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## Appeal Decision

Site visit made on 18 September 2018

by **Paul Cooper MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 October 2018

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**Appeal Ref: APP/F4410/W/18/3204673**

**Rear of The Shoes, Low Road, Conisbrough DN12 3AB**

- 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 T Connelly against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 17/02822, dated 27 October 2017, was refused by notice dated 23 January 2018.
  - The development proposed is one block of semi-detached houses on land to the rear of The Shoes, Low Road Conisbrough.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published during this appeal. Both parties were given the opportunity to comment on the relevance of this to their cases.

### Main Issues

3. The main issues are:
  - Whether the development would preserve or enhance the character or appearance of the Conisbrough Conservation Area;
  - The effect of the development on the living conditions of future occupiers of the development having particular regard to matters of outlook and amenity space; and
  - The effect of the development on flood risk.

### Reasons

#### *Effect on character or appearance*

4. The appeal site is located within the Conisbrough Conservation Area, and lies to the rear of 'The Shoes', formerly a Public House but converted to residential units in the 1980s. The site is set at a lower level than Castle Terrace behind, which is an unmade road. Access for the site would be taken from Castle Terrace.
5. The Conservation Area is centred around the castle, with a range of buildings dating from the 17<sup>th</sup> to the 20<sup>th</sup> Century. Properties tend to align their frontage

to the roads and the character is derived from the historic layout and strong boundary features as well as the transitional form and materials of dwellings in the area. The proposal before me is for a pair of semi-detached dwellings, set at right angles from Castle Terrace. The proposal would look incongruous with properties on Castle Terrace and the surrounding roads generally following the line of the highway. This would be compounded by the design of the dwellings, which would not be sympathetic to the Conservation Area, which is characterised by narrower buildings, with more verticality in fenestration and the use of slate or artificial slate roofing.

6. Taking the above points into consideration, I find that the development would be harmful to the character and the appearance of the surrounding area and the Conisbrough Conservation Area. It would therefore conflict with the relevant provisions of Policy ENV25 of the Doncaster Metropolitan Borough Council Unitary Development Plan (1998) (the UDP) and Policy CS15 of the Doncaster Council Core Strategy (2012) (the CS). These policies require, amongst other matters, for development to preserve or enhance the character or appearance of the area with regard to nature, scale, form, materials or design as well as protecting the heritage significance and setting of the heritage assets of the Borough.
7. In terms of the advice in Paragraph 196 of the Framework, the harm to the Conservation Area would be less than substantial, affecting only its immediate surroundings. Nonetheless, that still represents a harmful impact, adversely affecting the Conservation Area's significance as a heritage asset. Paragraph 196 sets out the need to address less than substantial harm in a balanced manner against the public benefits associated with such schemes, and I address this in my overall planning balance below.

#### *Living Conditions*

8. The orientation of the dwellings at right angles to Castle Terrace would restrict the outlook from the dwellings, with the front elevation facing the gable of the adjacent building at close proximity. In terms of private amenity space, this is also shown to be extremely limited, given the proximity of the boundary of the site at the rear, and the need to provide parking spaces to the rear of the property.
9. I note that the appellant has stated that the appeal proposals would provide a courtyard setting to the rear of The Shoes, but there is no indication that any additional amenity space would be made available for any future occupiers of the new dwellings or how this would be set out.
10. As a result, I have found that the proposal would not provide suitable outlook or private amenity space for future occupiers of the dwellings. It would therefore conflict with Policy PH11 of the UDP and Policy CS14 of the UDP, which, amongst other matters, states that development should not be over-intensive and should achieve the qualities required for successful development, such as character, quality, adaptability and inclusivity.

#### *Effect on Flood Risk*

11. Information has been included with the Council's statement that suggests that the site is susceptible to flooding. A Flood Risk Assessment was reported to have been supplied with the application that, according to the key consultee,

does not comply with National Planning Practice Guidance that supports the Framework, and therefore without a comprehensive assessment that includes evidence to address the sequential test, I find conflict with Paragraphs 155-163 of the Framework, which gives clear guidance on locating development at lowest areas of flood risk, as well as how development should assess and mitigate against flooding issues, for the lifetime of the development.

### *Overall Planning Balance*

12. As set out previously, I have identified harm to the Conisbrough Conservation Area. Whilst this harm would be less than substantial, it would still represent a harmful impact to the conservation of the heritage asset. Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.
13. As per paragraph 196 of the Framework where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. The proposal would make only a very modest contribution of two houses toward local housing supply.
14. The appellant has also forwarded arguments in support of the scheme, stating that the site attracts anti-social behaviour and that local residents support the scheme on the basis of additional security, although no representation from local residents has been forthcoming at application stage, or for this appeal. It was also argued that the properties would be suitable for low cost housing, although no mechanism has been identified to secure this. Nonetheless, in weighing the harm to the Conservation Area against the public benefits of the proposal, the harm clearly outweighs the benefits in this case and therefore the appeal should be dismissed.

### **Other Matters**

15. The appellant has informed me of a development close to this site which has been granted planning permission. I do not have the full planning background to that scheme. Even so, I find the evidence before me does not provide good reason to out-weigh the harm to the Conservation Area I have identified in this instance. I do not consider the presence of development elsewhere to be a good reason to allow the proposal, which I have determined on its individual merits.

### **Conclusion**

16. For the reasons set out above, the appeal is dismissed.

*Paul Cooper*

INSPECTOR