
Appeal Decision

Site visit made on 17 January 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 2nd February 2017

Appeal Ref: APP/F4410/W/16/3162978

60 Bawtry Road, Bessacarr, Doncaster, DN4 7BQ

- 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 A Hall against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/02034/FUL, dated 10 August 2016, was refused by notice dated 27 October 2016.
 - The development proposed is 2 dwellings following part demolition of existing garage and erection of a new detached garage and associated access and landscape works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed dwellings would preserve or enhance the character or appearance of the Bessacarr Conservation Area; and (i) the effect of the proposed dwellings upon the living conditions of the occupiers of adjoining properties.

Reasons

Conservation Area

3. The Bessacarr Conservation Area Appraisal describes the area as being characterised by residential development with large plot sizes and long rear gardens with trees. No 60 is set behind Nos 62 and 58a which both front onto Bawtry Road. No 60 therefore already has the characteristics of being a backland development but it retains a large and mature landscaped garden which is typical of the open and well-landscaped nature of the conservation area.
4. The proposed dwellings, being large, very wide, close to their boundaries and necessitating a significant amount of hardstanding to provide access, would result in a substantial mass of development and a loss of landscaping. This would include the loss of some birch trees which have public amenity value as they can be seen from the street. The large oak trees, which are also seen from public view, would be under pressure for pruning because the proposed dwellings would be very close to them.
5. Overall, the result would be less greenery within the street-scene. I appreciate that the dwellings themselves would not be viewed from Bawtry Road but they would be apparent from the adjoining school on Ellers Avenue and from numerous surrounding houses. In essence, the sub-division of the plot would

form a pocket of large dwellings with much smaller gardens and soft landscaping than the typical low density development pattern of the conservation area as a whole. The existence of surrounding backland development does not justify the further erosion of the special character of the conservation area.

6. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The dwellings would reduce greenery and the spaciousness of the area but as the development would be relatively small scale in comparison to the total size of the conservation area, it would cause less than substantial harm to the special interest and significance of it.
7. In these circumstances paragraph 134 of the National Planning Policy Framework says that the harm should be weighed against the public benefits of the proposal. The dwellings would add to the supply of housing in a sustainable location. However, this benefit would not sufficiently offset the erosion of the garden and greenery. In consequence, I do not consider that there are any public benefits of the proposal sufficient to outweigh the harm I have found.
8. I therefore conclude that the proposed dwellings would fail to preserve or enhance the character or appearance of the Bessacarr Conservation Area. I therefore find conflict with Doncaster Council Core Strategy (CS) Policies CS1, CS14 and CS15 and Doncaster Unitary Development Plan (UDP) Policies PH11 and ENV25. In combination, these policies seek to ensure that development protects heritage assets, including conservation areas; and respects local distinctiveness and character.

Living Conditions

9. The side facing windows of bedroom 1 on both plots would be close to the site boundaries but these bedrooms both have an additional window, the side windows could be obscure glazed to prevent overlooking of the adjoining gardens.
10. The window to bedroom 2 of Plot 1 would be to the rear of No 56. The house at Plot 1 would be off-set to No 56 but due to the short distance between the windows, and the proximity of the proposed window to the boundary with No 56's rear garden, I consider that the window of bedroom 2 would cause unacceptable overlooking of the garden and windows of No 56.
11. I therefore conclude that the house at Plot 1 would have a harmful effect upon the living conditions of the occupiers of No 56. The development would therefore conflict with CS Policy 14 and UDP Policy PH11 which, together, seek to protect the amenity of neighbours. It would also be contrary to Doncaster Council Residential Backland and Infill Development: Supplementary Planning Document which seeks to protect privacy.

Conclusion

12. For the reasons above, the appeal is dismissed.

Siobhan Watson

INSPECTOR