



Appeal Decision

Site visit made on 4 June 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/B3030/W/23/3333334

Baytree House, 188 Norwood Gardens, Southwell, Nottinghamshire NG25 0DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Iain McFadyen against the decision of Newark & Sherwood District Council.
 - The application Ref is 23/00464/OUT.
 - The development proposed is a detached dwelling with associated access and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application seeks outline planning permission, with all matters reserved except for access. I have considered the appeal on this basis and I have treated the submitted block plan as illustrative.
3. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended, except for paragraph numbering. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Background & Main Issues

4. The effect of the proposal on living conditions was not listed as a reason for refusal on the decision notice. However, it was raised as an issue within the officer report. Harm was identified to living conditions in respect of the amenity space remaining for the existing occupants of 188 Norwood Gardens, with the Council finding conflict with Policy DM5 of the DPD. I therefore consider it to be a main issue in this appeal. Accordingly, the main issues are:
 - the effect of the proposal on the character and appearance of 188 Norwood Gardens and the surrounding area; and
 - whether the development would provide acceptable living conditions for the occupiers of 188 Norwood Gardens with particular regard to outdoor amenity space.

Reasons

Character and appearance

5. No 188 Norwood Gardens (No 188) is a two storey semi-detached dwelling occupying a prominent, large corner plot. Norwood Gardens comprises primarily semi-detached and terraced dwellings, set within spacious plots.
6. Within the estate, dwellings are arranged in a predominantly linear manner with a consistency in spacing and strong building lines. Some dwellings, like No 188 are arranged in small clusters. However, there remains an overall coherent form and pattern to the layout of properties in the area. This results in a strong sense of space, with the appeal site making a positive contribution to the character of this pleasant residential estate.
7. The proposal is to subdivide the existing plot of No 188 to provide a detached dwelling. Detached properties are not a prevailing house type within the estate, so this in itself would be out of character. However, the proposal would also leave No 188 with significantly less garden space than at present and this would be limited in depth. No 188 would consequently appear cramped within its plot and would have an uncharacteristically small garden compared to other properties in the surrounding area.
8. I am mindful that the position and scale of the proposed dwelling shown on the block plan is illustrative. However, positioning a detached dwelling anywhere within the site boundary would result in built form being set closer to the highway and significantly forward of No 92 and the rest of the properties along that part of the road. The proposal would therefore appear as an incongruous addition, harmfully disrupting the strong building lines, at odds with the existing pattern of development.
9. I note that on the opposite side of the road, No 61 is set closer to the highway than No 63. However, No 61 forms part of a coherent building line with properties to the north, maintaining the legibility of the overall form and pattern to development within Norwood Gardens. Moreover, No 61 is not in a prominent corner position. Thus, this example does not alter my view that the proposal would be harmful to the character and appearance of the area.
10. I observed hardstanding across the frontages of many properties within Norwood Gardens and where access had been created over grass verges. The proposed hardstanding and access into the site would therefore not appear as an incongruous addition in the surrounding area. However, the lack of harm from this element of the scheme does not justify the harm I have already identified in respect of the dwelling itself.
11. For the above reasons, I conclude that the proposal would harm the character and appearance of 188 Norwood Gardens and the surrounding area. Accordingly, it would conflict with Core Policy 9 of the Newark and Sherwood District Council Plan Review, Amended Core Strategy (2019) (CS) which amongst other matters, requires development to demonstrate a high standard of layout, which complements the existing built environment and optimises site potential at a level suitable to local character. It also fails to accord with Policy DM5 of the Newark and Sherwood Local Development Framework, Allocations and Development Management Development Plan Document (2013) (DPD) which requires new development to reflect the areas local distinctiveness.

12. The scheme also fails to accord with Policy SD1 of the Southwell Neighbourhood Plan (2016) (NP) which requires development to be appropriate to its location and Policy DH1 of the NP which requires development to be contextually responsive. It would also be at odds with the overarching design aims of the Framework.

Living conditions

13. Given the corner position of No 188, the garden space currently is primarily located at the side of the property. Although the appeal scheme is in outline form with only an indicative layout, the remaining garden space at No 188 after the proposed subdivision of the plot would be substantially reduced to an area of limited depth at the rear of the property.
14. As there is an existing conservatory on the rear elevation of No 188 the Council consider the remaining amenity space would be insufficient. The appellant has suggested a condition could be imposed to remove the conservatory should the appeal be allowed. However, even if a condition could be imposed to secure the removal of the conservatory, the remaining garden space would still be small.
15. Furthermore, the northeast orientation of the property, combined with the close proximity to the side elevation of No 92, means that the garden would receive very little sunlight with limited outlook. This would not be a pleasant environment in which to undertake day-to-day domestic activities.
16. Consequently, I conclude that the proposal would not provide acceptable living conditions for the existing occupiers of 188 Norwood Gardens with regard to the outdoor amenity space. It would thus conflict with Policy DM5 of the DPD which seeks to resist development where there would be an unacceptable standard of amenity.

Other Matters

17. There have been no objections received from neighbouring occupiers in respect of the development. However, I am required to assess the proposal on its planning merits and the absence of objections does not alter my findings with regard to the harm identified. I also acknowledge that the site has not been identified as having any tree preservation orders or protected species and that the site has a low risk of flooding. An absence of harm is neutral in the planning balance, weighing neither for nor against the proposal.
18. I note the intention is to incorporate design elements of the surrounding dwellings and that a form of development is envisaged so as to avoid any adverse impacts on neighbouring living conditions with respect to overlooking and outlook. However, appearance, layout and scale are yet to be agreed and would be a consideration at reserved matters stage.
19. My attention has been drawn to another corner development a short distance from No 188 which was allowed on appeal¹. From the limited information before me and my site observations, there appears to be a more varied form of development in the vicinity of that site and thus that scheme is not directly comparable. In any case, I have determined the appeal on its own merits.

¹ APP/B3030/W/20/3260214

20. I note that highways have not raised any objections in relation to the access, arrangements. The Council is satisfied that visibility splays are achievable, subject to hedge cutting which could be conditioned. From what I observed I have no reason to disagree.
21. Whilst the principle of development within the site may be acceptable, when assessed against the relevant policies of the development plan I have found there to be conflict in respect of the main issues.
22. The proposal would be in an accessible location, close to employment, shops, schools and services. It would make a contribution to the supply of housing which the Framework seeks to boost. However, given the small scale of the proposed development the weight afforded to these benefits is limited.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

T Bennett

INSPECTOR