



Appeal Decision

Site visit made on 24 July 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 8 September 2025

Appeal Ref: APP/A3010/W/25/3364786

31 Alexandra Road, Harworth, Nottinghamshire DN11 8EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Adam Mitchell against Bassetlaw District Council.
 - The application Ref is 24/01100/FUL.
 - The development proposed is a pair of detached two storey dwelling houses.
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Decision

1. The appeal is dismissed and planning permission for a pair of detached two storey dwelling houses is refused.

Preliminary Matters

2. I have amended the description of the proposed development from that provided on the application form as the inclusion of the site address was unnecessary, and it did not correspond with the site address shown on page 1 of the form.

Background and Main Issue

3. Following the submission of the appeal against non-determination, the Council has not submitted an appeal statement so it is unclear whether they would have approved or refused the application. I have been provided with copies of objections submitted by interested parties. I have not been provided with any other consultation responses. I have been provided with development plan policies in relation to the spatial strategy for the area, design, biodiversity, transport and amenity.
4. Taking these factors into account and my own observation on site, the main issue is the effect of the proposed development on the living conditions of the occupants of 1 and 3 Herriot Grove (Nos 1 and 3), with particular reference to privacy, outlook, and sunlight and daylight.

Reasons

5. The development site lies between and 31 Alexandra Road (No 31) and Herriot Grove. The land slopes downward between No 31 and Herriot Grove, as does the land between Alexandra Road and the properties located to the rear of the site on Rayton Close. Nos 1 and 3 are single-storey and one-and-a-half storey dwellings, respectively, each with very modest, shallow rear gardens.
6. The proposed dwellings would be two storeys in height, featuring pyramidal, hipped roofs. The proposed dwelling to Plot 2 would be positioned to the south of, and

close to, the boundary with Nos 1 and 3, presenting a largely blank side elevation aside from a single ground-floor bathroom window.

7. The elevated position, massing and proximity of the proposed dwelling to Plot 2 in relation to Nos 1 and 3 would result in an unacceptable degree of enclosure. The development would appear intrusive and overbearing, significantly harming the outlook of occupants from both the interiors and gardens of these neighbouring properties.
8. Additionally, due to its location to the south of Nos 1 and 3, the elevated position and proximity of the proposed dwelling on Plot 2 would unacceptably restrict sunlight and daylight to the interiors and gardens of Nos 1 and 3. This would result in a harmful effect on the living conditions of the occupants of these properties.
9. Given the absence of windows to habitable rooms to the side elevation of the dwelling to Plot 2, I find that the proposed development would not result in unacceptable overlooking and loss of privacy for occupants of neighbouring properties on Herriot Grove. While neighbouring properties on Herriot Grove and Rayton Close have shallow rear gardens, overlooking from the proposed gardens could be mitigated through appropriate boundary treatment, which could be secured by condition.
10. Furthermore, there is sufficient separation between the rear-facing windows of the proposed dwellings and the properties on Rayton Close to prevent unacceptable intervisibility. Accordingly, the proposed development would not result in an unacceptable loss of privacy for occupants of neighbouring properties.
11. While the proposed development would maintain acceptable levels of privacy for both existing and future occupants, I conclude that the proposal would cause unacceptable harm to the living conditions of the occupants of Nos 1 and 3 with particular regard to outlook and access to sunlight and daylight. Consequently, the appeal proposal would conflict with Policy ST46 of the Bassetlaw Local Plan 2020-2038, May 2024, (the LP) which seeks to ensure that development does not result in significant adverse effects on the living conditions of existing occupants through excessive overshadowing or overbearing impact.

Other Matters

12. The proposal includes off-street parking for two vehicles to each dwelling and secures an off-street parking space for No 31, which would likely reduce on-street parking pressure. Based on this provision and what I saw at my site visit, the development would not result in undue parking pressure or harm highway safety.
13. The design reflects the mixed architectural language of the area and retains its residential character. However, this is to be expected of all development and so this matter would be neutral in my assessment.
14. I acknowledge that the appeal scheme broadly aligns with the LP in terms of the housing location, use of previously developed land, biodiversity gains and contribution to the local economy. However, the addition of two dwellings would make little difference to the overall supply of housing and only slight economic benefit. In combination these factors do not overcome the harm I have identified.
15. I note the appellant's comments about pre-application discussions, the Council Officer's initial recommendation, requests for amendments, the subsequent change

of recommendation to refusal and that the Council failed to issue a decision within the statutory timeframe or by an agreed date. While I understand the appellant's concerns about how the application was handled, my decision must be based on the planning merits of the case. I have considered all other matters raised but none outweigh the conclusions I have reached.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude the appeal should be dismissed.

C Mayes

INSPECTOR