



Appeal Decision

Site visit made on 24 April 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/X3025/W/25/3358898

The Gables, Welwyn Avenue, Mansfield Woodhouse, Nottinghamshire NG19 9DR

- 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 & Mrs Callaghan against the decision of Mansfield District Council.
 - The application reference is 2023/0361/OUT.
 - The development proposed is three detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the living conditions of the residents of 117 Marples Avenue with regard to outlook and light; and whether the proposal represents an overdevelopment of the site.

Reasons

3. The proposal is made in outline. Details of the access, layout and scale have been proposed but details of the design of the houses has also been provided to demonstrate scale.
4. The proposal would result in development close to the northern boundary of the site and in close proximity to properties on Marples Avenue. The cross-section shows that the plot 2 dwelling would be built with a floor level not dissimilar to that of the existing dwelling and as such, as the site slopes down towards the Marples Avenue properties, it would be built-up to accommodate the relatively high floor level in comparison to the land level close to the hedge.
5. From the garden of 117 Marples Avenue, the gable of the existing house is clearly visible above the height of the hedge. Based on the provided cross-section, it is clearly evident that the upper elements of the new house and its roof, despite it pitching away from the boundary, would be viewed in very close proximity to the rear garden boundary. Due to its proximity to the hedge, it would be unacceptably overbearing when within the small neighbouring garden. It would also significantly reduce the outlook from within that bungalow.
6. The plans demonstrate a 25 degree line from a height of 1.05 metres high that shows that the eaves of the plot 2 bungalow would be below that line but the ridge would not. I have not identified any council documents that refer to this 25 degree 'test' as it is described. The proposal appears to fail the 'test' unless the line is

modified but in any event, it does not persuade me that the outlook from the neighbouring dwelling would be acceptable, nor does it address the impact on the small garden.

7. Shading plans would have been helpful but as the new house would be due south of the neighbouring property, it is likely that any increase in shading would be relatively limited, with greater, but not unacceptable levels of shading, in the mornings for the garden of number 119. However, this does not reduce the harm from the loss of outlook. The high wall and roof, close to the boundary, would unacceptably harm the living conditions of the residents of 117 Marples Avenue with regard to outlook. It would conflict with policies P2(1i) and P7(1a) of the Mansfield District Local Plan 2020 (LP).
8. I share the concerns raised that the proposal represents an over-development of this garden area as there are a number of relationships that represent poor design and would result in reduced or poor living conditions. Plot 2 would have a patio area immediately outside its rear patio doors. There would be clear views from this patio directly towards the first-floor windows of the two-storey dwellings at 119 and 121 Marples Avenue. This patio is likely to be much more intensively used in comparison to the existing sloping and vegetated area of garden.
9. The turning head would require that the land be raised by more than two metres and held by a retaining wall. This would similarly allow for more frequent direct views towards the rear facing bedroom windows of numbers 121 and 123. The metre high wall above the retaining structure may help to reduce the impact of vehicle lights but the raised area would introduce a relationship that would reduce the living conditions of those neighbouring residents. I am also not satisfied that the appearance of this element of the scheme, shown as a more than three metres high wall, would be satisfactory. I have similar concerns with regard to the appearance of the side facing gable of the plot 3 house as this would similarly be substantially raised when viewed from the Marples Avenue properties.
10. The parking area and side gable of the house on plot 3 would be in very close proximity to the rear patio doors of the existing house. The access drive would also be very close to the large picture window that also faces towards the west. These relationships would significantly reduce the living conditions of the residents of the existing house with regard to outlook, light and noise. Floor plans for plot 1 have not been provided but it would appear that the proximity of the shared access to the front of that dwelling; and also the plot 2 dwelling, would result in a similarly poor relationship.
11. The proposal would result in a more efficient use of this plot and would contribute three new dwellings to the housing stock whilst also providing economic benefits during construction. Being in the main settlement and an existing residential area, this is an accessible location and the new residents would no doubt support local services and facilities. It gains support from the council's spatial strategy and LP policy S2 in this respect. These are matters that provide considerable weight in favour of the proposal. I have had regard to the properties at 2 Welwyn Avenue and Peafield Lane but do not consider the relationships referred to, to be directly comparable or to offer support for this development.
12. Overall, the proposal represents an overdevelopment of this plot which represents poor design in this context. The National Planning Policy Framework 2024 is clear

that development that is not well designed should be refused. The overdevelopment would result in poor living conditions for a number of residents but particularly with regard to the residents of 117 Marples Avenue.

13. In conclusion, although there are a number of matters that weigh in favour of the proposal, these benefits are not sufficient to outweigh the concerns. Whilst mitigation measures and details, as part of the reserved matters, could help to address some of the concerns, I am not satisfied that they would overcome the main issues. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR