

Appeal Decision

Site visit made on 3 February 2017

by **Helen Heward BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 February 2017

Appeal Ref: APP/F4410/W/16/3161945

7 The Crescent, Edenthorpe, Doncaster, DN3 2HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Ball against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/01572/FUL, dated 15 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is a detached house and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal upon the character and appearance of the locality, the effect upon the living conditions of occupiers of adjacent dwellings, and the effect upon highway safety.

Reasons

Character and appearance

3. A generally linear layout of dwellings facing roads characterises the wider locality. A public footpath creates a wider than average gap adjacent to 7 The Crescent and affords close views of the appeal site. In the available views the appeal site is seen behind existing dwellings. From the footpath this rear area appears to be composed of relatively long linear back gardens. Save for the footpath it is largely enclosed by the backs of surrounding dwellings. The space feels private and has a verdant spacious character and appearance.
 4. Set within this space and behind the existing dwellings the proposed dwelling would be unrelated to the main layout of built form in the locality. Garden sizes vary, but in comparison to those nearby, the plot would appear generally small and the dwelling would appear to occupy a large part of it. In these ways the proposal would appear overly intense and at odds with the immediate surroundings.
 5. From the public footpath the dwelling would be seen to physically intrude into the area of rear gardens. The backs of the closest dwellings on The Crescent and Eden Grove Road would be seen close by to either side. The separation between built form and views across the area of gardens would be reduced.
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6. As the proposal would be to the rear of dwellings I attach limited weight to distances relating to separation and spacing of houses located side to side. That the dwelling would be positioned almost equidistant from its boundaries and that the Council's requirements for provision of amenity space would be met do not mitigate the adverse impacts I have found.
7. I conclude that the proposal would significantly detract from the character and appearance of the locality and would fail to satisfy the requirement of Policy CS14 of the Doncaster Council Core Strategy 2011-2028, 2012, (CS) that new development achieves a high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. It would also fail to comply with Saved Doncaster Unitary Development Plan, 1998, (UDP) Policy PH11, which requires, amongst other things, that development is not of a form which would be detrimental to the character of the surrounding area and, in the case of backland development would result in an over intense development.

Living conditions

8. A first floor window to Bedroom 1 would be approximately 17.5m from rear first floor windows at 28 and 30 Eden Grove Road. Notwithstanding a single storey garage, direct and close overlooking would be possible which would be detrimental to the existing living conditions of the occupiers of these dwellings. Bedroom 2 would be 6.5m from a boundary with 8 The Crescent and offer views of the back garden. Whilst it would not face the dwelling it would offer a very close view of the garden and significantly detract from the living conditions of the occupiers when in their garden.
9. The overlooking of windows and garden which would be possible would be significantly greater than presently exists between the dwellings on Eden Grove Road and The Crescent which are positioned rear to rear and have greater separation distances. Similar situations may exist elsewhere but I am assessing this proposal on its own merits.
10. I conclude that the proposal would be detrimental to the living conditions of occupiers of adjacent dwellings. The proposal would fail to comply with a requirement of CS Policy CS14 that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment and would also fail to comply with Saved UDP Policy PH11, which requires, amongst other things, that development is not of a form of backland development which would result in overlooking.

Highway safety

11. Vehicular access to the plot would be by way of an access route over which there is a public right of way. At the time of my visit I noted that this path was well used, including by school children. The proposal includes a widening to the access road and construction of the first 15 metres to adoptable standards. However the proposal does not include a vehicular turning area within the site. From my studying of the plans it appears that to access and egress the site, it would at times be necessary for vehicles to reverse across the public path. I conclude that this would be to the detriment of safety of the residents of the proposed dwelling, visitors to it and pedestrians.

12. A planning permission (LPA ref 12/01586/FUL) which includes proposals to upgrade the access road to an adoptable standard had not been implemented when I made my visit. I have no way of knowing if, or when, it would be. I have therefore confined my assessment to the proposal before me.
13. The access may be used by residents or persons accessing the existing garage on the application site. However I am assessing the construction of access and parking for a new additional dwelling. The application includes widening part of the road and the formation of visibility splays at its junction with The Crescent which I am informed is to the Council's highway design standards. However, these factors would not mitigate the harm I have identified.
14. I conclude that the proposal would be detrimental to highway safety. As such the proposal fails to satisfy requirements of CS Policy CS14 and Saved UDP Policy PH11, which require, amongst other things, that development is not of a form of backland development which would result in an unsatisfactory access.

Conclusions

15. The proposal would significantly detract from the character and appearance of the locality, adversely affect the living conditions of occupiers of adjacent dwellings and would be detrimental to highway safety. Advice in the National Planning Policy Framework includes, amongst other things, that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). Therefore, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Helen Heward

PLANNING INSPECTOR