



Appeal Decision

Site visit made on 21 May 2024

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 07 June 2024

Appeal Ref: APP/B3030/W/23/3333641

19 Moor Road, Collingham, Newark on Trent, Nottinghamshire, NG23 7SZ

- 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 Gary Senior against the decision of Newark & Sherwood District Council.
 - The application Ref is 23/01470/FUL.
 - The development proposed is the construction of one new single storey dwelling and detached garage (resubmission).
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey dwelling and detached garage at 19 Moor Road, Collingham, Newark On Trent, NG23 7SZ in accordance with the terms of the application, Ref 23/01470/FUL, subject to the conditions in the attached schedule.

Main Issue

2. This is the effect of the development upon the character and appearance of the area.

Reasons

3. Photographs that pre-date the erection of the existing boundary fence have been provided by the Council. These show that the appeal site combined with the adjacent Parish Council land, contributed positively to the open character of the surrounding estate.
4. There is a difference of opinion as to whether the fence is permitted development. While I have considerable sympathy for the Council's submissions on this matter, it is not for me as part of this s78 appeal to determine whether the fence is permitted development. The Appellant would be entitled to pursue that matter with the Council. However, for the purposes of my assessment I have disregarded the fence.
5. There is little doubt that the erection of a bungalow, garage as well as associated areas of hardstanding would have an impact of the visual appearance of the site. In that sense, the open character at the head of the cul-de sac would be diminished. However, the open area to the north crossed by the public footpath would remain and therefore the loss of openness on the appeal site would not in my judgement be unduly harmful.
6. In coming to that view, I am mindful that the appeal site is relatively large and so it would be possible to retain a reasonable amount of open space to the

front and sides of the proposed bungalow which would be set back generously from Moor Road. While the dwelling would be sited close to its rear boundary, this in turn backs onto the turning head at the western end of The Lawns rather than existing built development. It appears that those dwellings to the west are positioned a similar distance to their rear boundaries. Based on the foregoing, I do not consider that when viewed from Moor End Road, the development would appear unduly cramped, contrived or out of keeping with the pattern of existing development.

7. Examples of other similar infill developments within cul-de-sacs and in some cases on smaller sites, have been provided by the Appellant. These indicate that the Council has taken a less restrictive approach in those cases. I have considered the response provided by the Council in its Statement of Case but overall, I find those submissions unconvincing.
8. Having considered all the matters in the round, including the planning history of the site, I am not persuaded that the level of harm arising from the development would be sufficient to bring it into conflict with Core Policy 9 of the adopted Newark and Sherwood Amended Core Strategy (2019) or Policy DM5 of the adopted Allocations and Development Management DPD (2013). Collectively these seek a high standard of sustainable design that reflects local distinctiveness.

Other Matters

9. Various other matters have been raised by objectors, including, but not limited to, the impact on residential amenity and the effects of construction traffic. However, I note these matters were carefully considered by the Council in its Officer Report and I have no reason to take a contrary view on these matters.
10. The existence of an underground pipeline is a private matter that the Appellant would need to resolve with the relevant statutory undertaker. It is not therefore a determinative issue as part of this s78 appeal.

Conditions

11. Those conditions suggested by the Council covering time limits and the approved plans are necessary to provide certainty. The materials are clearly specified on the plans and Application Form, a separate condition is therefore unnecessary. The landscaping and boundary treatment are again shown on the site layout plan. There is no suggestion that these details are unacceptable. Accordingly, and given the site is not within an area of particular sensitivity, I consider the suggested landscaping condition to be excessive and unnecessary.
12. A parking plan is unnecessary as these details are again shown on the layout plan and captured by the plans condition. I have however imposed a condition to ensure the parking areas are retained. The provision of dropped crossings is covered by separate legislation, namely s184 of the Highways Act 1980. I have omitted the condition accordingly.

Conclusion

13. For the reasons given above the appeal should be allowed.

Mr Young

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 plan references:
 - Proposed Site Location Plan – 18.08.2023
 - Proposed Block Plan – 18.08.2023
 - Site constraints Plan – 18.08.2023
 - Proposed Floor Plan and East Elevation – Ref. 19MR.C 2022 01
 - Proposed North, South and West Elevations – Ref. 19MR.C 2022 02
 - Proposed Garage Plans and Elevations – Ref. 19MR.C 2023 03
3. All the areas to be used for the parking and manoeuvring of vehicles shall be retained for the lifetime of the development.