



Appeal Decision

Site visit made on 10 December 2024 by Andreea Spataru BA (Hons) MA MRTPI

Decision by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/F4410/D/24/3351514

14 Orchard Close, Kirk Sandall, Doncaster DN3 1SP

- 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 Rhis Raymond Resmerita against the decision of City of Doncaster Council.
 - The application reference is 24/00900/FUL.
 - The proposed development is described as "extension of an existing front canopy – retrospective; replacement of the existing garage and shed with a larger garage – retrospective; proposal of a new pedestrian gate".
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Decision

1. The appeal is dismissed insofar as it relates to the replacement of the existing garage and shed with a larger garage.
2. The appeal is allowed insofar as it relates to the canopy extension and pedestrian gate. Planning permission is granted for an extension of an existing front canopy and for a new pedestrian gate at 14 Orchard Close, Kirk Sandall, Doncaster DN3 1SP in accordance with the terms of the application ref 24/00900/FUL, so far as relevant to the extension of an existing front canopy and a new pedestrian gate. The new pedestrian gate is subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with plans Location Plan (Planning Portal Reference: PP-13056876v1), ARCH 06 Rev E and ARCH 07 Rev F.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

4. The description of development above has been taken from the appeal form, rather than the application form, as it more concisely describes the appeal scheme.
 5. The proposal comprises 3 elements, as identified in the description of development above. The appeal statement indicates that the structure of the garage has been erected and is currently visible on site. It also indicates that
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this element of the development is partially retrospective, as the brick slips and garage door are yet to be implemented. Notwithstanding the appellant's statement regarding the existing structure of the garage, the structure that I saw during my site visit does not fully match that shown on the submitted proposed plans. Nevertheless, my consideration of this appeal scheme is based on the submitted plans.

6. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

7. The main issues are the effect of the development on:
 - the character and appearance of the host dwelling and the surrounding area; and
 - the living conditions of the occupiers of neighbouring properties.

Reasons for the Recommendation

Character and Appearance

8. The appeal site relates to a detached, two-storey, brick-built dwelling located within a cul-de-sac, in a residential area. The dwelling is at an angle with Orchard Close and has a private drive and garden to the front, which are visible within the cul-de-sac. Garages are common within the immediate area, and there is consistency in their scale and appearance, particularly as they appear proportionate to their host dwellings.
9. The proposal seeks permission for a replacement garage, an extension to an original canopy, and the installation of a pedestrian gate.
10. The single storey, flat-roofed garage would occupy part of the front garden; it would extend across the north-western side boundary of the site and would be slightly set in from the north-eastern side boundary. Its front elevation would face the façade of the host dwelling and would have a similar width to that of the host dwelling.
11. Due to a combination of its unusual shape, flat roof, and overall mass and scale, the garage would appear as an incongruous addition. Given its siting in relation to the street scene, views of it would be available within the cul-de-sac and surrounding properties. The proposed brick slips would not be sufficient to make the garage appear proportionate to the host dwelling and in keeping with the surrounding buildings. Furthermore, the low gates located to the front would not fully screen the significant mass of the garage. Therefore, the garage would be harmful to both the character and appearance of the host dwelling and the surrounding area.
12. The original canopy projected above the bay window and the entrance door. The canopy extension matches the style of the original canopy, but it extends it further to cover the second ground floor window on the front elevation. Two brick columns were also introduced, on either side of the entrance door. The

canopy extension has a set in from one side elevation slightly larger than on the other side; however, as it covers both ground floor windows, there is sufficient symmetry to make the canopy extension visually acceptable. The materials match those of the host dwelling, which further help integrate the canopy extension. Therefore, I find that the canopy extension is not harmful to the character and appearance of the host dwelling. Whilst visible within the cul-de-sac, the canopy extension blends in sufficiently so as to not affect the character and appearance of the surrounding area.

13. The existing front boundary would be altered to allow for the installation of a pedestrian gate. Given that the pedestrian gate would match the height and materials of the existing front boundary, it would be in keeping with the host dwelling and the surrounding area. I note that the Council has also found this element of the proposal acceptable.
14. For the reasons set out above, I consider that the proposed garage would be harmful to the character and appearance of the host dwelling and the surrounding area. Thus, this element of the proposal does not accord with the aims of Policy 41 of the 2021 adopted Doncaster Local Plan 2015-2035 (LP), which requires, amongst other things, that developments respond positively to their context, setting, and existing site features, respecting and enhancing the character of the locality. The garage is also contrary to Policy 44 of the LP; this policy specifically requires that, amongst other things, developments respond positively to the context and character of existing areas, or the host property, and create high quality residential environments through good design.
15. Regarding the other two elements of the proposal, the canopy extension, and the pedestrian gate, I find that they are acceptable and consistent with Policies 41 and 44 of the LP.

Living conditions

16. The garage would project along the side boundary shared with neighbouring property 9 Fountains Close and would be slightly set in from the boundary shared with 12 Orchard Close. I noticed that 9 Fountains Close has two ground floor openings in the elevation that faces the appeal site. Even if they would serve habitable rooms, given the maximum height of the garage which would not exceed approximately 2.65m, the garage would not appear overbearing when viewed from this neighbouring property. Likewise, given its height and siting in relation to 12 Orchard Close, the garage would not affect the outlook of the occupiers of No 12. Its siting and height would also ensure that these neighbouring properties would not be overshadowed to a degree that would be detrimental to their occupiers.
17. Given the scale and the siting of the canopy extension and the pedestrian gate in relation to neighbouring properties, I consider that these elements also would not affect the living conditions of the occupiers of neighbouring properties in terms of outlook or overshadowing.
18. Accordingly, I find that all three elements of the proposal would not be harmful to the living conditions of the occupiers of the neighbouring properties. Therefore, they accord with Part A of Policy 44 of the LP, which states that developments must protect existing amenity and not significantly impact on the living conditions of neighbours.

Conditions

19. Given the retrospective nature of the canopy extension there are no conditions necessary. I recommend, for the pedestrian gate, the standard time limit condition and a condition to specify the relevant plans numbers, to provide certainty. Given that materials are shown on the submitted plans, there is no need for a condition in that regard.

Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that, as the garage is clearly severable from the canopy extension and pedestrian gate, that a split decision is made such that the appeal is dismissed in relation to the garage and allowed in relation to the canopy extension and the installation of a pedestrian gate.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative recommendation and on that basis the appeal is dismissed insofar as it relates to the replacement of the existing garage and shed with a larger garage and is allowed insofar as it relates to the extension of the existing front canopy and new pedestrian gate.

F Wilkinson

INSPECTOR