



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.
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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