



Appeal Decision

Site visit made on 10 October 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2024

Appeal Ref: APP/F4410/W/24/3344616

62 Allenby Crescent, New Rossington, Doncaster DN11 0JX

- 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 Alan Broadley of Axal Services Ltd against the decision of the City of Doncaster Council.
 - The application reference is 23/01678/FUL.
 - The development proposed is the construction of detached bungalow to rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area including with respect to trees;
 - the effect of the proposal on the living conditions of residents of 62 Allenby Crescent with regard to privacy and whether acceptable living conditions would be provided for future occupiers with regard to outlook and privacy; and
 - the effect of the proposal on protected species.

Reasons

Character and Appearance

3. The appeal site comprises part of the rear garden of a dwelling that sits within a street of other similar properties in a mainly residential area. Access to the site would be from a private road that runs behind the rear of the dwellings.
4. Policy 44(C) of the 2021 adopted Doncaster Local Plan 2015-2035 (the Local Plan) supports backland development proposals where they generally conform to existing plot sizes and do not lead to overdevelopment and/or a cramped appearance, amongst other considerations.
5. The street scene in which the site is viewed is characterised by single tier frontage development with long rear gardens that are, save for some outbuildings, largely open and undeveloped.
6. The appeal scheme would introduce a multi-tier of development in backland form which would be against the established and characteristic grain of the surrounding area. The proposed dwelling would be located close to the side

and rear boundaries of the site and this, together with the access and parking area would erode the open and undeveloped feel of the rear gardens to the dwellings in the vicinity. While the proposal may well seek to make efficient use of land, it would result in an incongruous development that would appear cramped on the site.

7. Additionally, the garden for the proposed dwelling and the area that would remain for the existing dwelling would be uncharacteristically small when compared to the existing situation and the nature of the other gardens within the street scene in which the proposal would be viewed. This would contribute to the appearance of a visually cramped development and would further erode the spacious character of the street scene in this location.
8. A number of the nearby dwellings have outbuildings in their rear gardens which are behind the frontage dwelling. Some of these are quite large and sit relatively far back within the gardens. They do therefore add some depth to the built form in the vicinity. However, these are ancillary to their host building which, in terms of how they form the character of the area, are fundamentally different to a new dwelling which would have its own access, garden and parking.
9. The appellant has drawn attention to an application for two dwellings in a backland location¹ on Allenby Crescent. However, these dwellings are a considerable distance from the appeal site and as such are read as being distinctly separate from it. Furthermore, there is no clear evidence before me as to the relevant considerations that led to planning permission being granted. I cannot therefore conclude that this scheme is directly analogous to the appeal proposal, which I have in any event considered on its own planning merits.
10. It does not appear to be in dispute that it would be difficult to accommodate the proposed development without removing the trees in the garden. I have no reason to disagree. The appellant's Arboricultural Survey² classifies these as four category B trees and one category C tree. The trees that I observed on my site visit are visible in the surrounding area and contribute positively to the character and appearance of the area.
11. The trees are not protected and do not lie within a conservation area. As highlighted by the appellant, they could be removed at any time. However, Policy 32 of the Local Plan supports proposals where it can be demonstrated that trees have been adequately considered during the design process and that sufficient provision of appropriate replacement planting is undertaken where it is intended to remove trees.
12. Any landscaping for the proposal would take several years to reach the same size and therefore make a similar positive contribution to the character and appearance of the area as the trees that would be removed. In any event, given the relatively small size and configuration of the garden proposed for the dwelling, there would be limited space for future tree planting. There is no mechanism before me, such as a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) to secure a commuted

¹ Application reference 19/02534/FUL

² Prepared by Axal Services Ltd, 9 October 2023

sum for trees on nearby public land. This adds to the concerns about the effect of the proposal on the character and appearance of the area.

13. For the reasons given, I conclude that the proposal would result in significant harm to the character and appearance of the area. It would therefore conflict with Policies 32 and 44 of the Local Plan as summarised above and Local Plan Policies 41 and 42 which require proposals to contribute to local distinctiveness and the components of a development to be appropriate to the area amongst other considerations. There would also be conflict with the objectives of the National Planning Policy Framework (the Framework) for achieving well-designed places.

Living Conditions

14. The main living space of the proposed dwelling would be served by a set of bi-fold doors. Nevertheless, given the proximity of this elevation to the boundary fence, a limited outlook would be provided for the main living area. This would result in a sense of enclosure that would be oppressive for occupiers.
15. The proposal would fall short of the guidance in the South Yorkshire Residential Design Guide in terms of separation distance between the existing and proposed dwellings and garden depths.
16. Given that the proposed dwelling would be single storey and suitable boundary treatment could be secured by a planning condition, this shortfall would not result in an unacceptable loss of privacy for residents of no. 62. However, the rear facing first floor windows of no. 62 would afford direct views of the rear bedroom window of the proposed dwelling. The separation distance would not be sufficient to prevent a strong sense of intrusion for future occupiers of the proposed dwelling. The separation distance between the main rear elevation of no. 62 at first floor and the shared boundary would be sufficient to ensure no unacceptable overlooking of the garden of the proposed dwelling.
17. Consequently, I conclude that the proposal would provide acceptable living conditions for residents of 62 Allenby Crescent with regard to privacy, but it would fail to provide acceptable living conditions for future occupiers of the proposed dwelling with regard to privacy and outlook. The proposal would therefore conflict with the residential amenity requirements of Policies 10 and 44 of the Local Plan and the Framework.

Protected Species

18. I note the comments that have been made by the Council's ecological advisor that a bat survey of the trees proposed for removal is required. No survey has been submitted. No further detail is given in the ecological advisor's consultation response. Nonetheless, in the absence of any evidence to the contrary, and taking a precautionary approach, I would be uncomfortable finding no harm to this protected species given the lack of evidence.
19. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure surveys are carried out should therefore only be left to planning conditions in exceptional circumstances. In my view there are no exceptional

circumstances that would justify a condition requiring survey work. This is not therefore a matter that can be addressed through a condition.

20. I cannot therefore conclude that the proposal would not have an adverse effect on a protected species. This is contrary to the biodiversity requirements of Policy 30 of the Local Plan and the Framework objectives for conserving and enhancing the natural environment.

Other Matters

21. The proposal would support the government's objective of significantly boosting the supply of homes, on a small site within a reasonable walking distance of some services and facilities. This weighs positively for the proposal. However, I do not afford such benefits very significant weight given the quantum of houses proposed. The absence of objection from adjacent residents does not in itself render the scheme acceptable.
22. None of these other matters outweigh the harm I have found.

Conclusion

23. The proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight that would indicate a decision other than in accordance with the development plan. Therefore, for the reasons given, the appeal should be dismissed.

F Wilkinson

INSPECTOR