion, it has not been a decisive consideration in reaching my decision.

Conclusion

17. Although I have found that the proposal would not have an unacceptably harmful effect on the character and appearance of the area, the harm that would be caused to the living conditions of neighbouring properties is an overriding concern. As a result, the appeal scheme would not be sustainable development for which the presumption in favour applies. Having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR