



Appeal Decision

Site visit made on 11 June 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/B3030/W/23/3330192

59 Beacon Hill Road, Newark on Trent, Nottinghamshire NG24 2JH

- 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 Teal Property Services against the decision of Newark & Sherwood District Council.
 - The application Ref is 23/01125/FUL.
 - The development proposed is demolition of garage/outbuildings, erection of one single storey dwelling, widen existing access to form shared private drive and create new parking for existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - the weight to be attached to any conflict identified between policy DM5 of the Newark & Sherwood Allocations and Development Management Development Plan Document (NSADMDPD) and the National Planning Policy Framework ('the Framework').

Reasons

Character and appearance

3. The appeal property is located on the northern side of Beacon Hill Road which is characterised by the linear development of mainly detached houses set back from the road behind medium sized front gardens.
4. On the majority of the northern side of Beacon Hill Road, houses are relatively closely spaced. Between No 51b and No 61 the gaps are significantly wider. Nevertheless, the overriding impression in public views from the road is of a rhythmical pattern of development with gaps between houses and their setback behind front gardens creating the character and appearance of a mature and pleasant suburban road.
5. The proposed bungalow would be located on the long strip of undeveloped land to the rear of No 59 and would occupy most of its width. Although sited well back from the road, the demolition of the existing detached garage and the creation of vehicular access to the side of the existing house at No 59 would

urbanise the site in depth and disrupt the rhythm of development that characterises the area. In particular, it would unbalance the symmetry of the gap between Nos 59 and 61, which is a clearly visible part of the street scene, with development in depth on one half of the gap but not on the other.

6. In favour of the appeal it is stated that a large outbuilding could be built on the appeal site of a similar size to the proposed bungalow under permitted development rights. In the absence of any further information elaborating upon this statement, I have proceeded on the basis that the permitted development rights referred to are those that relate to the house at No 59 which is shown on the site location plan as forming part of the appeal site. An outbuilding of similar overall size to the proposed bungalow could be built under such rights. However, it would not be as tall and there is no reason to believe that an outbuilding of such a large size would be required and built by a household occupying a modest semi-detached dwelling. As a result, I attach little weight to this fallback position in favour of the appeal.
7. Of the other developments referred to in support of the appeal, those located nearby on the same side of the road as the appeal site are the most relevant. Philpott Close is located several houses away to the east of the appeal site. Here, limited development in depth has occurred. As Philpott Close though consists of a newly built house on both sides of the scheme's access road, and an additional newly built house behind each of these dwellings, this scheme has a symmetry and balance that the appeal proposal lacks.
8. Next to No 51 it is apparent that new dwellings have been constructed which are numbered 51A and 51B. However, as in public views from the pavement they follow the established pattern of linear development along Beacon Hill Road they complement the street scene rather than harming it. The development that has been referred to at No 150 is located on the opposite side of the road and is out of view of the appeal site. As a result, it has little bearing on the street scene of which the appeal site forms a part.
9. It is stated that the development at 81 Lincoln Road, which is located 1.5km away from the appeal site, is very similar to the appeal proposal. It is an established principle though that each application is assessed on its merits. The Inspector in the appeal relating to 81 Lincoln Road would have exercised their judgement on the evidence in relation to that particular case. I must similarly use my judgement in respect of the evidence before me.
10. The fact that permission was granted for housing on these other sites is not a consideration of sufficient weight to overcome the significant adverse effect that I have found the proposed development would cause to the character and appearance of the area.
11. For all of these reasons I therefore conclude that the proposed development would cause demonstrable harm to the character and appearance of the area, contrary to policy DM5 of the NSADMDPD and core policy 9 of the Newark and Sherwood Amended Core Strategy ('Core Strategy') which both seek good design.

Policy DM5 and the Framework

12. Policy DM5 of the NSADMDPD states that, amongst other matters, proposals creating backland development will only be approved where it would be in

keeping with the general character and density of existing development in the area and that inappropriate backland development will be resisted.

13. The National Planning Policy Framework ('the Framework') is an important material consideration. The NSADMDPD was adopted the year after the first version of the Framework was published in 2012 and the wording of policy DM5 is consistent with paragraph 58 of the original Framework. The latest version of the Framework was published in 2023. In respect of local character, paragraph 135 of the current Framework largely replicates paragraph 58 of the 2012 Framework but inserts reference to increased densities as an example of appropriate innovation or change. Paragraph 129 of the current Framework advises that development plans should adopt minimum density standards for locations well served by public transport such as the appeal site.
14. The increase in density that would occur as a result of the proposed development on the application site would be less than that which has occurred in relation to the housing schemes at No 51 and Philpott Close, and this matter does not form part of the Council's opposition to the proposal. As a result, the fact that policy DM5 does not embrace increased density in accordance with the Framework is not a matter that alters the significant weight that I attach to the conflict between the design of the scheme and policy DM5.

Conclusion

15. The appeal site is located within the Newark Urban Area where the principle of residential development is supported by the development plan. The proposal though would cause unacceptable harm to the character and appearance of the area, contrary to policy DM5 of the NSADMDPD and core policy 9 of the Core Strategy. As a result, I find that the proposed development would be contrary to the development plan considered as a whole.
16. The other considerations put forward in favour of the proposal, namely the fallback position, the social benefits for an ageing local population of providing a bungalow, of which it is stated there is a shortage, in a location where services and facilities are accessible by sustainable modes of transport, are insufficient to outweigh the harm that would be caused and non-compliance with the development plan. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector