



Appeal Decision

Site visit made on 31 July 2023 by T Bennett BA(Hons) MSc

Decision by Martin Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2024

Appeal Ref: APP/A3010/W/23/3318911

26/28 Radford Street, Worksop, Nottinghamshire, S80 2NQ

- 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 Kulvinder Singh Basra against the decision of Bassetlaw District Council.
 - The application Ref 22/01457/FUL, dated 17 October 2022, was refused by notice dated 9 December 2022.
 - The development proposed is a new bungalow and vehicular access.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Government has published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this document in reaching my conclusions.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area.
 - whether the proposal would safeguard the living conditions of future occupiers with regards to noise and privacy.
 - the effect of the proposed development on highway safety.

Reasons for the Recommendation

Character and Appearance

5. The appeal site comprises part of the rear gardens of 26 and 28 Radford Street located in a corner position at the junction of Radford Street and Shrewsbury Road. These properties consist of a pair of two-storey, semi-detached dwellings characteristic of the paired linear nature of the properties on Radford Street which all possess long rear gardens, contributing to the overall sense of spaciousness in the vicinity.

6. Access to the appeal site is gained from Shrewsbury Road, where the grain of development differs to Radford Street. This road exhibits a greater variety of property types, with two storey flats, detached and pairs of semi-detached properties opposite the appeal site. Immediately north of the appeal site is a large area of vacant land related to a former public house, beyond this there is a small disused commercial building and a large, detached bungalow set back from the highway in a substantial plot.
7. In this context, when viewed from Shrewsbury Road, the design of the proposed dwelling, being single storey with the use of matching materials and hipped roof form reflective of surrounding properties, would not be at odds with the form and appearance of existing dwellings in the locality.
8. However, the siting of the bungalow would be in a relatively small plot in comparison to the more spacious plots of surrounding properties. Whilst it would be set in slightly from the edge of the plot, it nevertheless would span nearly the full width of the plot and would also result in a shallow rear garden. This, in character terms, would sit awkwardly against the longer and more spacious plots afforded to other dwellings in the area, giving the proposal a cramped appearance in comparison to surrounding properties. It would also result in significantly smaller gardens for No.26 and No.28 Radford Street, at odds with the other corner plots off the junction of Shrewsbury Road and Radford Street, which all have long rear gardens that add to the overall sense of spaciousness.
9. Additionally, the open nature of the land around the plot resulting from the large area of vacant land to the north and the rear gardens of properties immediately west would give the appearance of an isolated dwelling.
10. For these reasons, along with the proposed siting, the introduction of a dwelling in this location would appear as an incongruous and uncharacteristic form of development which would result in an adverse effect on the character and appearance of the area. The proposal would therefore conflict with Policy DM4 of the CS. This seeks to ensure proposals, amongst other matters, are respectful of their wider surroundings and context.

Living Conditions of Future Occupiers

11. The small plot size would result in a shallow 6m deep garden for the proposed development, placing the lounge/kitchen close to the garden boundary of No. 30 Radford Street. As such the council contend that future occupiers would experience a substandard level of amenity through noise generated by domestic activities from the garden of No. 30. However, the lounge and kitchen with bi-fold doors are sited at the top of the appeal plot, furthest away from the rear elevation of No. 30 where the garden at this property is likely to be used more frequently. There is also no evidence to suggest that the noise generated by No. 30 would be any greater than what would typically occur between neighbouring properties. In this respect I do not find that future occupiers would experience substandard living conditions in relation to noise.
12. Turning to privacy concerns, due to the boundary treatment and single storey nature of the proposed dwelling, I find it unlikely that overlooking could occur from the bottom of the garden at No. 30 into the lounge and bedroom of the proposed property.

13. However, the land levels gradually rise from the proposed site, up towards the rear of the properties of No. 26 and No. 28. As a consequence, a raised area exists at the rear of No. 28 which consumes a proportion of the garden. Whilst the raised area at No. 28 is not substantially high, due to the reduced garden depth at No. 28 to accommodate the proposed dwelling, it would allow overlooking into the rear garden space of the proposed property when the occupants of No. 28 are utilising the raised area. I am not persuaded that increasing the height of boundary treatment beyond what I observed on site would mitigate against this and without it appearing overbearing to future occupants of the proposed dwelling or incongruous when compared to the consistent height of surrounding boundary treatment.
14. For this reason, I am satisfied that the proposed development would not safeguard the living conditions of future occupiers in relation to privacy. The proposals would therefore be contrary to Policy DM4 of the CS in so far as it relates to living conditions. The policy, amongst other matters, seeks to ensure that residential development does not have a detrimental effect on the residential amenity of nearby residents.

Highway Safety

15. The proposal would include provision for one off-street parking space. I recognise that this would conflict with the Supplementary Planning Document on residential parking standards (SPD) which requires a minimum of 2 parking spaces for dwellings with 2 or more bedrooms.
16. However, I am mindful that this is guidance only and that the policy requires a minimum of 2 spaces regardless of the number of bedrooms above 2. The document also provides a methodology for calculating likely parking demand. Although this methodology is intended for developments that incorporate predominantly unallocated parking such as communal courtyard parking, it nevertheless serves as a useful steer as to the acceptability of the proposed number of parking spaces. This suggests that for a dwelling comprising up to 3 habitable rooms, as proposed in this scheme, the parking demand would equate to 1 vehicle.
17. Therefore, taking this into account and on the basis of my observations in the area, where I saw little on-street parking stress, and in the absence of any compelling evidence to suggest otherwise, the shortfall in an additional off-street parking space would be acceptable and would not have an adverse effect on highway safety. Whilst the proposal would not adhere with the parking SPD, it would accord with Policy DM4 of the CS in so far as it relates to highway safety which seeks to ensure residential development does not have a detrimental effect on highway safety.

Planning Balance and Conclusion

18. The proposed development would not be harmful to highway safety, but I have found there would be an adverse effect on the character and appearance of the area and provision would not be made for satisfactory living conditions for future occupiers' privacy. I attach significant weight to this harm.
19. Given the scale of the proposed development, there would be a limited contribution towards the supply of housing in the local area and the extent of

- any economic, social, and environmental benefits arising from the scheme would be similarly limited.
20. I have had regard to the submitted evidence which indicates that a previous planning permission for the parcel of vacant land situated north of the site has expired, and that the area of land was under consideration for another development scheme. However, whilst this may be the case, no additional evidence on the status of any further development schemes has been adduced to this appeal, and I have not been provided with any other detailed information on either the schemes or the circumstances of the cases. Accordingly, I can only attach very limited weight to this and in any event, I recognise that each appeal must be determined on its own merits.
21. The Council acknowledge that the Bassetlaw District Council Core Strategy (2011) (CS) policies for housing provision have not been reviewed within the last 5 years and consequently has suggested that the policies of the CS should be considered out of date and that paragraph 11(d) of the Framework is engaged. As such, they consider, in line with paragraph 11(d)(ii), that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. In this respect, I recognise that the Framework sets out that existing policies should not be automatically considered out of date simply because of their age or if they were adopted prior to the publication of the Framework. Furthermore, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Due weight should however be given to development plan policies according to their degree of consistency with the Framework.
23. The decision notice only refers to Policy DM4. This seeks to ensure that development achieves a high-quality design, protects residential amenity and respects the wider surroundings and context (including development patterns, forms, density, building and plot sizes). It also requires development not to have a detrimental effect on highway safety. The policy's requirements in respect of design and amenity are still consistent with the provisions of the most recent iteration of the Framework. These seek to achieve well-designed places, notably in the requirements of Paragraph 135, while its approach to highway safety is consistent with Paragraph 115 of the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
24. I am therefore satisfied, in the absence of any substantive evidence demonstrating to the contrary, that whilst out-of-date Policy DM4 is consistent with the Framework, and I therefore afford significant weight to this policy in the determination of this appeal.
25. I have found that the proposal would have an adverse effect on the character and appearance of the area and satisfactory living conditions for future occupiers would not be provided with regard to privacy. Although the development plan policy which is most important for this decision can be regarded as being out of date, it is still afforded significant weight, and there would be conflict with the development plan when taken as a whole. Even taking into account the aforementioned benefits, the conflict with the most

important policy in the development plan carries significant weight. Overall, the adverse effects of the proposal would significantly and demonstrably outweigh its benefits.

26. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no other considerations, including the provisions of the Framework, which outweigh this finding. As a consequence, the proposal would not constitute sustainable development.
27. For these reasons and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR