

## Appeal Decision

Site visit made on 26 February 2019

**by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

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

**Decision Date: 20 May 2019**

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**Appeal Ref: APP/F4410/W/18/3216918**

**112 Bentley Road, Bentley, Doncaster, DN5 9QW**

- 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 WrightMill Ltd against the decision of Doncaster Council.
  - The application, ref. 18/01324/FUL, dated 29 May 2018, was refused by notice dated 15 November 2018.
  - The development proposed is the creation of a 2 bedroom flat above the ground floor shop unit and the erection of 6 x 2 storey one bedroom residential units to the rear of 112 Bentley Road following demolition of the store building, with associated car parking located at 114 Bentley Road.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. It is noted that the Appellant's Application Form and Appeal Form refer to the creation of a two bedroom flat above the ground floor shop, however this component of the scheme is not mentioned in the Council's Decision notice or discussed within any of the submitted appeal statements. As the matter in dispute revolves around the erection of six dwellinghouses to the rear of the appeal property, I have made my decision on this element only.

### Main Issues

3. The main issues in this appeal are:
  - The effect of the development upon the character and appearance of the area;
  - Whether the proposed development would provide suitable living conditions for the future occupiers, with particular regard to the provision of amenity space; and
  - The effect of the development upon the operation of the highway in the vicinity of the appeal site, with particular regard to parking.

## Reasons

### *Character and Appearance*

4. The appeal property is end-terraced and lies on the corner of Bentley Road and Haslemere Grove. Along Bentley Road, the dwellinghouses which make up the terrace with the appeal property appear to date from the late 19<sup>th</sup> Century. The terrace possesses an inherent symmetry and coherence in its design characteristics with a typical Victorian functional design, small front gardens and a longer and narrow rear garden with a laneway servicing the rear of the properties. Many of the dwellings have a small and subservient two storey rear wing projecting from the rear façade, such as constructed along the shared boundary of the neighbouring property at No114. It is evident that a few of the dwellinghouses along this terrace have at one stage in their history been used for commercial related purposes, with some buildings retaining a shopfront, whilst other dwellinghouses have historic workshop buildings to the rear of the gardens which are accessed from the laneway. Whilst there are outbuildings to the rear of properties, they are either detached from the rear of the main dwellinghouse or single storey which preserves an open aspect to the rear. This openness to the rear is an integral component of the character of this locality.
5. The appeal site appears to have originally been constructed as a dwellinghouse, however has been in a commercial use for a number of years. Whilst the area to the rear would have been the rear garden it is now a yard for the commercial use where a number of historic single storey extensions have been constructed which have almost covered the area and are used as storage and workshops for the main building. The rear of the appeal property currently presents quite a negative and commercial appearance which is uncharacteristic for a predominantly residential locality where the rear gardens should present an open and vegetated aspect as would be expected for a rear garden, and which can be appreciated further along the terrace.
6. Whilst I acknowledge comments with regards to the footprint and land take-up of the proposed scheme being similar to what is already in place; the existing use is not residential and is historic in nature, being directly associated with the current commercial use of the property. The commercial extension is therefore not comparable to the considerations of an appropriate residential scheme. It is also important to note that the policy position has changed considerably since the time of these extensions, where the current commercial scheme pre-dates the current design principles of Policy CS14 of the Doncaster *Core Strategy* (CS), and Saved Policy PH11 of the Doncaster *Local Plan* (LP), which is supported by the *Development Guidance and Requirements* Supplementary Planning Document (SPD).
7. The proposed scheme would introduce a two storey and visually bulky built form to the rear yard that would be over double the height of the existing single storey building, and would take up the entire depth and almost width of the rear yard. Whilst the ridge height would be lower than the main dwelling, the depth of the built form would be over three times as long as the host dwelling, which together with the excessive bulk and mass of the development, is clearly not subservient to the host dwelling.

8. In this context the dwellings would have excessive depth and bulk, and would appear disproportionately large compared to the host dwellinghouse and also compared to neighbouring properties where only small and subservient extensions and rear outbuildings and detached workshops exist in comparison to their host dwellinghouse.
9. I disagree that the design is 'distinctive' and that it creates 'interest and character' which 'reflects the broad scale and proportions of the dwellings and buildings adjacent.' The buildings surrounding the site are more of a traditional form with architectural detailing such as bay windows, chimneys, porches and designs which contain elements of symmetry and alignment between fenestration which assists in articulating the façade. The proposed dwellings do not adhere to this approach, having plain, flat and blank facades with fenestration positioned off-centre from the first to ground levels. This would be visually inconsistent with the character and distinctiveness of the surrounding area and would fail to integrate well with it. The development would completely eradicate the sense of openness to the rear created by the long rear gardens of the terrace on Bentley Road and would result in a significant visual intrusion into the locality that would appear incongruous and cause harm to the general character, layout and appearance of the rear of these plots.
10. Consequently, I conclude that the combined depth, massing, height and design of the proposed dwellinghouses would be detrimental to the character and appearance of the area. This would be contrary to paragraph 127 of the National Planning Policy Framework (the Framework), Saved Policy PH11 of the LP (which seeks to encourage redevelopment of residential land where it is of an appropriate density, and which reflects the characteristics of the area) and the design principles of Policy CS14 of the CS which are supported by the SPD which amongst a number of principles, seeks to ensure new development is of a high quality design that has a positive contribution to local character and distinctiveness.

*Living conditions of proposed occupiers*

11. The proposed private amenity space for each of the six dwellings is approximately 1.6 metres wide, which is reduced due to the need to store refuse bins and recycling facilities, and potentially bicycles within the rear garden as there are no other storage facilities provided on the site. The occupants of the central plots would also need to wheel refuse bins past rear doors and kitchen windows of neighbouring dwellings to present them to the highway. This would also further reduce the value and usability of the amenity space as well as reducing the perceived level of privacy at the rear of the proposed dwellinghouses.
12. Given the rear brick wall along the boundary, the potential occupiers would have a very poor outlook from the rear of the proposed dwellinghouses due to this small setback. This existing wall would also serve to further restrict daylight, causing detriment to the living conditions of the proposed occupiers. In addition, the proposed rear amenity space would be located to the north of the proposed dwellinghouses, and as a consequence would be in the shadow of the proposed two storey dwellinghouses. The proposed rear amenity space is therefore insufficiently useable and would cause a sense of

enclosure and overbearingness, causing detriment to the living conditions of future occupants.

13. Whilst I appreciate that there are open spaces within close walking distance which may be able to cater for the recreational needs of the future occupiers, the amenity space provided on site is insufficient in size and design to be sufficiently useable which is not outweighed by the provision of open space elsewhere. Whilst I agree with the Appellant that the dwellinghouses are aimed at couples or single people, rather than families; it would be speculative to suggest that larger amounts of private outdoor space would not appeal to this household size. Even if this was the case, the little space which is provided is insufficiently useable as a private amenity space.
14. Consequently, the proposed scheme would not provide suitable living conditions for the future occupiers as a result of inadequately sized and designed amenity space. This would be contrary to paragraph 127 of the Framework, Saved Policy PH11 of the LP and the design principles of Policy CS14 of the CS which are supported by the SPD.

#### *Parking provision*

15. According to the SPD and the Highways Officer, the appeal property would generate the demand for 9 parking spaces at a ratio of 1.5 spaces per dwelling. Whilst I note that the Appeal site is well located and has good connectivity to shops, public transport, and other facilities, no spaces are to be provided on site meaning that all of the parking requirement would need to be catered for via off-street parking provision.
16. Bentley Road is a wider spine road with simultaneous two-way traffic which has a double yellow line in front of the appeal site, whilst a single yellow line is on the opposite side which restricts parking between Mon-Sat 8am-6pm. Haslemere Grove is a narrower residential street and when cars are parked on the road this would impede simultaneous two-way flow. The result being that vehicles often have to stop momentarily to give way to traffic coming in the opposite direction. There is unrestricted on street parking along the side of the Appeal site with a single yellow line on the opposite side which restricts any parking from Mon-Sat 8am-6pm. I have not been made aware of a poor accident record and therefore I deduce that that despite its deficiencies, Haslemere Grove operates satisfactorily at present without any significant safety issues.
17. When I visited the site during the day, a number of vehicles were parked along Haslemere Grove, with a small number of spaces available. I appreciate that the parking conditions I experienced on my site visit was only a snapshot of the parking at this particular time, however I have also considered the evidence submitted by both main parties and, in light of this, I am satisfied that what I saw represents typical conditions.
18. Whilst some on street parking may be available, the appeal proposal would generate a requirement for 9 additional parking spaces to accommodate residents and visitors. From what I saw on my site visit, this level of additional parking demand could not be readily accommodated in Haslemere Grove and would lead to further restrictions of the carriageway width.

19. I note comments with regards to the current car ownership of the neighbouring site at No114 which has 7 apartments that are under the ownership of the Appellant, and this site only has one car. However, this assessment of ownership as a determinant to car space demand for the proposed development does not take into account the number of car spaces to bedrooms which is likely to be higher. The current situation of the neighbouring property may also change as a result of occupancy, as there can be no guarantee or control that a car space will always be available for the occupants. As such I can only give little weight to this assessment of car parking space demand for the proposed scheme as a result of current resident's car ownership of a neighbouring property.
20. Whilst it is mooted by the Appellant that car parking spaces could be made available at No.114, this property is outside of the red line and therefore can only be given little weight in this decision. It is also unclear of how many spaces in the neighbouring property would be available for the proposed development, and how this would affect the provision of car parking in the neighbouring property.
21. Consequently, I find that the proposed development would exacerbate the existing pressure on local on-street parking and would cause detriment to the operation of the highway in the vicinity of the appeal site. Therefore, the scheme is contrary to the relevant requirements of Policy CS14 of the CS which sets a number of design principles which amongst others, seeks that new development is robustly designed, works functionally and makes a positive contribution to the qualities of a successful place. The policy is supported by the SPD which expects development to provide the minimum level of parking for operational requirements of the site.

### **Other Matters**

22. Whilst I have not been formally asked to accept amended plans, it is mooted by the Appellant that the scheme could be reduced in size and re-configured in accordance with plans attached to the Appellant's Appeal Statement. In general the appeal process is not the appropriate place to evolve the scheme; and the scheme that is considered at appeal ought to be the same one that was considered by the Local Planning Authority. There is no evidence that the amended plans formed part of the scheme that the Council made its decision on, or that this amended proposal has been subject to any form of consultation. In accordance with the 'Wheatcroft Principles',<sup>1</sup> it would not be appropriate to consider these plans within my decision as the acceptance of such would deprive those who should have been consulted on the changed development or the opportunity of such consultation.
23. I note that the Framework encourages the development of small sites and making effective use of urban land. Whilst this favours the scheme it does not outweigh the harm that I have identified it would cause.
24. I note a component of the Council's Reason for Refusal also relates to the proposed scheme prejudicing the future commercial use of the shop unit at number 112. Whilst the rear yard may be useful to the commercial unit, I do not feel that the loss of the storage area to the rear would detrimentally

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<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

restrict the use of the unit to the front of the site given the surrounding residential environment which would already restrict the type and scale of uses which could be situated there.

**Conclusion**

25. For the reasons given above, the appeal is dismissed.

*J Somers*

INSPECTOR