



Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

Notice is given that a Meeting of the above Committee is to be held as follows:

Venue: Council Chamber, Floor 2, Civic Office Waterdale, Doncaster DN1 3BU

Date: Tuesday, 30th April, 2019

Time: 2.00 pm

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Jo Miller
Chief Executive

Issued on: Thursday 18 April, 2019

Governance Services Officer for this meeting

Amber Torrington
(01302) 737462

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

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1. Apologies for Absence	
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3. Declarations of Interest, if any.	
4. Minutes of the Planning Committee Meeting held on 2nd April, 2019	1 - 4
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B. Reports where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.	
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Members of the Planning Committee

Chair – Councillor Iris Beech
Vice-Chair – Councillor Sue McGuinness

Councillors Duncan Anderson, Mick Cooper, Susan Durant, John Healy, David Hughes, Eva Hughes, Andy Pickering, Dave Shaw and Jonathan Wood

Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 2ND APRIL, 2019

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 2ND APRIL, 2019, at 2.00 pm.

PRESENT:

Chair - Councillor Iris Beech
Vice-Chair - Councillor Sue McGuinness

Councillors Duncan Anderson, Mick Cooper, Susan Durant, John Healy, David Hughes, Eva Hughes and Andy Pickering.

APOLOGIES:

Apologies for absence were received from Councillors Dave Shaw and Jonathan Wood

83 DECLARATIONS OF INTEREST, IF ANY.

No declarations were reported at the meeting.

84 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 5TH MARCH, 2019

RESOLVED that the minutes of the meeting held on 5th March, 2019, were approved as a correct record and signed by the Chair.

85 SCHEDULE OF APPLICATIONS

RESOLVED that upon consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendations be approved in accordance with Schedule and marked Appendix 'A'.

86 PLANNING COMMITTEE SCHEDULE - APPLICATION TO MODIFY TERMS OF SECTION 106 AGREEMENT RELATING TO THE TIMING, DETAILS OF WORKS, IMPLEMENTATION PROGRAMME AND SAFETY MEASURES ASSOCIATED WITH THE RAILWAY CROSSING IMPROVEMENT SCHEME, IN CONNECTION WITH PLANNING APPLICATION 01/01201/P (MIXED USE DEVELOPMENT AT MANOR FARM, BESSACARR) - APPLICATION REFERENCE 18/00717/DOV.

The Committee further considered a report on the application to modify terms of Section 106 agreement relating to the timing, details of works, implementation programme and safety measures associated with the Railway Crossing Improvement Scheme at Manor Farm, Bessacarr, which had been deferred from the last meeting on the 5th March, 2019.

It was noted that at the last meeting Members requested further clarification on the contractual arrangements and timescales for delivery of the underpass, for further clarification on the points raised by an objector and for consideration of other pedestrian routes that could be used as an alternative to the underpass. Members were advised that the objector, Network Rail and Persimmon Homes had been requested to provide this information, which was summarised in a briefing note and circulated to Members of the Committee prior to today's meeting.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Phil Midgley, spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Council Procedure Rule 29.6(b), Councillors Tosh McDonald and Richard Allan Jones, spoke in opposition to the application for the duration of up to 5 minutes each.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Stephen Hind, Network Rail, spoke in support of the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Robin McGinn, Persimmon Homes (applicant), spoke in support of the application for the duration of up to 5 minutes.

Following the conclusion of the speakers, the Chair, Councillor Iris Beech offered the report for debate by members of the Committee.

Subsequently, it was MOVED by Councillor Eva Hughes and seconded by Councillor John Healy that the Deed of Variation to the Section 106 agreement to allow up to 250 dwellings to be occupied be refused contrary to officer recommendation in the interests of public safety.

A vote was taken on the proposal made by Councillor Eva Hughes, which was declared as follows:-

For	-	9
Against	-	0
Abstain	-	0

On being put to the meeting, the motion proposed by Councillor Eva Hughes was declared CARRIED.

RESOLVED that the Deed of Variation to the Section 106 agreement to allow up to 250 dwellings to be occupied prior to the underpass being in place be refused contrary to officer recommendation in the interests of public safety.

87 APPEAL DECISIONS

RESOLVED that the following decisions of the Secretary of State and/or his inspector, in respect of the under-mentioned Planning Appeals against the decision of the Council, be noted:-

Application No	Application Description and location	Appeal Decision	Ward	Decision Type	Overtured
15/00878/FULM	Erection of 23 dwellings on approx 0.53ha of land with associated garages and car parking (AMENDED PLANS) at land off Marshland Road, Moorends, Doncaster DN8 4TP	Appeal allowed 01/03/2019	(Historic) Stainforth & Moorends	Committee	Yes
18/01994/FUL	Erection of garden wall to front of property (retrospective) as well as the addition of railings and gates at 6 Brookfield Mews, Arksey, Doncaster DN5 0UB	Appeal Dismissed 13/03/2019	Bentley	Delegated	No

88 EXCLUSION OF PUBLIC AND PRESS.

RESOLVED that the public and press be excluded from the remaining proceedings of the meeting, in accordance with Section 100(A)(4) of the Local Government Act, 1972, as amended, on the grounds that exempt information as defined in Paragraph 6 of Schedule 12A to the Act, is likely to be disclosed.

89 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 20/02/19 TO 18/03/19 (EXCLUSION PARAGRAPH 6).

The Committee considered a report, which detailed all Planning Enforcement complaints and cases received, and closed during 20 February to 18 March 2019.

RESOLVED that all Planning Enforcement Cases received and closed for the period 20 February to 18 March, 2019, be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 2nd April, 2019

Application	1
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Application Number:	18/01981/FULM	Application Expiry Date:	29th November, 2018
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of a retail parade (for flexible use across Classes A1, A2, A3, A4, A5 and D2) with an associated bin store, outdoor seating area, car parking and landscaping.
At:	Land at Torne Park, West End Lane, New Rossington, Doncaster

For:	Lidl UK GmbH
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Third Party Reps:	0	Parish:	Rossington Parish Council
		Ward:	Rossington and Bawtry

A proposal was made to grant the application

Proposed by: Councillor John Healy

Seconded by: Councillor Duncan Anderson

For: 7 Against: 1 Abstain: 1

Decision: Planning permission granted subject to referral to the National Planning Casework Unit.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Jake McLeod (agent for Walsingham Planning), spoke in support of the application for the duration of up to 5 minutes.

DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 30th April 2019

To the Chair and Members of the

PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

1. A schedule of planning applications for consideration by Members is attached.
2. Each application comprises an individual report and recommendation to assist the determination process. Any pre-committee amendments will be detailed at the beginning of each item.

Human Rights Implications

Member should take account of and protect the rights of individuals affected when making decisions on planning applications. In general Members should consider:-

1. Whether the activity for which consent is sought interferes with any Convention rights.
2. Whether the interference pursues a legitimate aim, such as economic well being or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

Copyright Implications

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Scott Cardwell
Assistant Director of Development
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'
Any pre-committee amendments will be detailed at the beginning of each item.

Application	Application No	Ward
1. M	19/00237/FULM	Finningley
2.	19/00151/FUL	Roman Ridge
3.	19/00324/FUL	Conisbrough

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 30th April 2019

Application 1

Application Number:	19/00237/FULM	Application Expiry Date:	3 rd May 2019
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Application Type:	Major
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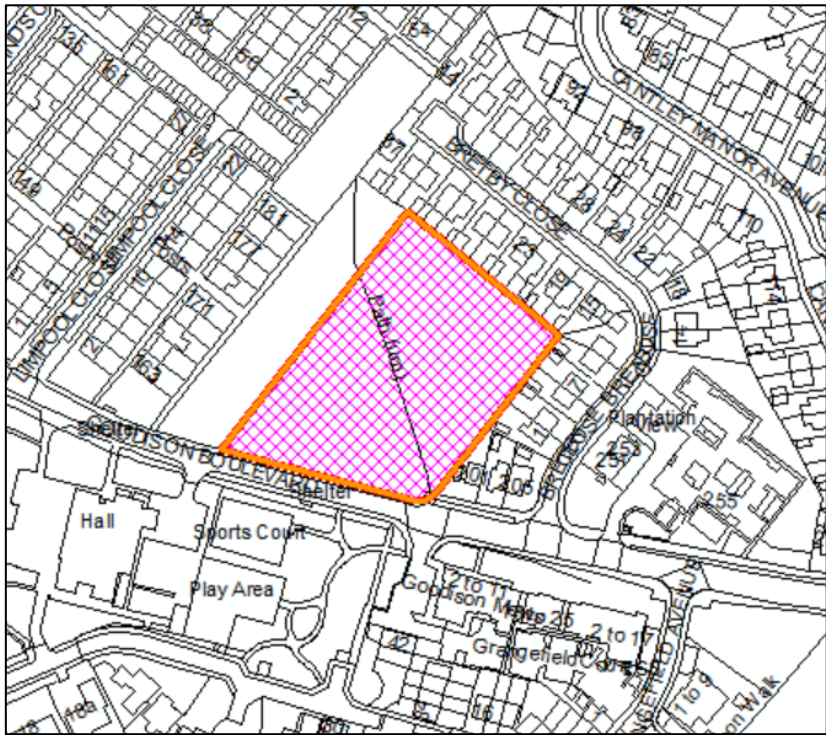
Proposal Description:	Erection of 83-bed care home (without compliance of condition 2 of application 16/02268/FULM granted on 15/02/2017).
At:	Land off Goodison Boulevard, Cantley, Doncaster

For:	Runwood Homes
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Third Party Reps:	7 against/ 1 in favour	Parish:	N/A
		Ward:	Finningley

Author of Report	Mel Roberts
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 This application is being reported to Planning Committee at the request of Councillor Steve Cox and due to the number of representations made and because Committee determined the original application for a care home on this site. Councillor Cox's concerns include the loss of parking for residents to the west of the site, where the money is coming from to fund the landscaping of the remaining open space, why the zebra crossing is missing from the plans and whether the Council has bought out the covenant on the land.

2.0 Proposal and Background

2.1 This application seeks planning permission for the erection of an 83-bedroom care home on an area of informal open space on land off Goodison Boulevard, Cantley. Planning permission was previously granted for a similar 75-bedroom care home on this site under planning reference 16/02268/FULM. This approval was granted on 15th February 2017 and is still capable of being implemented until February 2020.

2.2. This variation of condition application seeks to amend the plans of the approved consent under reference 16/02268/FULM. The main changes include the addition of eight bedrooms, amended elevations to the care home and the addition of three car parking spaces. The position of the proposed building within the site and the overall footprint is the same as the approved permission (see figures 1 and 2). The addition of extra eight bedrooms has been achieved by rationalising the internal layout of the building by making better use of the space available. In particular, extra space has been gained by utilising some space taken up by the corridors at each corner of the layout, enabling an additional four bedrooms on each floor. There has been no subsequent loss of any of the facilities provided within the original proposal (see figures 3 and 4).

2.3 The proposed care home is two storeys in height as was the case with the original scheme. A secure courtyard within the confines of the building and separate landscaped gardens to the rear and side are proposed. Access to the site will be from Goodison Boulevard with parking provided at the front of the premises. There is to be a separate pedestrian access to the building from the existing footpath on Goodison Boulevard. The proposed care home takes up approximately 1.5 acres of the 2 acres of open space. The remaining 0.5 acres is to be kept as open space and the indicative plan for this part of the site shows that it could be enhanced with planting and a new pathway (the details of which are to be secured by proposed condition 4).

2.4 The application site is a flat area of open space, which does not have any play equipment or play pitches on it. An informal path runs diagonally through the site created by a desire line from the northern most corner to the south-eastern corner and appears to be used as a pedestrian route from the residential area to the Co-op off Goodison Boulevard. The site is surrounded by residential properties to the north, east and west of the site. On the opposite side of Goodison Boulevard lies another smaller area of open space that has play facilities. Immediately to the west of this play area is a community centre and to the east is the Co-op.

2.5 The intention is that this new care home will accommodate the residents currently living at the nearby Plantation View and those living at Gattison House, Rossington, which are outdated. It will provide additional beds and specialist care for residents living with dementia, those that have challenging behaviour or require end of life care. Limitations in the layout and design of the existing buildings do not meet best practice standards for residents and pose health and safety challenges to staff working in this environment. The aim of the proposal is to deliver modern care facilities that are more attractive to residents, will meet care needs and accommodation standards in the future and ensure the home is financially sustainable moving forward. When residents and staff have moved into this new home, the existing sites at Plantation View and Gattison House will be demolished and are expected to be the subject of future applications for development.

3.0 Relevant Planning History

3.1 Planning permission was granted for the erection of a 75-bed care home on 15th February 2020 under planning reference 16/02268/FULM.

4.0 Representations

4.1 The application has been advertised both on site and in the press. The Council has received seven letters of objection and these can be summarised as follows:

- i) the land was left in a will to be used as green open space.
- ii) the care home functions perfectly well at a site further down the road.
- iii) additional traffic will be generated and there is insufficient parking.
- iv) residents have been given permission to park on the western side of the open space and so where will all the cars park now.
- v) the surrounding houses currently look on to an area of open space and this proposal will detrimentally affect the value of these properties.
- vi) the building would overlook the surrounding residential dwellings.
- vii) what would happen to the existing care home site if this application goes ahead.
- viii) the open space is used by dog walkers and is a valuable area for children to be able to play away from the road.
- ix) there are other sites that this care home could be sited.
- x) there are other care homes owned by Runwood Homes that are not even full to capacity.

4.2 The Council has received one letter of support and this can be summarised as follows:

- i) this purpose built care home will provide a much-needed up-to-date facility for the elderly residents of Doncaster and those suffering with dementia. The current provisions for elderly care are dated and require improvement.
- ii) the open space is rarely used except for informal car parking and as a short cut.
- iii) there is an area of open space on the opposite side of the road where youngsters can play.
- iv) the site is well served by public transport that will make it easy for family and friends to visit.

5.0 Relevant Consultations

5.1 The Urban Design Officer has responded and has raised no objections to the application subject to conditions requiring details of landscaping, boundary treatment and materials.

5.2 Highways (Development Control) has responded and has raised no objections to the application.

6.0 Relevant Policy and Strategic Context

National Planning Policy Framework

6.1 It states at paragraph 124 that good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities.

Doncaster Core Strategy

6.2 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of 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.

Doncaster Local Plan

6.3 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Council is aiming to adopt the Local Plan by summer 2020. Consultation on the draft policies and proposed sites took place during September and October of last year and the Local Plan is due to be published in early summer 2019. Given the relatively early stage of preparation of the emerging Local Plan, the document carries very limited weight at this stage.

7.0 Planning Issues and Discussion

7.1 The principle of the proposed development is already established by the granting of a care home under planning reference 16/02268/FULM. The Planning Committee approved the care home on 7th February 2017 and this consent remains extant. Many of the concerns raised by residents such as loss of open space and the need for the facility and so on are not relevant to this application, because there is already consent for a care home on this site. The only considerations that are relevant to this Section 73 application are whether the addition of eight bedrooms and three car parking spaces is acceptable and whether the amended design is appropriate.

Design and residential amenity

7.2 The main change to the design of the building is the omission of the feature corner turrets, which are replaced by gables (see figures 5 and 6). This is a more simple design and more in keeping with the architectural style of the surrounding

properties. In addition, the removal of these turrets reduces the ridge height of the care home and therefore the building will appear lower in scale than that of the original scheme. All of the separation distances to surrounding houses are the same as the approved care home scheme and so there will be no loss of amenity from overlooking. The parking area is in the same position as originally approved and so there will be no change to residential amenity because of the additional three car parking spaces. The application therefore accords with policy CS14 of the Core Strategy and guidance within the NPPF.

Highways

7.3 The eight additional bedrooms will create a marginal increase in traffic to the site, especially given the nature of the use. The Transport Statement submitted with the original application showed there to be no impact on highway safety or congestion and this proposal does not change that. There is to be no increase in the numbers of staff that will work at the care home with the additional bedrooms created and so there might be a small increase in the numbers of visitors, but this is likely to be very low. The total number of staff working at the care home at any one time will be a maximum of 24.

7.4 The addition of three car parking spaces to create 36 spaces is sufficient for the additional eight bedrooms created. The proposal accords with the Council's parking standards of 1 space per 2 staff and 1 space per 3 daily visitors.

7.5 The location of the site is such that trips for staff and visitors can be made by viable alternatives to the car with the site being centrally placed to the surrounding residential area and cycle links towards the town centre being close by. A regular bus service serves the site, with bus stops on either side of Goodison Boulevard close to the site. Cycle parking is to be available within the proposal. A new zebra crossing is to be provided on Goodison Boulevard to allow a safe crossing to the care home and the existing play area on the opposite side of the road (this is secured by condition number 5).

Other matters

7.6 Those people living on Limpool Close who use the edge of the open space to park their car do so illegally, as there is no dropped kerb to allow such access and it is not their land. The enhancement of the area of open space as already approved on the original application and repeated under this proposal should help to stop this situation. Any impact on the value of residential properties is not a material planning consideration and is afforded no weight. There is no suggestion that the land has been left in a will to be used as green open space, but even if it were, this is not a material planning consideration. It is not a planning consideration as to who funds the landscaping of the remaining open space as required by condition 4.

8.0 Summary and Conclusion

8.1 The addition of eight bedrooms has been achieved within the same footprint of the original scheme, by making better use of the space available. This has the benefit of providing more spaces for people who are in need of this type of facility.

There will be no impact in terms of traffic generated and the additional three car parking spaces accords with the Council's parking standards. The revised designed is an improved and more simplistic solution that will lessen the scale of the building when viewed by the surrounding residents.

9.0 Recommendation

GRANT planning permission subject to the following conditions:

01. STAT1 The development to which this permission relates must be begun not later than 15th February 2020.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. U49939 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
Drawing number WD04 dated June 2018 (Site plan)
Drawing number PA01 dated January 2019 (Ground floor plan)
Drawing number PA02 dated January 2019 (First floor plan)
Drawing number PA03 dated January 2019 (Elevations)
Drawing number 923 dated 20th October 2015 (Railing details)
REASON
To ensure that the development is carried out in accordance with the application as approved.

03. MAT1A Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

04. U49941 The care home shall not be occupied until the remaining area of open space to the west of the site has been enhanced (to include landscaping and a footpath) in accordance with a scheme previously approved in writing by the local planning authority.
REASON
An enhanced area of open space is required to help offset the loss of open space as a result of the care home.

05. U49940 The care home shall not be occupied until a zebra crossing has been provided on Goodison Boulevard in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To provide a safe crossing for occupants on the care home and for people wanting to access the area of open space on the opposite side of Goodison Boulevard.

06. ENVH4

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) - the parking of vehicles of site operatives and visitors
- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON

These details have not been provided and they are required before development commences to safeguard the living conditions of neighbouring residents and in the interests of highway safety.

07. VR18

Trees and shrubs shall be planted on the site in accordance with a scheme to be approved in writing by the Local Planning Authority prior to commencement of development. This scheme is to provide details of species, siting, planting distances and programme of planting. Planting is to be carried out during the first available season after commencement of development and shall thereafter be maintained to the satisfaction of the Local Planning Authority and in accordance with the Local Planning Authority's document 'Landscape Specification in Relation to Development sites'. Any tree or shrub planted as part of the scheme which is removed or severely damaged or is found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with a tree or shrub of a similar size and species to the satisfaction of the Local Planning Authority.

REASON

These details have not been provided and they are required before development commences to ensure that a landscape/planting scheme is submitted and implemented in the interests of amenity.

08. ENVH14 No development shall take place until details of external lighting have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the local planning authority.

REASON

To ensure that the proposed lighting scheme safeguards the character of the area and/or the living conditions of neighbouring residents, having regard to the effects of the proposed illumination.

01. U10847 **INFORMATIVE**

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas on Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans on Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

Any alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan on Tel 01302 735097 or e-mail Fiona.Horgan@doncaster.gov.uk regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the highway is an offence under provisions of The Highways Act 1980.

That part of the site to be used by vehicles should be designed to withstand a minimum carrying capacity of 26 Tonnes without deflection in accordance with Buildings Regulations Approved Document B (Fire Safety).

The proposed arrangement shall be subject to Road Safety Audits in accordance with DMRB Volume 5 Section 2 Part 2 Road Safety Audit (HD 19/03).

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1: Site Layout



Fig 1: Showing the approved site layout for a 75 bed care home granted under reference 16/02268/FULM.



Fig 2: Showing the proposed site layout for a 83 bed care home, which is in the same position and has the same footprint as the original approval.

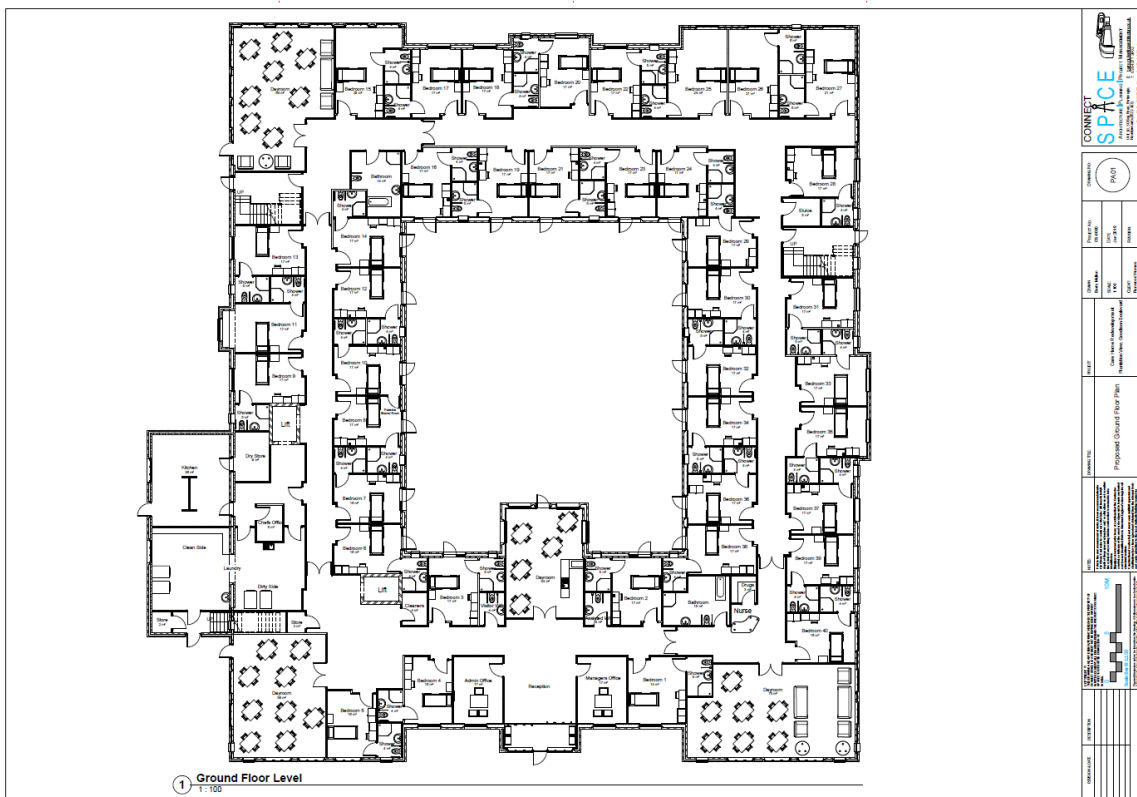


Fig 3: Proposed ground floor layout.

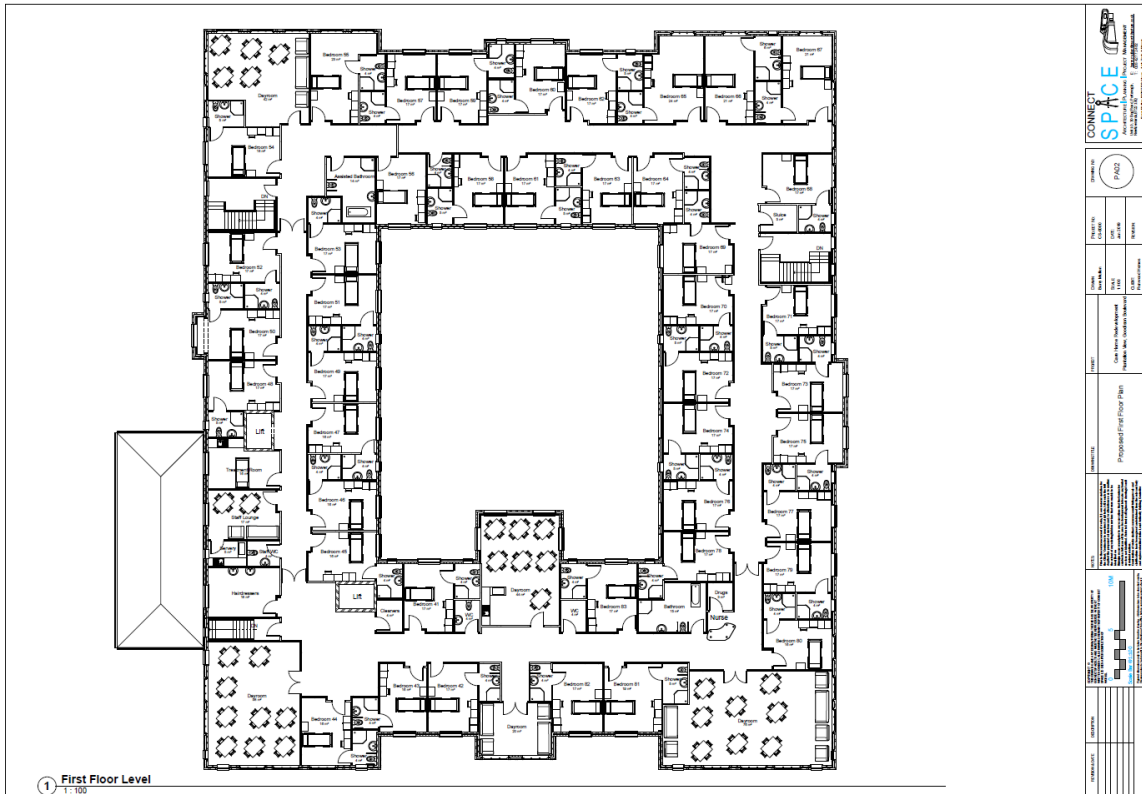


Fig 4: Proposed first floor layout.



Fig 5: Showing the approved elevations granted under reference 16/02268/FULM



Fig 6: Showing the proposed elevations with a simpler roof design, which has the benefit of reducing the scale of the building.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 30th April 2019

Application 2

Application Number:	19/00151/FUL	Application Expiry Date:	20th March 2019
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Application Type:	Full Application
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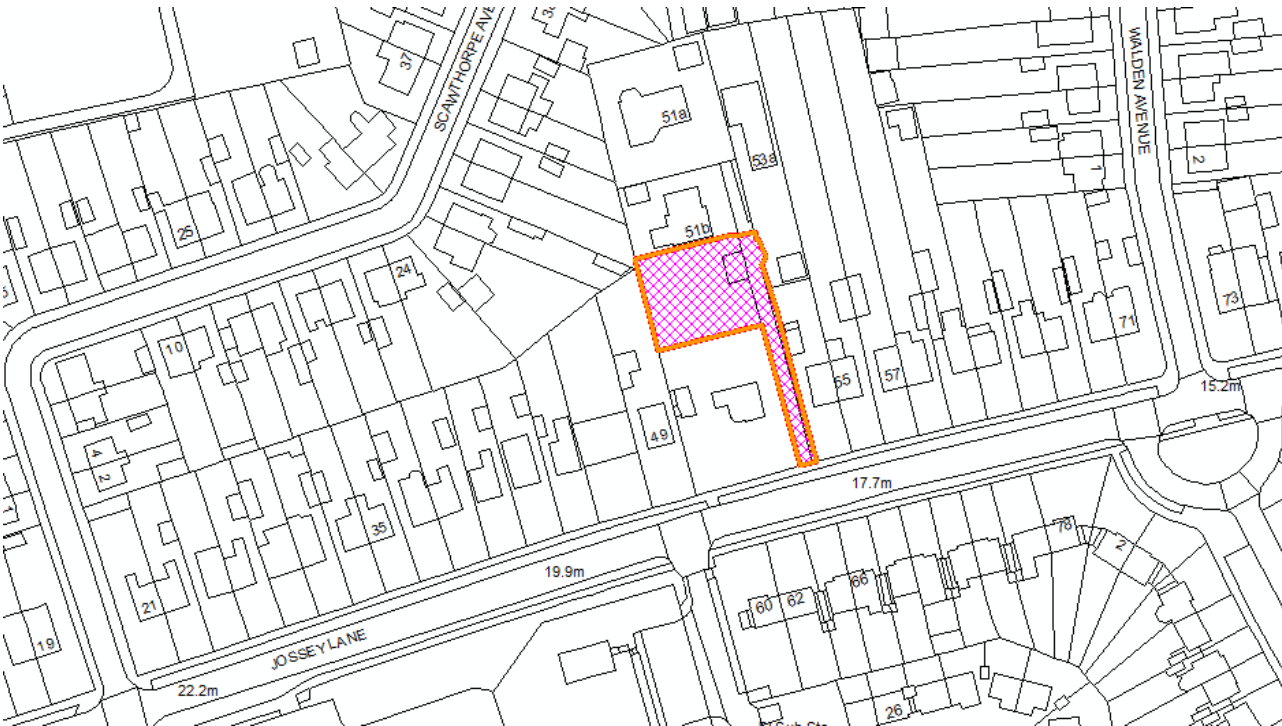
Proposal Description:	Erection of a detached house and detached double garage.
At:	51 Jossey Lane Scawthorpe Doncaster DN5 9DB

For:	Mrs Lesley Barker
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Third Party Reps:	5	Parish:	
		Ward:	Roman Ridge

Author of Report	Elizabeth Maw
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 The application is being presented to committee because of the significant public interest shown in the application.

2.0 Proposal and Background

2.1 The proposal is for a detached house on the rear garden of 51 Jossey Lane, Scawthorpe. Access is proposed to be from a shared private drive that serves three other properties.

2.2 Five objections have been received from neighbours. The reasons for objecting are loss of privacy and overshadowing, drainage, intensification of the access and concerns regarding the size of the proposed house.

2.3 This is a typical backland proposal and is considered acceptable in principle because the site is in a residential location and within the Residential Policy Area. The main matters for members to consider are the design of the property, effect to neighbours and the intensification of the shared private drive.

3.0 Relevant Planning History

3.1 No planning history is relevant.

4.0 Representations

4.1 The application was advertised by sending neighbour notification letters. Five objections have been received. The reasons for objecting are:

a) The property would result in a loss of privacy and overshadowing to houses and gardens.

b) Access: There is safety concerns with any intensification of the access. The shared access is too narrow to have two cars passing each other. Further traffic on the drive would vastly increase the likelihood of cars having to reverse off the drive and onto Jossey Lane.

c) The three existing backland properties are either bungalows or dormer bungalows. The proposed property is out of keeping with the three bungalows that are near to it. It would be overbearing and obtrusive.

d) The land will be reduced so the overall height of the finished build can be reduced. This will increase surface water runoff into surrounding properties.

e) Concerns for drainage issues. A neighbour states foul drain pipes run under the plot. If the land is lowered then the drains on the neighbour's side would have to be lowered at his own expense to compensate for the change in the land levels.

f) The use of the private drive for construction traffic could affect its condition and cause an access issue for existing residents. Should planning permission be granted the neighbours would like assurances that any damage to the private drive is repaired at the cost of the applicant.

5.0 Relevant Consultations

5.1 Highways Development Management: No objections.

5.2 Yorkshire Water: No comments.

6.0 Relevant Policy and Strategic Context

Planning policy relevant to the consideration of this application includes:

National Planning Policy Framework

Doncaster Council's Core Strategy:

CS1: Quality of Life

CS2: Growth and Regeneration Strategy

CS14: Design and Sustainable Construction

Saved Doncaster Unitary Development Plan:

PH11: Residential Policy Areas

Residential Backland and Infill Development SPD

7.0 Planning Issues and Discussion

Principle

7.1 No51 Jossey Lane is a two storey detached house which once had one of the largest plots on the street. Since 2000 the garden has been developed with two detached bungalows in the rear garden and they are known as 51a and 51b Jossey Lane. A further bungalow was built behind No53 Jossey Lane and therefore there is now three properties at the rear of 51 and 53. These three properties are served off a private drive.

7.2 Developing the garden with a third dwelling is acceptable in principle. The site is within a residential area and the Residential Policy Area.

Effect to Surrounding Land

7.3 The land is surrounded by housing and occupiers of these surrounding houses have objected on residential amenity grounds.

7.4 Local Planning Policy PH11 states that residential developments should not be accepted if "the effect of the development on the amenities of occupiers of nearby properties would be unacceptable". Policy CS14 reiterates this protection of residential amenity. Measuring the harm to neighbouring properties is normally assessed by ensuring separation standards are adhered to and these standards are listed on Page 23 of the Councils Supplementary Planning Document: Backland and Infill Development. The main separation distances relevant to this application are:

- * Where high occupancy room windows of dwellings of two-storey face each other, they should be a minimum of 21 metres apart.
- * Where high occupancy room windows face low occupancy room windows or a blank gable, they should normally be a minimum of 11 metres apart. Where a new property overlooks an existing garden these distances may need to be increased.
- * Habitable room windows that overlook neighbouring garden space should normally be at least 10 metres from the boundary.
- * Overlooking from ground floor windows can be avoided by screening by walls, fences or planting.

7.5 The proposed dwelling meets the above separation distances. The property has been centrally located so the effect of overshadowing is low.

Character and Appearance

7.6 The proposed two storey house would be bigger than the two existing bungalows that are behind the plot. However, the wider context should be considered as well and this includes two storey housing. The proposed house will also be smaller than the host property, which is a substantial sized two storey house.

7.7 The proposed dwelling measures 7.25m to the ridge, which is quite shallow for a two storey house. The proposed property would be situated between a dormer bungalow (No51b) and a two storey house (51) so the property would not look out of place and the ridge heights of these three properties would step down in a line. The proposal is subservient to the frontage property and cannot be clearly seen from Jossey Lane. The proposal is therefore considered acceptable in its size and the effect to the character of the area is neutral.

Highway Considerations

7.8 The property will be served off a private drive that serves 51a, 51b and 53a Jossey Lane. Occupiers that use the existing private drive are concerned that the drive is unable to cope with any additional traffic due to the increased probability of two cars meeting each other at the lower end of the drive. The drive is not wide enough for two cars to pass and as such if two cars were to meet, one of the cars will be forced to reverse onto the main road.

7.9 Highways have checked the application and raised no objections. Highways have verbally advised the drive was initially built to serve one property but has since been considered acceptable to serve a further two additional properties. A fourth property using the drive is not considered to materially add to traffic along the drive and the increased probability of two cars meeting each other would be negligible.

7.10 With regards to construction traffic using the private drive and potential damage; this is not a matter for the Local Planning Authority or the Highway Authority to consider because the drive is private and un-adopted. Any damage would be a civil issue.

Drainage

7.11 The development does not raise any drainage issues. The proposed dwelling will connect to the existing foul sewerage system and Yorkshire Water have raised no objections. The property will use soakaways that will be built to cope with any additional surface water and a condition of the application will cover this matter. The applicant has no intention to change land levels.

8.0 Summary and Conclusion

The proposed backland development is acceptable in principle. Neighbours will be overlooked by the proposal although not to a harmful degree. The design is a shallow two storey house that will sit comfortably between a dormer bungalow and a two storey house. The access to serve the property is considered acceptable and there are no drainage issues. The recommendation is to approve.

9.0 Recommendation

GRANT planning permission subject to the following conditions:

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. U0067792 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
Proposed floor plans and elevations 19.001.3 Revision A, received 14.02.2019
Proposed site plan 19.001.2 Revision B, received 14.02.2019
Proposed garage plan 19.001.4
REASON
To ensure that the development is carried out in accordance with the application as approved.

03. MAT1A Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

04. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

05. DA01 The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

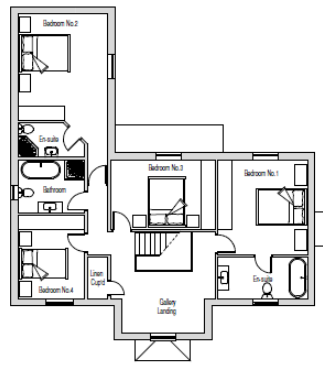
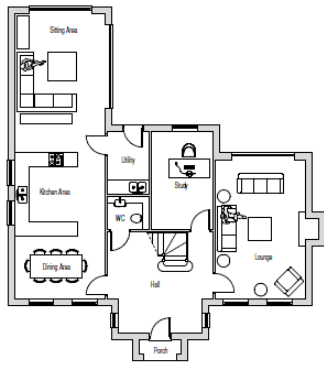
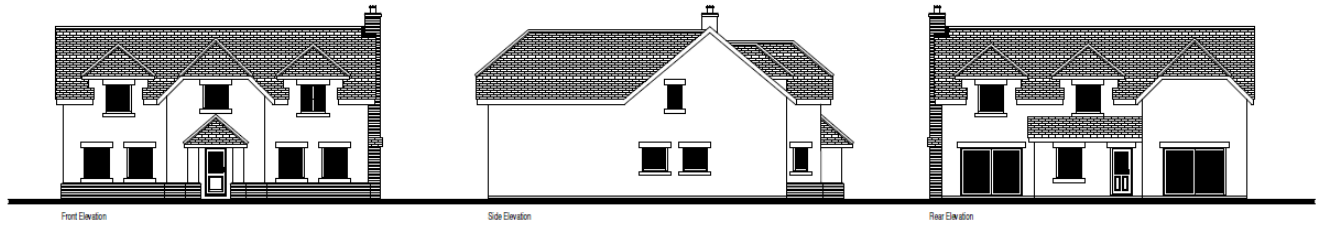
To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1: Proposed Site Plan



Appendix 2: Proposed Floor Plans and Elevations



Amendments
 A February 2016
 House Number 2 and Bedroom window to be 2 combined

Date: January 2016	Drawn: R.W. Saxton
Drawing Title: House Type Planning Drawing	
Drawing No: 19.001.3 Rev A	Scale: 1:100 @ A1 size

Project Title:
Proposed 4 Bedroom Detached House to the rear of 51, Jossell Lane, Scale Works, Doncaster DN5 9DB for Mr & Mrs S. Barker.

SAXTON DESIGN LIMITED
Architectural Design Consultants
Unit 11 Bransford Farm, Bawtry Road, Austonfield, Doncaster DN10 4TZ
Telephone - 01509 - 771869 email - info@saxtondesign.co.uk

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 30th April 2019

Application 3

Application Number:	19/00324/FUL	Application Expiry Date:	9th April 2019
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Application Type:	Full Application
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Proposal Description:	Erection of 2 (semi-detached) residential units (use class C2 -residential institution)
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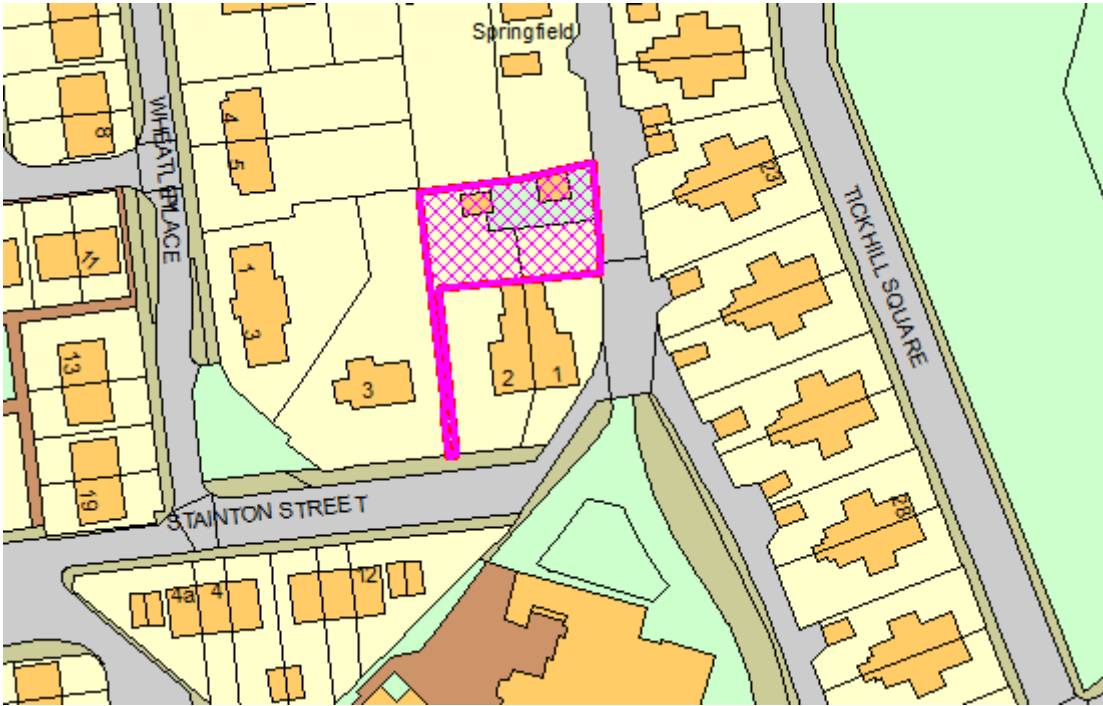
At:	1 Stainton Street Denaby Main Doncaster DN12 4AP
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For:	Mr Glyn Turner - Hesley Group
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Third Party Reps:	4	Parish:	Unparished
		Ward:	Conisbrough

Author of Report	Mark Ramsay
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 This application is being reported to Planning Committee due to the significant local interest raised by the application.

2.0 Proposal and Background

2.1 This is an application for the building of two small residential accommodation units at the back of an existing building that fronts Stainton Street to be used by Hesley group for student accommodation in connection with the adjacent Fullerton House School.

2.2 It is on land enclosed by close-boarded fencing with a double gate fronting the road on the eastern elevation. It is largely covered by hard standing and has been used for car parking in the past and historic maps indicate some small buildings were located on the site but has been vacant for some time. It is immediately to the north of a semi-detached two-storey building owned and operated by the applicant for similar purposes.

2.3 Two other similar units have been provided by converting outbuildings next to buildings nearby on Stainton Street and the school own buildings on Tickhill Square and have taken over a site on Wheatley Street, co-incidentally, that site providing the off street parking for staff that would attend the application site.

3.0 Relevant Planning History

3.1 Poplars & Highfields/ 1 & 2 Stainton Street

87/0583/FUL

Change of use from private residence to a residential home for the elderly
Granted 10 July 1987

There is a two storey semi-detached building immediately south of the site, 1 & 2 Stainton Street. In 1987, this was granted permission as a care home for the elderly. On taking the site over for its current use, providing care to resident children of the school, no further application was required as this falls within the use class as set out in the Use Classes Order.

3.2 Land south of Springfields

09/03108/EXT

Erection of detached house on approx 0.03 ha of land (being continuation of planning permission granted under reference 04/7616/P on 12/01/05
Granted 15 February 2010.

The plot to the north of the site, now used as the garden of Springfields, had permission granted for a detached house in 2005 and renewed in 2010. This permission has since expired, as it was never implemented.

4.0 Representations

4.1 This application has been advertised in accordance with the Development Management Procedure Order and four representations were received.

4.2 The reasons for objecting are:

- Increase in traffic including deliveries
- Issues with parking by staff at the school, using the surrounding streets rather than the allocated parking at the school
- Overlooking of neighbouring properties
- Noise nuisance from Hesley properties
- Rubbish and building work
- Overdevelopment and crowding of the site
- Pedestrian safety

5.0 Relevant Consultations

5.1 Highways: No objections in principle and note the proposal meets with local plan policy in terms of number of staff and provision of off street parking within 200m. They do not want to see any further pressure on parking in the surrounding area caused by staff parking on nearby streets.

5.2 Environmental Health: No objections

5.3 Pollution Control: Contamination assessment was provided and conditions were requested to cover the instance of contamination being discovered during development and the testing of any imported materials.

5.4 Trees: Overall from an arboriculture perspective the proposal appears to have given due consideration of the existing trees and the constraint they pose on the site. As a result, no objection to the proposal from an arboriculture perspective, subject to prior approval of the following through planning conditions:

- Tree protection fencing and method statement
- Alignment of services
- Landscape scheme

6.0 Relevant Policy and Strategic Context

National Planning Policy Framework 2019

2. Achieving sustainable development

4. Decision-making

Doncaster Council Core Strategy

CS12 Housing Mix and Affordable Housing

CS14 Sustainable Construction

Saved policies of the Doncaster Unitary Development Plan

PH11 Housing

PH12 Non-residential Uses

Supplementary Planning Document

Residential Backland and Infill Development

7.0 Planning Issues and Discussion

Principle

7.1 Policy CS12 of the Core Strategy states that proposals for sheltered accommodation and other specialist need accommodation will be supported where they are:

1. consistent and commensurate with identified need;
2. on sites suitable for other housing; and;
3. have good access to local services by means other than the car.

7.2 Saved Policy PH11 of the UDP supports development for housing within the residential policy area, on the proviso that the development would not result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need. Saved policy PH12 of the UDP supports the establishment or extension of non-residential uses of an appropriate scale in the residential policy area provided the use would not cause unacceptable loss of residential amenity.

7.3 The site is in an area designated as residential policy area and fulfils a need to accommodate students attending the Fullerton House School. Indeed, one of the respondents has noted that a dentist and hairdresser is on their street and there is a local shop a short walk away on Shepherds Court and a pharmacy slightly further away. There are regular bus services calling at Wheatley Street. Therefore, it is considered there is good access to local services other than by private car.

7.4 It is also immediately adjacent to other buildings owned and operated by the Hesley Group (see appendix 1) to provide residential accommodation for students at the Fullerton House School. Therefore, it is considered it is an appropriate use for a building in this location.

Access & Pedestrian Safety

7.5 There are two units proposed, one accessed down the west side of the two storey building and the other directly from access road to the east that leads directly into the entrance of the school. Concern has been raised that the road next to this entrance does not have a footpath.

7.6 There is a short distance of approximately 35 metres from the gate of the eastern unit to the entrance of the school and students will be escorted by staff to and from the school. Therefore it is not considered that this represents an unacceptable risk to pedestrian and highway safety due to the lack of footpath on the street to the east of the site. The access from the other unit to the school would be along a section of Stainton Street that is closed to traffic.

Design and Appearance

7.7 The building is single storey and minor in scale sitting in close proximity to other buildings operated by the Hesley Group and set out so not to adversely impact the protected trees that sit on adjacent plots. The building sits parallel to its boundary with the plot to the north so the roof slopes away from its boundary and the land is lower than the adjacent building to the south.

7.8 When viewed from the lane to the east and buildings to the north it is seen in the setting and backdrop of other larger buildings. The building is small but each unit is designed to provide accommodation for a single occupant attending Fullerton House School. It is similar in scale to other accommodation adjacent to other properties located nearby on Stainton Street and owned by Hesley Group. When the layout is read in the context of the buildings on the section of Stainton Street that runs East to West adjacent to the school, this is not considered overdeveloped or overcrowded.

Amenity

7.9 Saved Unitary Development Plan Policy PH11 states that residential developments should not be accepted if "the effect of the development on the amenities of occupiers of nearby properties would be unacceptable" and is reiterated in Core Strategy Policy CS14.

7.10 Harm to neighbouring properties is avoided by maintaining separation standards as set out in the Councils Supplementary Planning Document: Backland and Infill Development. The main separation distances relevant to this application are 21 metres between high occupancy room windows of dwellings of two-storey face each other, this is reduced to 11m where high occupancy room windows face low occupancy room windows or a blank gable and overlooking from ground floor windows can be avoided by screening by walls, fences or planting.

7.11 The property is proposed to have patio doors and a kitchen window for each unit facing north. However, this will be directly adjacent to the existing boundary fence and therefore screened from the rear of the properties fronting Wheatley Street so not overlooking or causing loss of privacy to the adjacent properties. Additionally the two properties to the north are over 21m away and have substantial outbuildings in between so would not overlook the new building.

7.12 The nearest building to the east is over 16m away and only a small utility room window faces in that direction, which would be counted as a low occupancy room and the gap is interrupted by two boundary walls/ fences in between. The proposal, therefore, meets the separation distances set out in the guidance and would not introduce an unacceptable level of overlooking or loss of privacy.

7.13 Concerns have been raised about parking but are addressed in the applicant's statement saying that they have spaces available for staff at buildings they operate on Wheatley Street, which has 6 off street spaces, of which 2 will be available for staff working at Stainton Street. This meets the standards required in local plan policy being within 200m of the site.

7.14 The concerns of increased comings and goings are noted but the resident children will walk to and from the adjacent school and be accompanied by staff as previously discussed. Staff supervising children at this site will park at the site at Wheatley Street and walk to the building so there should be very little difference in the comings and goings along the road to the school caused by the occupation of the proposed building.

7.15 Concerns have also been raised about other staff going to and from the school and properties owned by the group on Tickhill Square. However, this is a matter for the management of the school and in any case would not be directly affected by how this application is determined.

7.16 Concerns have been raised about noise coming from occupants of the current buildings and how it might be intensified by this development. Noise nuisance is generally controlled through Environmental Protection legislation and the management of how resident children are cared for. Environmental Health offered no objections or comments on the proposal and would otherwise be beyond the remit of the planning authority to consider other than the principle of the specific use of the building, which is supported by Core Strategy Policy CS12.

7.17 The concerns regarding disruption from new development are noted but the building of any development granted planning permission will inevitably cause disruption albeit, usually for a short term. This would also be regulated in terms of nuisance through Environmental Protection legislation and development would also be subject to the Building Acts and not something that can normally be given weight in terms of determining a planning application.

7.18 A permission benefiting only the Hesley Group would ensure the properties are managed in accordance with the applicants supporting statement. This would also prevent the permission being sold on to another company who may then operate the homes in a way that might be detrimental to residential amenity and this is consistent with other permissions previously granted for their properties.

8.0 Summary and Conclusion

8.1 The proposal seeks to provide 2 single bed units to provide residential accommodation for residential students attending Fullerton House School. The provision of the building is acceptable in principle as well as in terms of design and layout and does not represent unacceptable harm to amenities of adjacent occupiers.

9.0 Recommendation

GRANT planning permission subject to the following conditions:

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. U0068908 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
18/069/04A Scheme Elevations
18/069/02A Scheme 1 Site Plan
18/069/03 Site Location Plan
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. MAT1A Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.
04. U0068910 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars (ARBORICULTURAL METHOD STATEMENT reference AWA2499AMS, Appendix 1 and Appendix 5: Tree Protection Plan) before any equipment, machinery or materials have been brought on to site for the purposes of the development. The LPA Tree Officer (Daniel Atkinson) shall be invited to inspect the fencing is as specified shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority unless in accordance with approved activities within the area. These are the removal of existing hard surface and installation of none dig footpath detailed with section 4.2 of the approved method statement).
REASON
To ensure that all trees are protected from damage during construction.
05. U0068911 The alignment of all service trenches and overhead services are to be directed away from the retained trees. Over-ground services should ideally be routed away from areas where they are likely to interfere with the crowns of mature trees. New underground services should be grouped together and routed away from RPAs. NJUG 10: Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees should be considered when installing services.
REASON
To prevent damage being caused to trees which it has been agreed shall be retained.

06. U0068912 No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority the landscape scheme shall include: a planting plan and schedule including tree and shrub planting around the site; hard landscape; a landscape establishment specification; a maintenance specification for a minimum of five years following practical completion of the landscape works.

Reason

In the interests of environmental quality

07. U0068909 The planning permission hereby granted shall be exercised by and inure solely for the benefit of the Hesley Group only.

REASON


To restrict the use to the needs of the applicant only in the interests of the proper planning of the area and to reflect the applicant's personal circumstances.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.


Appendix 1: Location Plan and other sites owned by the applicants



No.	Date	Revision	



PLANNING ISSI



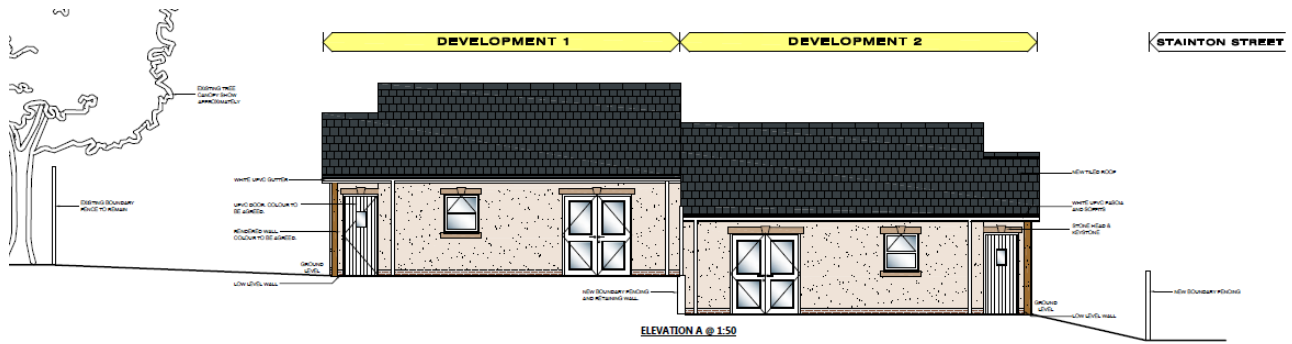
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- THE LIMES BUILDING
- EXISTING RESIDENTIAL PROPERTIES
- RECEPTION
- EXISTING CLASSROOMS AND SCHOOL
- LAND OWNED BY APPLICANT
- AREA OF WORK

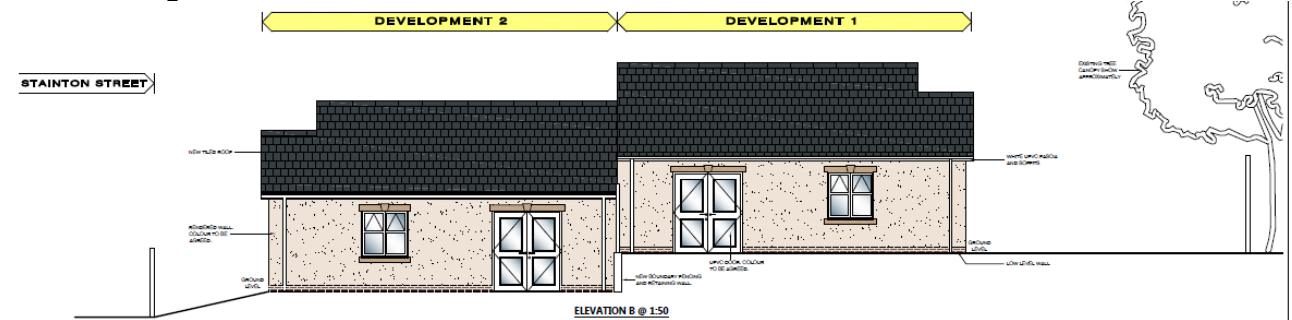
Page 37

Appendix 2 Elevation drawings

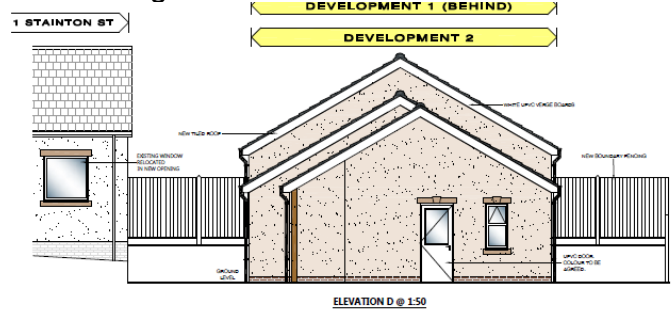
South facing elevation



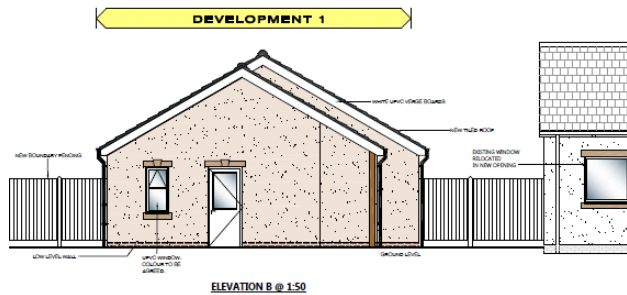
North facing elevation



East facing elevation



West facing elevation



Appendix 3: Site Plan



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Date: 30 April 2019

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

1. The purpose of this report is to inform members of appeal decisions received from the planning inspectorate. Copies of the relevant decision letters are attached for information.

RECOMMENDATIONS

2. That the report together with the appeal decisions be noted.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. It demonstrates the ability applicants have to appeal against decisions of the Local Planning Authority and how those appeals have been assessed by the planning inspectorate.

BACKGROUND

4. Each decision has arisen from appeals made to the Planning Inspectorate.

OPTIONS CONSIDERED

5. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

	Outcomes	Implications
	Working with our partners we will provide strong leadership and governance.	Demonstrating good governance.

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials HL Date 16/04/19]

9. Sections 288 and 289 of the Town and Country Planning Act 1990, provides that a decision of the Secretary of State or his Inspector may be challenged in the High Court. Broadly, a decision can only be challenged on one or more of the following grounds:
- a) a material breach of the Inquiries Procedure Rules;
 - b) a breach of principles of natural justice;
 - c) the Secretary of State or his Inspector in coming to his decision took into account matters which were irrelevant to that decision;
 - d) the Secretary of State or his Inspector in coming to his decision failed to take into account matters relevant to that decision;
 - e) the Secretary of State or his Inspector acted perversely in that no reasonable person in their position properly directing themselves on the relevant material, could have reached the conclusion he did;
a material error of law.

FINANCIAL IMPLICATIONS [Officer Initials BC Date 16/04/19]

10. There are no direct financial implications as a result of the recommendation of this report, however Financial Management should be consulted should financial implications arise as a result of an individual appeal.

HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 16/04/19]

11. There are no Human Resource implications arising from the report.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 16/04/19]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 16/04/19]

13. It is considered that there are no direct health implications although health should be considered on all decisions.

EQUALITY IMPLICATIONS [Officer Initials RL Date 16/04/19]

14. There are no Equalities implications arising from the report.

CONSULTATION

15. N/A

BACKGROUND PAPERS

16. N/A

CONCLUSIONS

17. Decisions on the under-mentioned applications have been notified as follows:-

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Overtured
18/01217/FUL	Erection of ground floor rear extension at 90 Harrowden Road, Wheatley, Doncaster, DN2 4EN	Appeal Dismissed 28/03/2019	Wheatley Hills And Intake	Delegated	No
18/01592/FUL	Re-submission of Planning Permission 17/01489/FUL - For inclusion of sub-division of garden & erection of dwelling with garage at Land To Rear Of 20-24 Bawtry Road, Bessacarr, Doncaster, DN4 7AU	Appeal Dismissed 05/04/2019	Bessacarr	Delegated	No
18/01766/FUL	Change of use of part of dwelling house to childminding business, maximum number of 7 children at any one time and retrospective permission for the erection of 2.2m high fence/wall overall (being resubmission of previously refused application 17/01674/FUL refused on 3/10/18) at 86 Crookes Broom Lane, Hatfield, Doncaster, DN7 6LD	Appeal Dismissed 25/03/2019	Hatfield	Delegated	No
18/01183/FUL	Erection of two storey side extension and alterations to fenestrations. at 87 Doncaster Road, Tickhill, Doncaster, DN11 9JB	Appeal Dismissed 28/03/2019	Tickhill And Wadworth	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

Miss Rebecca Larder
01302 734603

TSI Officer
rebecca.larder@doncaster.gov.uk

PETER DALE
Director of Regeneration and Environment

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Appeal Decision

Site visit made on 19 February 2019

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th March 2019

Appeal Ref: APP/F4410/D/18/3208711

90 Harrowden Road, Wheatley, Doncaster, DN2 4EN

- 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 Naveed Mohammed against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 18/01217/FUL, dated 16 May 2018, was refused by notice dated 6 August 2018.
 - The development proposed is ground floor planning for extension and shower, for elderly mother who suffers from arthritis and struggles to walk upstairs.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit I saw that the ground floor rear extension was partially complete. The walls had been constructed but the remaining elements indicated on the submitted plans were incomplete or absent. I also note that the planning application was submitted retrospectively. I have dealt with the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on:
 - the living conditions of the occupiers of neighbouring properties, having particular regard to outlook and light, and;
 - the character and appearance of the existing dwelling and surrounding area.

Reasons

Living Conditions

4. Number 90 Harrowden Road (No 90) is a semi-detached dwelling attached to 92 Harrowden Road (No 92). No 92 has an existing single-storey extension that projects a short distance to the rear of the dwelling. The rear gardens between the two properties are divided by a close boarded fence. According to the submitted plans, the height of the appeal extension is approximately 2.5m to the eaves. It extends out from the rear of the existing dwelling and is set slightly behind, but rises above, the boundary fence.

5. The Council's Development Guidance and Requirements Supplementary Planning Document, July 2015 (SPD) under Section 2.14 states that, in respect of single-storey rear extensions, they should normally be designed with a rear projection of not more than 3m. A diagram accompanying this text illustrates that single-storey rear extensions to semi-detached properties projecting beyond 3m should not be permitted if they fall within a 45 degree 'exclusion zone'. The SPD is guidance but is material to my decision.
6. According to the submitted plans, the extension as proposed would project beyond the main building line of No 90 to a maximum depth of approaching 11.5m. The depth of the extension would slightly reduce in closest proximity to the shared boundary with No 92, but it would nevertheless project a significant distance along its length. I observed on my site visit that No 92 includes a ground floor, rear facing patio door and window. There was also a small patio area with seating in front of the patio door. The development conflicts with the SPD guidance as it exceeds 3m in length and, due to the position of the patio window associated with No 92, the extension encroaches into the 45 degree 'exclusion zone'. I have had regard to the presence of the existing boundary fence. However, the extension appears appreciably higher than it and runs a significant distance along its length. Consequently, given the orientation and scale of the extension relative to the rear facing ground floor windows of No 92, it has an unacceptable impact on outlook for existing occupiers. Furthermore, the completed extension would result in additional overshadowing due to its scale, bulk and massing, affecting the ground floor windows and patio area of No 92.
7. The extension would include windows facing 88 Harrowden Road (No 88). However, there would be no significant impact upon the outlook from, or light provision to, No 88 or its rear garden, as the extension is set in from the shared boundary and the facing windows would be screened by a boundary fence. Nonetheless, the absence of concern in that respect is a neutral factor and does not override the harm otherwise identified with respect to the relationship to No 92.
8. I conclude that the proposal would unacceptably harm the living conditions of occupiers of No 92 Harrowden Road, due to the loss of outlook and overshadowing effect arising from its height, length and position. The development conflicts with the SPD which seeks to ensure, amongst other matters, that rear extensions do not overlook, overshadow or over-dominate adjoining properties. I also find conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which seeks a high standard of amenity for existing and future users in relation to new development.

Character and Appearance

9. The character and appearance of the residential area within which the appeal property is located is defined by its street frontages, containing equally spaced pairs of semi-detached houses which have a small set-back from the road. Whilst I observed that the angled orientation of the dwelling relative to the street means that the rear extension is partially visible, it does not form a prominent addition within the street scene. For this reason I find that the rear elevation of the appeal dwelling is subordinate to the front elevation.
10. The appeal dwelling and No 92 are set forward of other dwellings on Harrowden Road and have long rear gardens. Many of the dwellings on the street have

been extended to the rear in the form of rear extensions and outbuildings which vary in form, height, design, and materials. Despite the extensive length of the extension, it does not project beyond the rear building line of these dwellings. The red brick extension when complete would have a simple pitched roof which would be in keeping with the appeal property and locality. Whilst I appreciate that the rear extension has a large footprint, it is single-storey in height. In addition to this, due to the variety of extant rear extensions and outbuildings in the street, and the long rear garden associated with the appeal property, I find that the completed extension would not occupy a disproportionate amount of rear garden, or harm the character and integrity of the appeal dwelling, nor would it adversely affect the character and appearance of the area.

11. Having regard to the above, I find no unacceptable harm to the character and appearance of the appeal dwelling or the area. In this respect the development complies with Policy ENV54 of the Doncaster Unitary Development Plan (1998) which seeks to ensure extensions to existing buildings are sympathetic in terms of scale, materials, layout and general design to the existing building. However, this does not alter or outweigh the harm which the extension causes to the living conditions of adjoining occupiers.

Other Matters

12. I note that the appellant's justification for the extension is to provide additional accommodation for a family member with reduced mobility. I have not been provided with evidence outlining the specific requirements of the family member. However, Planning Practice Guidance advises that in general planning is concerned with land use in the public interest. Furthermore, the extension is likely to remain long after the personal circumstances cease to be material. Therefore, having regard to the above, I have attributed limited weight to the personal circumstances of the appellant and this is insufficient to outweigh the harm I have identified.

Conclusion

13. Whilst I find no unacceptable harm to the character and appearance of the area this does not outweigh the harm to the living conditions of the adjacent occupiers of the neighbouring property and consequent conflict with the SPD and the relevant requirements of the Framework. Therefore, the appeal is dismissed.

Matthew Woodward

INSPECTOR

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Appeal Decision

Site visit made on 14 February 2019

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 5 April 2019

Appeal Ref: APP/F4410/W/18/3212892

24 Bawtry Road, Bessacarr, Doncaster DN4 7AU

- 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 B Barnsdale against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 18/01592/FUL, dated 31 August 2017, was refused by notice dated 24 August 2018.
 - The development proposed is sub-division of garden and proposed erection of dwelling with garage to rear of No. 24 Bawtry Road.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - a) the character or appearance of the Bessacarr Conservation Area; and
 - b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character or Appearance of the Bessacarr Conservation Area

3. The appeal site comprises part of the rear garden of the dwelling at 24 Bawtry Road which is one half of a semi-detached pair of bungalows with L-shaped footprints, the other being 26 Bawtry Road. The buildings are rendered and painted with mainly hipped roofs and a semi-gable above the main door and a lower gable to the rear. A similar pair of semi-detached bungalows is located a few metres to the north east at 20 and 22 Bawtry Road. The proposal is for the construction of a detached 1.5-storey building with integral garage to the rear of No. 24 enclosing some land to the rear of the neighbouring dwelling at No. 22 within its curtilage.
4. The site is located within the Bessacarr Conservation Area (the Conservation Area) and I am mindful of my statutory duty, arising under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering the grant of planning permission. In accordance with the advice in paragraph 193 of the National

Planning Policy Framework (the Framework), I attach great weight to the conservation of heritage assets

5. As a whole, the Conservation Area comprises a fairly eclectic mix of architectural styles often in small pockets representing different eras of development. Along Bawtry Road, which is one of the original main approaches to Doncaster, houses reflect suburban development from an affluent early 20th Century period in the town's history. The eclectic nature of the Conservation Area represents a timeline of the history of the town's development, so is significant. The appeal site is in a prominent position on Bawtry Road.
6. The proposal involves the demolition of a garage within the Conservation Area, but the loss of this building will not cause any harm to its character or appearance. However, the proposed dwelling would result in the loss of garden land and would introduce a substantial built form into the rear of existing dwellings, which would disrupt the existing build line. Although there would be some screening from other buildings and trees, the proposed dwelling would be visible in the gap between Nos. 24 and 22. The dwelling would also disrupt the symmetry between the dwellings at Nos 20 to 24.
7. The open frontage and large rear gardens at the appeal site and its neighbouring properties are an important element in this part of the Conservation Area. These properties have smaller plots than other dwellings located nearby, and therefore any building would be proportionately more intrusive. The loss of garden space would be detrimental and would fail to preserve or enhance the character or appearance of the Conservation Area.
8. The Council has referred me to two appeal decisions¹ which both addressed the character and appearance of the Conservation Area. I have reached similar conclusions to the Inspectors in each appeal in relation to the significance of the Conservation Area and the contribution of particular features.
9. The proposal would cause less than substantial harm to the Conservation Area. Paragraph 196 of the Framework requires that where a proposal would cause less than substantial harm, the harm should be weighed against the public benefits of the proposal. The only identified benefit is a contribution to the Council's supply of deliverable housing sites. However, the recently published Housing Delivery Tests show that the Council has delivered more than the required number of houses over the past three years and there is no assertion that it is unable to demonstrate a five-year supply of deliverable sites. In any event, the very modest contribution of a single house to housing supply would be insufficient to overcome the harm to the character or appearance of the Conservation Area.
10. Therefore, insofar as they are relevant, the proposed development would not accord with Policies CS1, CS14 and CS15 of the Doncaster Council Core Strategy 2012 (the Core Strategy) and Saved Policies PH11(a) and ENV25 of the Doncaster Unitary Development Plan 1998 (the UDP), which together seek to ensure that developments in conservation areas preserve, protect or enhance the heritage significance of the asset and reinforce the character and appearance of the surrounding area.

¹ APP/F4410/W/15/3130646 dated 3 March 2016 and APP/F4410/W/16/3162978 dated 2 February 2017

Living Conditions of Occupiers of Neighbouring Properties

11. The Doncaster Council Residential Backland and Infill Development Supplementary Planning Document (the SPD) advises that there should be sufficient separation between a proposed development and existing dwellings to overcome the difficulties of overlooking and disturbance. The SPD gives minimum indicative distances between new buildings and existing properties and gardens.
12. Dormer windows in the rear roof pitch of the proposed dwelling would overlook the rear garden of 2 Saxton Avenue some six or so metres away against the SPD's advised minimum distance of ten metres. The blank façade of the south eastern flank of the proposed building would be between 10.6 and 12 metres from the rear elevation of 2A Saxton Avenue (according to the Council's and appellant's respective measurements). The SPD recommends a minimum distance of 11 metres. Windows for high occupancy rooms in two-storey buildings should be a minimum of 21 metres apart.
13. The Windows on the first floor of the proposed building would face the rear elevation of No. 24 at a distance of 18 metres according to the appellant's measurements. The front-facing first-floor windows would include windows for two bedrooms and while No. 24 is only a single-storey building the separation distance is significantly lower than the minimum recommended for two-storey buildings.
14. The distance between the rear elevation of No. 2A and the blank façade is either just within or just over the minimum distance (depending on whose measurements are accepted) so whether the view would be overbearing is marginal. However, the other separation distances fall significantly below the minimum requirements advised by the SPD. Consequently, the proposed development would have an unacceptable detrimental impact on the privacy of the occupiers of Nos. 2 and 24 by reason of overlooking.
15. Therefore, the proposed development would not accord with Policy CS14 of the Core Strategy and Saved Policy PH11(b) of the UDP, and the advice in the SPD, which together seek to ensure that developments protect the quality of private property and do not unacceptably affect the amenities of nearby occupiers.

Other Matters

16. The appellant has referred me to a recent approval² for a house as an example of backland development in close proximity to the appeal site. The application for that dwelling originally proposed an additional dwelling in roughly the same location as the scheme now before me but this was abandoned and amended plans for the single dwelling were approved.
17. The permission is for a dwelling to the rear of another approved dwelling adjacent to 20 Bawtry Road. However, the evidence before me shows that the permission³ authorising the dwelling to the front of that site was for two dwellings on a vacant site. The second of the two dwellings permitted would have been in roughly the same position as the building approved under the

² 17/01489/FUL

³ 12/00644/FUL

more recent permission but with a different layout. In effect, the later permission has operated so as to vary the earlier one.

18. Therefore, while the later permission does authorise a property to the rear of the approved dwelling to the front of the site, a building of similar size was already authorised in that location on a previously vacant site. While these permissions are not before me for decision, the pre-existing approval for the dwelling to the rear is a clearly significant material consideration. Because a building was already approved a subsequent permission for a relatively similar building in roughly the same location carries very little weight as evidence of new backland development or inconsistency in the Council's determinations.
19. The appellant states that there are other similar developments utilising rear space though none have been brought specifically to my attention. In any event, I do not have before me the evidence that might have been considered for any such developments and can therefore attach very little weight to them.
20. Interested parties objected on highway safety grounds. The existing dwellings have vehicular access to the main carriageway and the proposed dwelling would share the access used by Nos. 22 and 24. Subject to modifications to the proposal to ensure that the access was of sufficient width for cars to pass, the use of an existing access would not present any unacceptable risk to highway safety. I note that the Council's highways officer reached a similar conclusion. However, compliance with policy in this area does not overcome the problems identified above.

Conclusion

21. For the reasons given and taking account of all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 14 February 2019

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 25 March 2019

Appeal Ref: APP/F4410/W/18/3214837

86 Crookes Broom Lane, Hatfield, Doncaster DN7 6LD

- 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 Miss Charlotte Killgallon against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 18/01766/FUL, dated 19 July 2018, was refused by notice dated 11 September 2018.
 - The development proposed is change of use of part of dwelling house to childminding business, maximum number of 7 children at any one time (this is not all the time) and erection of 7ft high fencing for use of sound barrier in back garden.
-

Decision

1. The appeal is dismissed insofar as it relates to change of use of part of the dwelling house. The appeal is allowed insofar as it relates to erection of fencing and planning permission is granted for erection of 7ft high fencing for use of sound barrier in back garden at 86 Crookes Broom Lane, Hatfield, Doncaster DN7 6LD in accordance with the terms of the application, Ref 18/01766/FUL, dated 19 July 2018, so far as relevant to that part of the development hereby permitted.

Preliminary Matter

2. The erection of the fence has been implemented and therefore this element of the appeal is to be determined retrospectively. The appeal site is used for a child-minding business but it is unclear whether the numbers involved are at the level requested in the application or are lower and within potentially permitted development. I have therefore determined this element of the appeal as if it had not yet been implemented. However, whether retrospective or not, this has not had any effect on my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) highway safety;
 - b) the living conditions of the occupiers of neighbouring dwellings; and
 - c) the character and appearance of the area.

Reasons

4. The appeal site comprises a semi-detached bungalow in a predominantly residential area. The proposed development is the change of use of the dwelling to allow for an additional use of part of the property for a childminding business for up to seven children and for the erection of a high fence in the rear garden as a sound barrier.

Highway Safety

5. The site fronts onto Crookes Broom Lane not far from the junction with Station Road to the north and close to the entrance to a busy parade of shops on the opposite side of the street. Crookes Broom Lane has no parking restriction and at the time of my visit there were some spaces available, though this represents only a snapshot and presumably the level of parking would differ outside normal working hours, including when children would likely be dropped off or collected.
6. The Appellant states that parents/guardians drop off or pick up children at staggered, pre-arranged times to avoid large numbers arriving or being present together. However, such arrangements would be dependent on no parent or guardian running late and arriving at the same time as others.
7. The boundary wall along the street has been removed and the front garden has been block-paved to provide parking space for a number of cars. The appellant states that this can be used by parents/guardians but has not yet proved to be necessary and that some people attending at the property arrive on foot.
8. However, there are no spaces marked out and the area is relatively restricted. There is no compelling evidence before me that, if the area was full, cars could manoeuvre to be able to leave in forward gear. I take a precautionary approach and cannot be satisfied that vehicles would always be able to enter the carriageway safely. Moreover, it may not always be the case that parents/guardians or members of staff arrive on foot and therefore to prevent an unacceptable impact on highway safety adequate off-street parking should be available. The shopping parade opposite is not within the appellant's control and cannot be relied upon to provide the required spaces.
9. Therefore, the development does not accord with Policy CS14 of the Doncaster Council Core Strategy 2012 (the Core Strategy) and Saved Policy PH12 of the Doncaster Unitary Development Plan 1998 (the UDP), which together seek to ensure that non-residential use developments do not have unacceptable negative effects upon the highway.

Living Conditions

10. The proposed business use will inevitably result in an increase in noise from the number of children at the property and using the garden/outdoor areas and from the noise of vehicles as children are dropped off or collected.
11. The appellant states that her opening hours are between 0730 and 1800 hours, which largely coincides with the early morning and late evening commuting times. The appellant states that the noise of vehicle doors slamming and engines starting is more likely to arise from the nearby parade of shops than from her business. However, the shops are some distance away and have their

own carpark on the opposite side of the road, so noise close to the appeal site is less likely to arise from shoppers.

12. Some noise in the early mornings and in the evening would undoubtedly arise from other residents leaving for or returning from work. However, there is likely to be an increase in noise from parents/guardians dropping off or collecting children, which could have a detrimental effect on the living conditions of neighbouring occupiers. In the absence of a noise survey, the overall level of additional noise would be difficult to quantify, and I therefore take a precautionary approach and consider that the detrimental impact is likely to be unacceptable.
13. The appellant states that the outside area is only used when the weather permits and by only a few children at a time and for restricted periods. The appellant states that typically use of the outside areas would be limited to between 0930 and 1100 hours or between 1330 and 1500 hours and limited to two or three children at a time.
14. While the overall numbers of children proposed is higher than normally expected in a domestic setting the small numbers that use the space at any one time are not unusual. Although the space is close to neighbouring gardens, children playing in a garden is normal noise associated with domestic use and the times specified by the appellant are a reasonable use of the space for children to play.
15. Therefore, insofar as it relates to noise from vehicle movements, the proposed change of use would not accord with Policy CS14 of the Core Strategy and Saved Policy PH12 of the UDP, which together seek to ensure that developments do not have unacceptable negative impacts upon the amenity of neighbouring land uses. However, with regard to the impact of the proposal in terms of noise from children playing, the proposal would accord with the Policies, but this would not overcome the negative impact from vehicle movements.

Character and Appearance

16. The area surrounding the appeal site is predominantly residential in character, though account must be taken of the nearby parade of shops and large car park. The removal of the boundary wall and laying of block paving has had an impact on the residential character and appearance of the area but as this has been completed the impact has already been realised. In its current condition the open car parking area to the front of the site is relatively domestic in scale and design.
17. However, to achieve an appropriate car parking area for a business associated with the proposed change of use would involve the marking of bays and the provision of appropriate space for vehicles to manoeuvre. Such markings would undoubtedly introduce a more commercial appearance to the residential space that would have an unacceptable detrimental impact on the character and appearance of the area.
18. Therefore, the proposed change of use would not accord with Policy CS14 of the Core Strategy which seeks to ensure that developments integrate well with their immediate and surrounding local areas.

19. The fence erected atop the wall in the rear garden appears to have been installed to address noise concerns but also to increase privacy for the children using the dwelling. In the absence of a noise survey the impact of the fence on noise attenuation cannot be gauged but clearly a higher barrier does reduce overlooking. The fence is a small addition to the substantial wall and would not cause significant harm to the outlook from neighbouring properties, nor would it have any unacceptable impact on the character and appearance of the area. I note that the Council reached a similar conclusion. Therefore, the installation of the fence would accord with Policy CS14 of the Core Strategy.

Other Matters

20. I have been referred to a previous appeal decision¹ in respect of a change of use for child-minding for up to ten children at the property. The appellant states that the Inspector told her that seven children would be acceptable but there is nothing in the decision that supports that statement. In any event Inspectors can only determine the appeals before them and not potential future applications and I therefore attach little weight to this argument.

21. The appellant refers to some children currently cared for as part of her child-minding service who have specific care needs. While the needs of children are a material consideration, those mentioned will be likely to move on to school and any planning permission is for the lifetime of the development. I therefore attach only moderate weight to the needs of the children referred to, which is not sufficient to overcome the concerns referred to above.

22. The Council points out that the existing use is more vulnerable in terms of flood risk and a flood evacuation plan should be prepared. However, the Council accepts that this was not raised as an issue in previous applications and the preparation and adoption of a flood evacuation plan could be imposed by way of a planning condition. Given my conclusions on the main issues it is unnecessary to further explore this matter.

23. The Council indicates that the property might be used to provide childminding for up to six children as permitted development. However, the exercise of permitted development rights is beyond the scope of any appeal pursuant to section 78 of the Town and Country Planning Act 1990. References to Ofsted reports are to a different regulatory regime and are not a proper planning consideration.

Conclusion

24. For the reasons given and taking account of all other material considerations, I conclude that the appeal should be dismissed insofar as it relates to change of use of part of dwelling house and allowed insofar as it relates to erection of fencing.

D Guiver

INSPECTOR

¹ APP/F4410/W/17/3186851



Appeal Decision

Site visit made on 19 February 2019

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th March 2019

Appeal Ref: APP/F4410/D/18/3217353

87 Doncaster Road, Tickhill, Doncaster, DN11 9JB

- 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 Shaun Crummey against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 18/01183/FUL, dated 11 May 2018, was refused by notice dated 7 September 2018.
 - The development proposed is two storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on: (1) the character and appearance of the area; and, (2) the living conditions of the occupiers of 1 and 3 Common Lane having regard to privacy and overlooking.

Reasons

Character and appearance

3. No 87 Doncaster Road is a semi-detached dwelling with a pitched roof. Adjoining to the side is a single-storey extension with a flat roof. The property is one of several which lie on a small cul-de-sac, accessed from Doncaster Road down a narrow, private road. Houses within the cul-de-sac are varied in terms of scale, form and design. The adjoining dwelling, No 85, has a single-storey side extension which is well proportioned and subservient to the main dwelling. Therefore, whilst both properties have been extended to the side, they retain their original uniform appearance due to their design, scale and symmetrical form.
4. The proposed extension would be readily visible from the cul-de-sac. The appeal property is positioned behind No 85 and at an approximate right angle when viewed from Doncaster Road. Therefore, views of the appeal property from Doncaster Road are limited and mainly obtainable near the junction of the cul-de-sac. There are distant views of the rear of the appeal site along a short stretch of Common Lane.

5. The proposal involves a two-storey side extension which would replace the existing single-storey side extension and project further to the side. The roof of the extension would be set down in relation to the appeal dwelling. The extension would measure slightly more than the width of the original dwelling. The proposal includes a two-storey gable fronted element which would project out beyond the main building line, on a similar footprint to the existing single-storey extension.
6. The extent and scale of the two-storey side projection, combined with the two-storey front projecting element, would appear overly dominant and would fail to harmonise with the appeal dwelling. This would have an unbalancing effect on the pair of semi-detached properties. Whilst I appreciate that views of the proposal from Doncaster Road would be limited, there are nevertheless other obtainable views, including those from the cul-de-sac. The extension would appear obtrusive when viewed from these receptors and it would have a visually harmful effect upon the character and appearance of the host dwelling.
7. The proposed removal of the existing side extension, the design and appearance of which is at odds with the appeal property, would improve the quality of the dwelling. However, as it is only single-storey, it can clearly be read as a subservient addition. Conversely, the appeal proposal would be much larger in width and two-storeys in height and consequently would fail to harmonise with the appeal dwelling. It would appear out-of-keeping with the street scene.
8. I find that, overall, the proposed extension would appear unduly prominent and would harm the character and appearance of the area. It would be contrary to Policy ENV54 of the Doncaster Unitary Development Plan 1998 which seeks, amongst other matters, to ensure extensions to existing buildings are sympathetic in scale, materials, layout and general design to the existing building. This is generally reflected in Policy DE6 of the Tickhill Neighbourhood Plan. The proposal also conflicts with Policies CS1 and CS14 of the Doncaster Council Core Strategy 2012 in that it would fail to make a positive contribution to character and would fail to enhance the built environment. It would conflict with the Doncaster Development Guidance and Requirements Supplementary Planning Document 2015 (the SPD) in that the extension would appear out of scale and dominate the existing dwelling, harming the character and appearance of the area.

Living conditions

9. The proposed side extension would include rear facing bathroom and bedroom windows at first-floor level which would face two first-floor rear windows associated with 1 and 3 Common Lane (No's 1 and 3). The SPD guides that extensions should not lead to overlooking of neighbouring dwellings. It also guides that rear and side extensions should be at least 21m from the rear of the nearest neighbouring dwelling. The position of the first-floor windows relative to the first-floor windows in No's 1 and 3 would fall short of the minimum distance required by the SPD. The proposal would result in unacceptable overlooking and loss of privacy for the occupiers of No's 1 and 3. The proposed bathroom window could be obscure glazed to mitigate the impact, but it would not be appropriate to restrict light to the proposed bedroom window by imposing a planning condition requiring obscure glazing.

10. No objections have been received to the proposal from the occupiers of 1 and 3 Common Lane. Additional boundary treatment could be provided between the appeal property and No's 1 and 3. This would ensure no unacceptable overlooking or loss of privacy arising from the proposal in relation to the ground floor windows of No's 1 and 3. This could be secured by planning condition. However, this would not address the impacts I have identified in respect of the proposed first-floor windows.
11. I find that, having regard to the height, proximity, and design, the extension would cause unacceptable harm to the living conditions of the occupiers of 1 and 3 Common Lane by virtue of loss of privacy due to overlooking. The proposal conflicts with Policies CS1 and CS14 of the Doncaster Council Core Strategy 2012 which seeks, amongst other matters, to protect local amenity and ensure new development has no unacceptable effects upon the amenity of neighbouring land uses. Furthermore, the development would conflict with the SPD which seeks to ensure, amongst other matters, that rear extensions do not overlook, overshadow or over-dominate neighbouring properties.

Other Matters

12. Representations have been made in support of the appeal proposal from nearby residents, but this is not determinative of the main issue.

Conclusion

13. For all of the above reasons, I conclude the appeal should be dismissed.

Matthew Woodward

INSPECTOR

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Agenda Item 7.

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