



Appeal Decision

Site visit made on 8 October 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/A3010/W/24/3346669

25 Scrooby Road, Harworth, Doncaster, Nottinghamshire DN11 8JW

- 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 Andrew Richard Whitehouse against the decision of Bassetlaw District Council.
 - The application Ref is 24/00034/COU.
 - The development proposed is the change of use from existing ground floor shop with WC and kitchen area into a single person bed sit flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the appellant's planning application form, with the exclusion of superfluous information that is not an act of development.
3. The postcode of the appeal site within the planning application form is incomplete. Therefore, I have taken the full postcode from the Council's decision notice.
4. The appellant's statement of case asserts that a window in the rear elevation would provide light and ventilation to the proposed bathroom; the internal arrangement of the accommodation would be altered so that the bedroom forms part of the lounge/kitchen; the hardstanding to the front of the appeal building would be enclosed; and the garden area to the rear would be enlarged. However, the appeal process should not be used to evolve a scheme¹ and the increased garden would fall outside the area edged red. Accordingly, I must determine the appeal on the information considered by the Council.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of future residents, with reference to outdoor amenity space, privacy, light, and noise and disturbance, and the occupiers of neighbouring properties, with reference to privacy.

¹ Procedural Guide: Planning appeals – England, updated 17 September 2024

Reasons

6. The appeal building comprises a single storey former commercial unit that is currently vacant. It forms part of a terrace that includes an adjoining vehicle repair garage with residential flat above, and a commercial property separated by a passageway that provides pedestrian/vehicle access to a dwelling to the rear (23 Scrooby Road). To the front of the appeal building is a forecourt and a pavement. The surrounding area is a mix of commercial and residential uses.
7. I acknowledge there are existing residential properties adjoining or in proximity of the existing commercial uses and I am not aware of any complaints regarding noise and disturbance. However, these properties are not directly comparable to the appeal proposal in terms of their relationship to the existing garage and forecourt. In any event, I must determine each case on its own merits.
8. I accept that a condition for a scheme of sound insulation would prevent some noise and disturbance to future occupiers of the proposal. However, in the summer months it is likely that future occupiers would open the only window immediately in front of the forecourt for ventilation purposes. Consequently, future occupiers would be subject to noise and disturbance from people and vehicles using this area that could not be overcome by a condition regarding sound insulation.
9. There would be no window to the proposed bedroom. This would harm the living conditions of future occupiers from a substandard level of light.
10. The rear garden would not be directly accessible from the proposed dwelling. Instead, future occupiers would have to exit the front door and then walk along 23 Scrooby Road's pedestrian/vehicle access, which is unacceptable. The Council assert that the proposed garden would fall below the minimum garden size for flats, which has not been disputed by the appellant. It would also be irregular in shape. Consequently, it would be of an insufficient size or shape to allow for normal domestic use such as the drying of clothes, the storage of bins, and the siting of a table and chairs.
11. Although not shown on the submitted drawings, there are existing windows and a door within the rear and side elevations of the vehicle repair garage that would bound the proposal's rear garden. The proposed garden would be directly overlooked by the occupiers of the neighbouring property thereby affecting the privacy of future occupiers, and vice-versa.
12. The forecourt and pavement would be immediately to the front of the proposal's only windows. While users of the first floor flat's front door and No 23's pedestrian/vehicle access would be able to directly view into the proposal's only reception room. Consequently, this would harm the living conditions of future occupiers from a loss of privacy.
13. In reference to the main issue, the living conditions of future residents would be adversely affected, with reference to outdoor amenity space, noise and disturbance, privacy and light, and the occupiers of the neighbouring property would be adversely affected, with reference to privacy.
14. The proposal would therefore conflict with Policy DM4 of the Bassetlaw District Local Development Framework Core Strategy & Development Management Policies DPD, adopted 2011 which, amongst other things, seeks to ensure that

new development provides a decent standard of private amenity space. It would also conflict with Policy 8 of the Harworth & Bircotes Neighbourhood Development Plan 2015-2028 which, amongst other things, requires new development proposals to consider the relationship between public and private spaces.

15. It would also conflict with paragraphs 135 and 191 of the National Planning Policy Framework ("the Framework") which, amongst other things, seek to ensure that developments create places with a high standard of amenity for future users, and that new development is appropriate for its location taking into account the likely effects of pollution on living conditions.

Conclusion

16. For the reasons set out above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR