



---

# Appeal Decision

Site visit made on 1 May 2018

**by Jillian Rann BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 May 2018**

---

**Appeal Ref: APP/F4410/W/18/3195582**

**1 Cherry Tree Drive, Dunscroft, Doncaster DN7 4JY**

- 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 Lee Nesbitt against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 17/02555/FUL, dated 14 October 2017, was refused by notice dated 15 January 2018.
  - The development proposed is a detached three bedroomed dwelling.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Council has confirmed that its decision was based on revised plans which it received, and gave publicity to, during the course of the application. I am therefore satisfied that adequate opportunity has been provided for those who may wish to comment on the revisions to do so, and I determine the appeal on the basis of the revised drawings which formed part of the Council's decision.

## Main Issue

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the site and its surroundings; and
  - whether the development would provide acceptable living conditions for future occupiers with regard to outdoor space, and the effect of the proposed development on the living conditions of neighbouring residents with regard to overlooking.

## Reasons

### *Character and appearance*

4. The site is part of an established residential estate of detached and semi-detached houses and bungalows. The pattern of development within the estate is characterised by properties occupying relatively wide plots, set back from their frontages with landscaped front gardens. In general, the houses are relatively well-spaced, separated by drives or single storey garages to the side.

5. The appeal site is located at the junction of Cherry Tree Drive and Abbey Way, close to the entrance to the estate from Station Road. The existing house and its neighbour on the opposite side of the junction, No 3, are situated at a slight angle in relation to the junction, and set back from their adjacent road frontages with garden areas to the front and side. These corner plots are larger than those on the straight sections of road further into the estate, and create a pleasant, spacious aspect and an attractive feature on this prominent junction at the entrance to the estate.
6. Although the proposed plot's frontage along Cherry Tree Drive would be relatively wide, the plot would become gradually narrower towards the rear boundary of the site. The proposed house itself would therefore occupy a somewhat narrower space and, whilst it would sit alongside and in general alignment with the existing house, little separation would remain between the proposed and existing buildings.
7. Consequently, I consider that the subdivision of the site, and the narrow width of the proposed plot and dwelling, together with the close proximity of the proposed dwelling to the existing property, would result in an incongruous and cramped form of development which would significantly erode the sense of spaciousness around the existing dwelling on this prominent corner site, and would be at odds with the prevailing character and pattern of development within the wider estate. Although the site frontage is surrounded by a boundary wall, the proposed dwelling, and the effect of the development in this respect, would be clearly evident from public viewpoints around the site.
8. Whilst the house types and designs across the wider estate vary to some extent, they nonetheless share a number of common characteristics, including their relatively wide front elevations and large, wide windows. With the exception of a number of dormer bungalows, front roof projections are not generally a characteristic feature of houses within the estate, and properties' windows sit below eaves level.
9. Although the eaves and ridge height of the proposed house would appear to be similar to those of the existing house, its more limited width would give it an unduly narrow and vertical appearance compared to the existing property and houses in the surrounding area.
10. The small, narrow windows proposed in the front elevation would be in stark contrast to the wider, more generously-proportioned windows which are characteristic of surrounding housing and, together with the large expanse of brickwork to this elevation, would serve to emphasise its incongruous and unduly narrow, vertical proportions.
11. This would be further exacerbated by the first floor windows, which would project through the eaves and thus extend parts of the front wall into the roof line of the property. Whilst I recognise that this element of the design has been incorporated as a result of the need to raise floor levels as a flood protection measure, it would nonetheless appear discordant within the site's wider surroundings, where similar features are not generally present.
12. For the reasons above, I consider that the proposed development would detract significantly from the character and appearance of the site and its wider surroundings. It would therefore conflict with Policy CS14 of the Doncaster Council Core Strategy 2011-2028, adopted May 2012 (the Core Strategy) and

Saved Policy PH 11 of the Doncaster Unitary Development Plan, adopted July 1998 (the UDP), and with the aims of the Doncaster Council Residential Backland and Infill Development Supplementary Planning Document (the Backland and Infill SPD), the Doncaster Council Development Guidance and Requirements Supplementary Planning Document (the Development Guidance SPD) and the South Yorkshire Residential Design Guide 2011 (the SYRDG), which has been adopted as a Supplementary Planning Document by the Council. Amongst other things these require development to be of a high quality design that contributes to local distinctiveness and integrates with its immediate and surrounding local area, including with specific reference to plot size, building separation and fenestration.

13. The proposal would also conflict with the principles and policies of the National Planning Policy Framework (the Framework) which, amongst other things, require that developments are of a high quality design and respond to local character, and advise that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### *Living conditions*

14. The Development Guidance SPD and the SYRDG require private garden provision of at least 60m<sup>2</sup> for dwellings with 3 or more bedrooms. As stated on the submitted plan, and as confirmed by the appellant and the Council, the rear garden of the proposed dwelling would have an area of only around 40m<sup>2</sup>. Whilst this area would provide some limited space for residents to sit out or hang washing, for example, it would be significantly below the recommended level of provision, and I consider that it would be inadequate and far less than is reasonable for a 3-bedroom family dwelling. I therefore conclude that the proposed development would not provide appropriate living conditions for future residents with regard to outdoor space.
15. The Backland and Infill SPD and the Development Guidance SPD both advise that habitable room windows that overlook neighbouring garden space should normally be at least 10m from the boundary. The first floor bedroom windows to the rear of the proposed house, facing the rear garden of 1 Abbey Way, would be significantly closer to the boundary with this neighbouring property than the 10m referred to in the SPDs.
16. However, the existing house on the appeal site has first floor windows in a similar position in relation to this rear garden. Furthermore, 1 Abbey Way has a large single storey outbuilding between its rear garden and the appeal site, the side wall of which runs along almost the full length of the boundary between the sites. As I viewed from the closest first floor rear bedroom window of the existing house at the time of my visit, the length and width of this neighbouring outbuilding is such that it screens and limits the extent of views from these existing windows across this neighbouring garden to a significant degree. The internal floor levels within the proposed house would be slightly higher than those within the existing property, and it would be marginally closer to the boundary. However, as a result of the extent of screening provided by this existing outbuilding, I do not consider that the proposed development would result in a significant increase in the degree of overlooking of the rear windows or garden of 1 Abbey Way.

17. I note references to the receipt of objections from other nearby residents with regard to overlooking of neighbouring properties. However, based on the submitted details and my site visit, and the degree of separation and relative orientation of the proposed building and other neighbouring properties, I do not conclude that the development would result in significant harm to the living conditions of other nearby residents with regard to privacy.
18. Nevertheless, for the reasons above, I consider that the proposed development would not provide acceptable living conditions for future occupiers with regard to outdoor space. It would therefore conflict with Policy CS14 of the Core Strategy and Saved Policy PH 11 of the UDP, and with the aims of the Backland and Infill SPD, the Development Guidance SPD and the SYRDG. Amongst other things, these require development to make a positive contribution to achieving the qualities of a successful place, including the quality of private property, and that new dwellings are provided with sufficient amenity space as a means of providing health, social and physical benefits for residents. The proposal would also conflict with a core planning principle of the Framework, which requires a good standard of amenity for all existing and future occupants of land and buildings.

### **Other matters**

19. The proposal would provide a new dwelling which would contribute to the range and availability of housing in the area. However, I do not consider that the limited benefits of this modest contribution to local housing supply would outweigh the significant harm to the character and appearance of the site and its surroundings, and to the living conditions of future residents, which would result from the proposed development in this instance.

### **Conclusion**

20. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

*Jillian Rann*  
INSPECTOR