



Appeal Decision

Site visit made on 13 November 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2018

Appeal Ref: APP/F4410/W/18/3207025

Land adjacent to No1 Cross Street, New Rossington, Doncaster DN11 0JQ

- 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 Martin Jones against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 18/00691/FUL, dated 15 March 2018, was refused by notice dated 8 May 2018.
 - The development proposed is the construction of 1no pair of semi-detached houses with dedicated off street parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal, the revised National Planning Policy Framework (Framework) has been published. The appellant and the Council have had the opportunity to comment on this matter. Accordingly, I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 1 Cross Street, in particular by way of outlook.

Reasons

Character and Appearance

4. The appeal site comprises of an area of grassed land which is found on a corner at the crossroads of Cross Street with Tudor Street. The site frontages are unenclosed apart from a short section of a low wall. These attributes give the site a sense of spaciousness. There are also other areas of grassed land found around the other corners of the crossroads, some of which have been enclosed into domestic gardens. Together, they appreciably contribute towards the character of the area, in particular with their visibility. More broadly, in combination with the fairly regular arrangement of the dwellings in the area, they also form part of a planned estate layout.
5. The proposal would be positioned centrally on the site and it would extend across much of its width. This would result in a significant encroachment of

- built development onto the site and, as a consequence, the character would be altered to the extent that its current spaciousness would be significantly diminished. With the proximity of the side elevation wall of one of the proposed dwellings to the Tudor Street frontage and its siting forward of the building line on this road, it would also be highly prominent on this corner location.
6. Moreover, the proposal would severely alter and disrupt the open character of these areas around the crossroads, as it would be the only such area that would contain this level of development. The contrast with the largely undeveloped form of the remaining areas would result in it appearing markedly uncomfortable in these surroundings. In addition, it would undermine the important role these areas have in providing visual relief from the built development in their vicinity. It would also degrade from the planned layout of the estate as it would reduce the relative level of uniformity.
 7. The harm that would arise would be significant and considerably greater than where land around the crossroads has been simply enclosed into gardens with the boundary enclosure. As the value and purpose of these spaces lies in their visual qualities around the crossroads they have an informal recreational role and this pleasing aspect of their character is not undermined by a lack of a more active function. Matters in relation to whether the appeal site itself may be enclosed in a similar fashion are not for my consideration, as these details are not before me, nor that the appellant considers there is little scope for alternative proposals.
 8. Where design is a relevant consideration, this relates to the loss of the open and spacious character of the site. Hence, this would not be adequately addressed by the proposal adhering to the building line on Cross Street, or with its similarities with the dwelling at No 1 and other properties in the area.
 9. The appellant has also referred me to a number of other housing developments on the estate that have been approved under the current development plan policies. However, they relate to extensions to existing terraces, or an infill plot in a row of existing buildings, and so they are not directly comparable to the proposal before me. Their circumstances are sufficiently different so as to not alter my conclusion.
 10. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. It would not comply, in this regard, with Policies CS1 and CS14 of the Doncaster Metropolitan Borough Council, Core Strategy 2011-2028 (2012) (CS), and with 'Saved' Policy PH11 of the Doncaster Unitary Development Plan (1998) (UDP), which seek for proposals to be well-designed, contribute to local distinctiveness and resist development that would be detrimental to the character of the surrounding area. It would also not accord with the Framework where it refers to achieving well-designed places, including that developments are sympathetic to local character.

Living Conditions

11. The side elevation wall of the dwelling at No 1 contains a first floor window which faces towards the site. In between, on the side of No 1, there is also a garage and a further structure which extends up to the boundary. With the distance the window is set in from the boundary, the outlook would not be unduly restricted, even though the side elevation wall of the proposal would be

close to the boundary. The same would apply concerning light. I have considered that the submissions have indicated that the window provides the sole source of outlook and light to a habitable room.

12. The separation distances that are set out in the Council's Residential Backland and Infill Development Supplementary Planning Document (SPD) relate to privacy and overlooking. The appellant has indicated that the proposed first floor window that would face the window on the side of No 1 would be obscurely glazed. If I was minded to allow the appeal, this could be dealt with by a planning condition, and this would adequately prevent undue overlooking. As I have set out above, the separation distance would also be sufficient concerning the outlook and light. Whilst the proposal would not strictly comply with the separation distances that are set out in the SPD, these considerations outweigh this limited conflict.
13. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 1, in particular by way of outlook. In this regard, it would comply with Policy CS14 of the CS and 'Saved' Policy PH11 of the UDP where they seek to prevent unacceptable effects upon the amenity of neighbouring land uses and on the amenities of occupiers of nearby properties. It would also accord with the Framework where it concerns a high degree of amenity for existing users.

Other Matters

14. The proposal would make a contribution to the supply and mix of housing in accordance with the Framework. As a modest number of new dwellings would result, though, this attracts limited weight as a benefit. The same applies concerning the accessibility to local services, economic benefits and the use of high quality and energy efficient materials.
15. In relation to highway safety matters, the Council's Highways Officer raised no objections. With the likely modest level of traffic generation, I see no reason to disagree and whilst the roads around the site are narrow for access purposes, this equally applies to the existing dwellings. The site appears well maintained and whilst issues of tipping, vandalism and anti-social behaviour have been raised, these are not matters which depend on the proposal going ahead in order to be addressed. As with the effect on the living conditions of the occupiers of No 1, these considerations attract neutral weight.
16. Whether or not the principle of housing development would be acceptable on the site would not address the detailed concerns that I have set out. It is also not apparent, based on the evidence before me why the site would constitute previously developed land, although this is not, on its own, decisive. The proposal would not, though, be an effective use of land for the purposes of the Framework with the harm that would arise to the character and appearance of the area.
17. Matters in relation to the involvement of interested parties during the appeal are not for me to comment upon, and nor are the reasons why the appellant pursued an interest in the site, beyond the planning considerations that I have raised. Interested parties have also raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have, therefore, not had a significant bearing on my decision.

Conclusion

18. The proposal would have an unacceptable effect on the character and appearance of the area and the harm that would arise would be significant. The proposal would not be unacceptable with regard to the effect on the living conditions of the occupiers of No 1. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm to the character and appearance of the area. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed.

Darren Hendley

INSPECTOR